

LIBERTY



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ACLU Intervenes in Lawsuit To Protect Amazon.com Users' Personal Information

Requests by the North Carolina Department of Revenue (NCDOR) for detailed information about Amazon customers are unconstitutional because they violate Internet users' rights to free speech, anonymity, and privacy, according to a complaint filed on June 23, 2010, by the American Civil Liberties Union (ACLU), the ACLU of North Carolina Legal Foundation (ACLU-NCLF), and the ACLU of Washington. On behalf of several Amazon customers, the ACLU intervened in an existing lawsuit brought by Amazon to stop the NCDOR from collecting personally identifiable information that could be linked to their specific purchases on Amazon.com.

"The Constitution does not permit government agencies to conduct

such sweeping collections of our personal and private information," said Aden Fine, Staff Attorney with the ACLU's Speech, Privacy and Technology Project. "Disclosing the purchase records of thousands of Amazon customers would violate their constitutional rights to read and purchase the lawful materials of their choice, free from government intrusion."

The ACLU filed the case on behalf of six anonymous North Carolina residents (Jane Does 1-6) and Cecil Bothwell, an elected public official, who do not think the government should be

able to find out the personal, private information their purchasing records reveal. The plaintiffs include: Jane Doe 1, who purchased books on self-help and how to get a divorce and a restraining order after her former spouse developed substance abuse problems and threatened to kill her; Jane Doe 2, the general counsel of a global corporation, who has purchased books and movies with overt political leanings as well as books that may reveal her religious beliefs; Jane Doe 3, who has purchased books on mental health in order to better understand the conditions afflicting

"[T]here is no legitimate reason why government officials need to know which North Carolina residents are reading which books or purchasing which specific movies, CD's, or other products."

— Katy Parker,
ACLU-NCLF Legal Director

her former spouse, including *Stop Walking On Eggshells: Taking Your*

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Demonstrators Protest Policies of Wake County School Board



Thousands of demonstrators marched from downtown Raleigh to Wake County School Board headquarters on July 20, 2010, to protest the Board's plan to end the school district's socioeconomic diversity policy. The ACLU-NC has expressed concerns that the new school assignment policies being considered will reverse substantial progress that has been made toward achieving racial, ethnic, and socioeconomic diversity in the Wake County Public School System.

We and other civil rights groups also filed a lawsuit in May challenging violations of the state's Open Meetings Law. Our objections and public outcry led the Board to loosen some restrictions on public participation in the decision-making process.

ACLU-NCLF Challenges Constitutionality of Anti-Profanity Laws

When Samantha Jones Elabanjo cursed at Chapel Hill police officers this past February, she had no idea she would end up at the forefront of a battle over free speech.

After saying “a--holes” and “damn” in an encounter with police officers in downtown Chapel Hill, the officers arrested Ms. Elabanjo for violating two North Carolina statutes banning individuals from using indecent, profane, or vulgar language on public streets or in bus stations. The ACLU-NCLF took Ms. Elabanjo’s case, challenging the constitutionality of these vague anti-profanity laws.

“North Carolina’s anti-profanity laws ban a wide range of constitutionally protected speech and don’t sufficiently define what language is being prohibited,” said ACLU-NCLF cooperating attorney Matthew Quinn of Raleigh, who is representing Ms. Elabanjo. “Enforcement of these laws would have a chilling



Pictured above, exiting the courthouse after the district court hearing in July: Katy Parker, ACLU-NCLF Legal Director; Samantha Jones Elabanjo; and Matthew Quinn, Cooperating Attorney for the ACLU-NCLF and lead counsel on this case.

effect on speech throughout North Carolina.”

On July 20, 2010, a North Caro-

lina District Court dismissed one of the charges against Elabanjo but found her guilty of using profane or indecent language in a public street in a boisterous manner in front of two or more people. Ms. Elabanjo and the ACLU-NCLF will appeal the ruling to the North Carolina Superior Court.

“The district court interpreted the statute as banning only disorderly conduct and so-called ‘fighting words,’ which might be considered threatening speech,” said Quinn. “Not only is this limitation absent from the statute, the facts of the case make it clear that neither Ms. Elabanjo nor the officers thought of her speech as threatening. We look forward to challenging this decision on appeal.”

A hearing date for the appeal has not been set. The North Carolina statutes at issue are N.C. Gen. Stat. §14-197 and §14.275.1.

ACLU-NCLF Investigates Alleged Assault on Autistic Child by Teacher

The ACLU-NCLF is working with Disability Rights North Carolina (DRNC) to investigate allegations by the mother of Kyle Tefft, a six-year-old autistic boy at Polk Central Elementary in Columbus, NC (Polk County), that her son is being abused in school. The mother reported that Kyle’s teachers were “strapping him to wooden chairs, sitting on him, causing pain by holding his arms in awkward ways and putting hot sauce and vinegar in his mouth, then cream on his lips so they don’t burn.” Incredibly, the school district does not dispute many of these allegations.

Kyle told his mother that when his teacher sits on him, it “makes my tummy hurt,” and the restraint procedures hurt his neck. He is afraid to go to school.

Voluntary statements made by the teacher and one of her assistants to the police indicate that there were

two specific incidents in May 2010 when she used hot sauce on Kyle for cursing and also, in one of those incidents, for spitting. The teacher’s voluntary statement indicates that during the first incident, Kyle’s occupational therapist was in the room, as well.

To defend the teacher’s use of hot sauce, the school provided a manual from 1983, which instructs teachers to put hot sauce on students’ lips for disciplinary and diversion strategy purposes. This outdated recommendation is contrary to North Carolina law, which forbids any “systematic physical or sensory intervention program for modifying the behavior of a student with a disability.” Both the Polk County Board of Education’s policy and North Carolina law require a school to notify the parents of any use of “aversive procedures” and to provide the parent with a written incident

report with details of what occurred. However, Kyle’s mother said that she only found out about incidents be-



Kyle Tefft

cause Kyle told her about them and she has yet to receive an official written incident report. The school records also indicate that no written records of the restraints were ever shared with the parents.

The ACLU-NCLF and DRNC are working together on Kyle’s behalf in order to determine whether formal legal action is necessary to ensure that he and other schoolchildren are protected from further abuse.

2010 Legislative Wrap-Up

The North Carolina General Assembly (NCGA) came back into session on May 12, 2010, and met for almost two months, adjourning for the year on July 10th. During even-numbered years, the NCGA meets for what is commonly known as the “short session” and generally does not take up many bills other than the bill to adjust the two-year budget set in the previous year. This year was no different as legislators were determined not to consider any “controversial” bills. Nonetheless, several important bills were considered and passed by both chambers. The ACLU-NC worked on many of these changes to current law.

House Bill 1403: Collect DNA Sample on Arrest

This bill mandates that law enforcement take DNA from everyone arrested – but not convicted – for many felonies and some misdemeanors. The taking of DNA requires an invasive search of the individual and gives the government access to that individual’s entire genetic blueprint. HB 1403 does away with the Fourth Amendment’s requirement that before conducting a search of a person, law enforcement must show probable cause and obtain a search warrant. Because arrestees are presumed innocent until proven guilty, their privacy rights should be coextensive with any other individual. However, HB 1403 treats individuals as though they are guilty from the time they are arrested. The ACLU-NC vigorously opposed this bill every step of the way.

Through our opposition, we were able to secure several changes to HB 1403. Instead of requiring DNA to be collected from *all* felony arrestees, the bill now includes a select list of felonies and misdemeanors for which DNA can be taken, including rape and other sex offenses, murder, certain assaults, and burglary. Originally, the bill did not include any procedure by which arrestees could ever get their electronic DNA profile removed from the database and the actual sample destroyed. The final

version of the bill included an automatic state-initiated expunction procedure that would remove the

greatly diminish the expectation of privacy that we all have in our bodily integrity and the information contained in our DNA.

In the legislature, this bill was pushed by Senator Josh Stein (D-



Sarah Preston, ACLU-NC Policy Director, testifies against HB 1403 in the House Finance Committee.

profile and have the DNA destroyed if the arrestee is acquitted or if the charges against him or her are dropped. In addition, the final version of HB 1403 prevents DNA from being taken unless an arrest warrant is obtained or a probable cause hearing to support the arrest occurs. This change should help to prevent arrests made purely to obtain DNA since it requires that the arrest is at least supported by probable cause.

Despite the changes, HB 1403 represents a substantial encroachment into the privacy of thousands of North Carolinians. The Fourth Amendment only protects us as long as society recognizes an expectation of privacy in the information the government seeks. Attorney General Roy Cooper estimates that this new law will be used against as many as 38,000 arrestees per year. By lumping together so many North Carolinians, many of whom are innocent and all of whom should be presumed innocent by our criminal justice system, the new law will

Wake), Senator Dan Clodfelter (D-Mecklenburg), and Representative Wil Neumann (R-Gaston). Attorney General Roy Cooper and Governor Beverly Perdue also aggressively lobbied for passage of HB 1403.

House Bill 1682: Corporal Punishment of Students with Disabilities

The ACLU-NC vigorously lobbied for passage of HB 1682, along with disability rights groups and children’s advocates. This bill, which passed unanimously in both the House and Senate, will help prevent children with disabilities from being subjected to corporal punishment at school. Students with disabilities were subjected to corporal punishment in North Carolina public schools almost 300 times in 2006, according to a report by the federal government, and no federal or state law bans the use of corporal punishment on students with disabilities. HB 1682 allows parents to prevent their child

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Legislative Wrap-Up

(Continued from page 3)

with a disability from being subjected to corporal punishment and requires extensive reporting to the state Department of Public Instruction by school districts still using corporal punishment. Schools will now have to report on the race, grade, and reason for the use of corporal punishment for *all* children subjected to this form of discipline, regardless of whether the children have a disability.

We are already receiving reports that because of the passage of HB 1682 and the administrative duties it places on school districts, multiple school boards have started to review their corporal punishment policies. We are pleased to report that on July 13th, Hoke County schools banned the use of corporal punishment. HB 1682 was the first restriction on corporal punishment to pass both chambers of the General Assembly since 1985.

The ACLU-NC is advocating for a complete ban on the use of corporal punishment against any student in North Carolina, and passage of HB 1682 was a very successful beginning to that campaign. Rep. Rick Glazier (D-Cumberland) was the primary sponsor of this bill.

House Bill 137/Senate Bill 309: Capital Procedure/Severe Mental Disability

HB 137, introduced in 2009, actually reached the House floor before being sent back to a committee for reconsideration. The bill creates a

pre-trial procedure by which a capital defendant can show that she or he had a severe mental illness or disability, as defined in the bill, at the time the crime was committed. If the judge is convinced that the defendant did have a severe mental illness, the defendant would not be eligible for the death penalty, but, if convicted, could still be imprisoned for life without the possibility of parole. This year, the ACLU-NC and our allies fought to have HB 137 returned to the House floor for a vote because this bill would treat individuals with severe mental illness or disability the same as individuals with mental retardation. Unfortunately, both the House and Senate leadership refused to bring this bill up for a vote or even to allow consideration in committee.

Senate Bill 372: Clarification of Nuisance Abatement Laws

The ACLU-NC originally had no position on this bill which clarified the circumstances under which a piece of property can be declared a nuisance. However, we became concerned when a very vague provision was added to allow courts to enjoin individuals from participating in "street gang activity." SB 372 included no language to clearly explain what constitutes street gang activity or what activities would be considered a violation of this law. The ACLU-NC opposed its passage, raising substantial concerns about the impact this bill would have on the freedom of association and the freedom to travel. Due to our objections, the vague provisions regarding street gang activity were removed from the bill. SB 372

as a whole eventually died in committee.

Senate Bill 567: Responsible Individuals List/Abuse and Neglect

SB 567 was primarily supported by the state Department of Health and Human Services (DHHS) which keeps a list of people who have been found responsible for abuse or neglect of a child by their local Department of Human Services (DHS). People on this list are not allowed to become foster or adoptive parents, and the list can be shared with employers at child care facilities. In the past, people were placed on the list first and then notified that their name had been added, at which time they could petition the court to have their name removed. This practice was found unconstitutional by the NC Court of Appeals because it did not provide an individual with appropriate notice or with the ability to prevent his or her name from being added to the list in the first place.

The ACLU-NC worked with children's advocates and DHHS to secure a procedure by which a person must be notified that they will be added to the list and given 15 days from receipt of notice to petition a court to review the determination of abuse or neglect. The burden is on the local DHS to show that serious abuse or neglect likely occurred. If the court does find the person responsible for committing abuse or neglect, the person may still petition the court to have their name removed at some later date. This version of the bill, which we supported, was signed by the Governor on July 11, 2010.



Join our Action Alert E-mail List... Be a part of the solution!

Join the ACLU-NC's Action Alert list and receive e-mail alerts on pending legislation, complete with bill summaries, talking points and contact information for communicating with key legislators. We need you! You will also receive our e-newsletter and announcements of upcoming events.

Please fill out this form and return it to us at ACLU-NC, P. O. Box 28004, Raleigh, NC 27611 or e-mail the information to aclunc@nc.rr.com.

YES! I want to help! Please sign me up for the Action Alert List.

Name: _____

Address: _____

Phone: _____

E-mail: _____

If you know it:

Congressional District: _____

NC House District: _____

NC Senate District: _____



AMERICAN CIVIL LIBERTIES UNION
of NORTH CAROLINA

HB 1403: Collect DNA on Arrest — Final Vote on the Compromise Between the House and Senate

HOUSE

Voting YES (Against ACLU-NC's position):

Marilyn Avila
Jeff Barnhart
Hugh Blackwell
Curtis Blackwood
John Blust
James Boles
Alice Bordsen
R. Van Braxton
William Brisson
Larry Brown
Harold Brubaker
Justin Burr
Pearl Burris-Floyd
Becky Carney
George Cleveland
Lorene Coates
Nelson Cole
James Crawford
William Current
Jerry Dockham
Nelson Dollar
Bob England
Bill Faison
Susan Fisher
Dale Folwell
Phillip Frye
Pryor Gibson
Mitch Gillespie
Rick Glazier
Bruce Goforth
David Guice
Jim Gulley
Chris Heagarty
Dewey Hill
Mark Hilton
Hugh Holliman
Bryan Holloway
Julia Howard
Pat Hurley
Frank Iler
Dan Ingle
Maggie Jeffus
Linda Johnson
Carolyn Justice
Carolyn Justus

Ric Killian
James Langdon
David Lewis
Jimmy Love
Grier Martin
John May
Daniel McComas
Darrell McCormick
Pat McElraft
Marian McLawhorn
Grey Mills
Tim Moore
Wil Neumann
Bill Owens
Diane Parfitt
Shirley Randleman
Ray Rapp
Johnathan Rhyne, Jr.
Deborah Ross
Efton Sager
Mitchell Setzer
Tim Spear
Paul Stam
Fred Steen
Sarah Stevens
Randy Stewart
Cullie Tarleton
Thom Tillis
Joe Tolson
Alice Underhill
Edith Warren
Ray Warren
Roger West
Jane Whilden
Laura Wiley
W.A. Wilkins
Arthur Williams
Michael Wray

Voting NO (Supported ACLU-NC's position):

Kelly Alexander, Jr.
Larry Bell
Angela Bryant
Jean Farmer-Butterfield
Elmer Floyd
Rosa Gill
Melanie Wade Goodwin
Phillip Haire
Larry Hall

Pricey Harrison
Sandra Hughes
Verla Insko
Marvin Lucas
Paul Luebke
Henry Michaux, Jr.
Annie Mobley
Earline Parmon
Garland Pierce
William Wainwright
Jennifer Weiss
Larry Womble

ABSENT:

Martha Alexander
Tricia Cotham
Leo Daughtry
Robert Grady
Ruth Samuelson
Edgar Starnes
Ronnie Sutton
Russell Tucker
Douglas Yongue

NOT VOTING:

Alma Adams
Beverly Earle
Joe Hackney
Darren Jackson
Earl Jones
Nick Mackey
Bill McGee

SENATE

Voting YES (Against ACLU-NC's position):

Charles Albertson
Austin Allran
Tom Apodaca
Bob Atwater
Marc Basnight
Doug Berger
Phil Berger
Stan Bingham
Harris Blake
Dan Blue

Andrew Brock
Harry Brown
Peter Brunstetter
Daniel Clodfelter
Charlie Dannelly
Don Davis
Margaret Dickson
Katie Dorsett
Don East
Tony Foriest
James Forrester
Linda Garrou
Steve Goss
Malcolm Graham
Fletcher Hartsell, Jr.
David Hoyle
Neal Hunt
Clark Jenkins
Ed Jones
Floyd McKissick, Jr.
Martin Nesbitt
Jean Preston
William Purcell
Joe Sam Queen
David Rouzer
Bob Rucho
John Snow
R.C. Soles, Jr.
Josh Stein
Richard Stevens
A.B. Swindell
Jerry Tillman
Don Vaughan
Michael Walters

Voting NO (Supported ACLU- NC's position):

Eleanor Kinnaird

ABSENT:

Julia Boseman
Debbie Clary
W. Edward Goodall
Jim Jacumin

NOT VOTING:

Larry Shaw

Amazon users' privacy

(Continued from page 1)

Life Back When Someone You Care About Has Borderline Personality Disorder, as well as books about cancer. She has also purchased books on atheism. She is not public about her personal beliefs and doesn't want others to find out; Jane Doe 4, who has received several politically-charged items through Amazon from her parents, including *Obama Zombies: How The Liberal Machine Brainwashed My Generation*, by Jason Mattera. Jane Doe 4 is a law student who would like to one day work in the public sector, and she is concerned that her career prospects may be impaired if her personal and political beliefs are disclosed; Jane Doe 5, the parent of Jane Doe 4, who is a Florida resident, but whose information has been caught up in NCDOR's request. She does not want

the government to know which books she has decided to purchase for her child; Jane Doe 6, whose purchases include books with sensitive and potentially controversial subject matters; and Cecil Bothwell, an elected city official, author and proprietor of a publishing house who has both purchased and sold potentially controversial books on Amazon. Bothwell is joining the lawsuit on behalf of himself and his readers and customers, whose information has also been sought by NCDOR.

According to the lawsuit filed by Amazon in April in the U.S. District Court for the Western District of Washington, NCDOR issued a request to Amazon for the purchase records dating back to August 2003 of customers with a North Carolina shipping address as part of a tax audit of Amazon. Amazon has already provided NCDOR with product codes that reveal the exact items

purchased – including books on the subjects of mental health, alcoholism, and LGBT issues. Amazon has withheld individually identifiable user information that could be linked back to the individual purchases, including names and addresses, but NCDOR has refused to agree that it is not entitled to such information.

In May, the ACLU sent a letter to North Carolina Secretary of Revenue Kenneth Lay, informing him that the ACLU would take legal action if NCDOR persisted in its demand for constitutionally-protected information.

"The ACLU is not taking issue with the Department's authority to collect taxes on these purchases, but there is no legitimate reason why government officials need to know which North Carolina residents are reading which books or purchasing which specific movies, CD's, or other products," said Katy Parker, Legal Director for the ACLU-NCLF.

ACLU-NC Promotes Comprehensive Sexuality Education

Through the efforts of the ACLU-NC and our coalition partners, House Bill 88 (a/k/a Healthy Youth Act) was passed and signed into law in 2009. This new law requires all public school districts in North Carolina to teach Reproductive Health and Safety Education (RHSE). Newly added subjects to RHSE include: condoms and all other FDA-approved contraceptives; HIV and STD transmission facts; and sexual assault, sexual abuse, and maintaining healthy relationships.

The ACLU-NC launched our Healthy Youth Campaign and hired Reina Arai to be our Campaign Coordinator in January 2010. Over the course of this seven-month campaign, we worked in 10 counties and 11 school districts in the eastern region of the state. Our main goal was to ensure that schools implemented curricula that teach medically accurate, scientifically-based sexuality education. We established working relationships with the school districts and assessed their knowledge of the new law. Initially, we were concerned that there could be opposition from the school districts in implementing anything other than abstinence-only-

until-marriage education, which has been taught for the past 15 years. Although some districts were resistant, most were willing to discuss how to implement its requirements.

After meeting with Ms. Arai and learning the STD/HIV and teen pregnancy statistics that plague North Carolina, many districts requested advice and resources to

improve their programs. For some of the more resistant districts, the ACLU-NC worked hand-in-hand with local medical professionals, starting with the county health department, to bring medically accurate, scientific information to the schools. By the conclusion of our campaign, nine districts were using lesson plans that are compliant with the law. Five of those are using curricula that are proven effective by the Centers for



Reina Arai, the ACLU-NC's Healthy Youth Campaign Coordinator, talks with Dr. Donna Breitenstein from the NC School Health Training Center.

Disease Control and Prevention. The ACLU-NC is following up with the remaining two school districts.

With the help of the Adolescent Pregnancy Prevention Campaign of North Carolina, NARAL Pro-Choice North Carolina, the North Carolina School Health Training Center, and other coalition partners, the ACLU-NC was able to give guidance to counties that may not have implemented the Healthy Youth Act without our resources and assistance.

Volunteers Needed!

Look for the ACLU of North Carolina at two upcoming events in September:

La Fiesta del Pueblo

Saturday, September 11th, 12:00 - 8:00
Sunday, September 12th, 12:00 - 6:00
North Carolina State Fairgrounds in
Raleigh

NC Pride Festival

Saturday, September 25th, 10:00 - 5:00
Duke University's East Campus,
Durham, NC

If you would be willing to volunteer for a two-hour shift, staffing our table and handing out literature at either or both of these events, please call (919) 834-3466 or e-mail your name and daytime phone number to aclunc@nc.rr.com.

FREE ACLU-NC T-SHIRTS FOR VOLUNTEERS!

Job Opportunity: Office Manager

The ACLU of North Carolina seeks a knowledgeable, hard-working, friendly, detail-oriented individual committed to the preservation of Americans' civil liberties to serve as our full-time Office Manager. The Office Manager will work out of our office in Raleigh and will be responsible for performing general management, bookkeeping, and administrative duties for the ACLU of North Carolina.

For complete list of job duties, qualifications, and application instructions, go to www.acluofnorthcarolina.org

Applications are being reviewed on a rolling basis, and the position will remain open until filled. AA/EOE

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you can leave a legacy of liberty
for generations to come.



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To learn more, or to take advantage of our estate planning resources, visit www.aclu.org/legacy or call toll-free 877-867-1025.

Chapter Updates

Western North Carolina

The WNC Chapter recently awarded the 2010 Evan Mahaney Champion of Civil Liberties Award to Bob Smith. His powerful support of the NC Racial Justice Act and the Asheville City Council Civil Liberties Resolution mark a long career of civil liberties advocacy for Smith, who served for 26 years as the Executive Director of Asheville-Buncombe Community Relations Council and is a former board member of the WNC-ACLU Chapter.

The award was presented at the Chapter's annual meeting at the Asheville Friends (Quaker) Meeting House. The keynote speaker was PBS/NPR frequent guest commentator, retired U.S.C. Professor Emeritus Dan Carter — also a former WNC-ACLU Chapter board member — who spoke to a packed house about the history of racial injustice in the criminal justice system of the American South. We welcomed the election of two new WNC Chapter board members, Julie Mayfield and Connie Nash. Chapter board members Bruce Elmore, Curry First, and Jim Cavener continue to serve on the state ACLU-NC board, along with Angelica Reza Wind, an Asheville attorney, and Matthew Robinson, professor at Appalachian State University in Boone.

Our Chapter's Civil Liberties Resolution is supported by a coalition of regional groups and leaders, including City Council member Cecil Bothwell, a plaintiff in the ACLU lawsuit challenging the government's invasion of Amazon customers' privacy. We are also working on a resolution regarding torture, rendition, indefinite detention and other government wrongdoing in its "war" on terror.

Board members will join the death penalty repeal coalition at a booth at Asheville's Goombay Festival, where we will register voters under the ACLU banner. The WNC Chapter is also gearing up for fall events in partnership with UNC-Asheville's student chapter of the ACLU.

Wake County

The Wake County Chapter of the ACLU invites you to attend the 26th Annual W.W. Finlator Awards Dinner, on Thursday, November 4th, at the NCSU University Club, 4200 Hillsborough Street in Raleigh.



2010 Finlator Awards Honorees:
Hon. Mark Kleinschmidt (left) and Stephen Dear (right)

The Chapter will honor Stephen Dear and Hon. Mark Kleinschmidt with the 2010 Finlator Award, given annually to recognize outstanding civil rights advocacy. We will also recognize the Community United Church of Christ in Raleigh with the Wake County Civil Liberties Award, presented to an organization or group of individuals for extraordinary

contributions to advocacy or defense of civil liberties.

Mr. Dear has been the Executive Director of People of Faith Against the Death Penalty (PFADP) since 1997. Under his leadership, PFADP has spurred thousands to action on the death penalty, garnering attention from major national and international media.

Mr. Kleinschmidt was elected Mayor of Chapel Hill in 2009, and is one of only five openly gay individuals elected to public office in state history. As Executive Director of the Fair Trial Initiative, he works on behalf of indigent defendants facing the death penalty. He is also past president of the Boards of Directors of the ACLU-NC and the ACLU-NCLF.

The congregation of Community United Church of Christ in Raleigh has a long history of social action including leadership in the integration of the state park system, development of low-income housing opportunities, and ongoing community education in support of civil rights. Please visit the Chapter's website at www.wakeaclu.org for more details.

**Mark Your Calendars and Plan to Attend the
26th Annual W. W. Finlator Awards Dinner**

Thursday, November 4, 2010

**NCSU University Club
4200 Hillsborough Street, Raleigh**

**Honoring Stephen Dear,
Hon. Mark Kleinschmidt, and Community
United Church of Christ in Raleigh**

www.wakeaclu.org

How You Can Support Bill of Rights Day (December 15), Human Rights Day (December 10) and Human Rights Week (December 10-16)

by Slater E. Newman, Chair,
ACLU-NC Committee on International Human Rights

To commemorate Bill of Rights Day, Human Rights Day, and Human Rights Week, here are some activities we urge all ACLU members to undertake:

(1) Ask your Mayor, University, College or Community College President and/or Faculty and Student Senate to issue a proclamation;

(2) Organize a public reading of the Bill of Rights, the Universal Declaration of Human Rights (UDHR), and/or a proclamation by a local or state official commemorating one of these important documents and the principles for which they stand;

(3) Schedule one or more special events (e.g., speaker, debate, forum, art exhibit, play);

(4) Arrange for a library display focusing on both documents;

(5) Ask your local and campus media to give recognition to the Bill of Rights and/or the UDHR.

Our Committee can provide a copy of each document, examples of mayoral proclamations, and items that have appeared in our state's newspapers over the years. Please address your requests to Slater Newman at slaterpat@mindspring.com. The Bill of Rights and the UDHR (original and gender-neutral language versions) are available at www.hrcnc.org. (Click on "Human Rights Documents.")

International Human Rights Award — Nominations Due September 21st

This Award has been presented annually since 1996 by the Human Rights Coalition of North Carolina to which the ACLU-NC and our Wake County and Western NC chapters belong. The nominee must be a resident of North Carolina who has made a significant contribution to international human rights.

The Award will be presented at a dinner in Raleigh in early December. Nominations must be received on or before Tuesday, September 21st, and should include the following: (1) nominee's work and activities in support of international human rights; (2) impact of nominee's human-rights activities; (3) biographical information about the nominee including other awards that he or she may have received; (4) information about nominator's relationship to the nominee; and (5) supporting letters (up to three) and any other supporting documentation. The name, address, phone number and e-mail address of nominator and nominee should also be included. Nominations and inquiries should be directed to the Human Rights Coalition of North Carolina, c/o Joyce Scapicchio at jmscapicchio@yahoo.com.

Please Support the ACLU of North Carolina Legal Foundation By Making a Tax- Deductible Contribution Today!

Friends, we need your help! We see many challenges to American's fundamental freedoms looming in the courts, in Congress, in the halls of the North Carolina General Assembly, and in city councils, school boards, and boards of county commissioners across the state. As you evaluate your budget and think about your charitable contributions for 2010, please put the ACLU-NCLF at the top of your list. The demand for our services has never been greater. Our legal program now processes anywhere from 200-250 requests for assistance per month!

Yes! I want to help keep the Flame of Liberty burning brightly in North Carolina. Enclosed is a check for my tax-deductible contribution in the amount of:

\$50 \$100 \$250 \$500 Other \$ _____

Name: _____

Address: _____

City: _____, NC Zip: _____

Home Phone: _____

Work Phone: _____

E-mail: _____

Make check payable to the
ACLU-NC Legal Foundation
and mail to:

ACLU-NCLF
P.O. Box 28004
Raleigh, NC 27611-8004

For more information or to charge your contribution on a credit card, contact Development Associate Perryn Reyelts at 919-834-3466 or acluncdev@nc.rr.com. MasterCard and Visa accepted, and we offer monthly, quarterly, and semiannual giving options to fit your budget.

You can also make a contribution through the ACLU-NCLF's secure website at:

www.acluofnorthcarolina.org/?q=donate



GUARDIANS OF FREEDOM

The ACLU is our nation’s guardian of liberty, working daily in courts, legislatures and communities to defend and preserve the individual rights and liberties that the Constitution and laws of the United States guarantee to everyone in this country. Our job is to conserve America’s original civic values and defend the rights of every man, woman and child; rich or poor; straight or gay; black or white or brown; urban or rural; American-born or foreign-born; able-bodied or living with a disability — *every person* in this country. We’re there for you! Since our founding in 1920, we’ve been working hard to make sure no one’s rights are taken away.

LEGAL PROGRAM

Our legal program has been the most successful avenue for protecting and enhancing the constitutional rights and civil liberties of North Carolinians. Of the thousands of requests for assistance received each year, we litigate and provide amicus curiae assistance (friend-of-the-court briefs) in approx. 15-20 cases. We respond to every request we receive, and in non-civil liberties matters, try to make appropriate referrals.

LEGISLATIVE PROGRAM

We provide a constant reminder to our legislators that our civil liberties should not be compromised by legislative jockeying and political posturing. The ACLU-NC’s full-time lobbyist is a permanent presence at the North Carolina General Assembly and influences public policy debates and legislation that involve civil liberties issues. We invite you to visit our website to receive legislative “Action Alerts.”

**PUBLIC EDUCATION
OUTREACH PROGRAM**

Through our website, literature, speaking engagements, public forums, visits to schools and universities, press interviews and television and radio appearances, we educate North Carolinians about their rights. Only when each person is informed of his/her rights can we achieve the ideals set forth in the Constitution.

JOIN TODAY!

Your dues include memberships for the national ACLU, ACLU of North Carolina, and your local chapter if one exists in your region. You will also receive *Liberty*, the quarterly ACLU-NC newsletter, along with the national newsletter and other mailings. If you have email, your name will be added to our listserv upon your request. You will be able to vote in our statewide Board elections and will be invited to ACLU events like the Frank Porter Graham Awards Ceremony and the annual membership meeting. Simply fill out the form below and return it in a stamped envelope.

Enclosed is my/our check for:

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Make check payable to the ACLU. Please note that membership dues are not tax-deductible because the ACLU engages in lobbying and direct advocacy.

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Would you like information regarding chapter activities in your area, if available?

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LIBERTY

The Quarterly Newsletter of the ACLU of North Carolina

4 issues per year:

January, March, July, and October

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Save the Date!

Mark your calendar now and plan to attend the

42nd Annual Frank Porter Graham Awards Ceremony

Featuring Keynote Speaker

Dr. Timothy B. Tyson,

Author of *Blood Done Sign My Name*



Saturday, February 12, 2011 at 5:30 p.m.

The William and Ida Friday Center for Continuing Education
at UNC-Chapel Hill

★ Timothy B. Tyson, author of the much-acclaimed *Blood Done Sign My Name* and other award-winning books, is a Senior Research Scholar at the Center for Documentary Studies and Visiting Professor of American Christianity and Southern Culture at Duke University. *Blood Done Sign My Name*, a finalist for the National Book Critics Circle Award and winner of the Christopher Award and the North Caroliniana Book Award, was the 2005 selection of the Carolina Summer Reading Program at the University of North Carolina at Chapel Hill, assigned to all new undergraduate students. *Blood Done Sign My Name* was made into a movie that was released nationwide in February 2010. Tyson's previous book *Radio Free Dixie: Robert F. Williams and the Roots of Black Power* (UNC Press, 1999) won the James Rawley Prize and was co-winner of the Frederick Jackson Turner Prize, both from the Organization of American Historians. He also co-edited, with David S. Cecelski, *Democracy Betrayed: The Wilmington Race Riot of 1898 and Its Legacy* (UNC Press, 1998), which won the 1999 Outstanding Book Award from the Gustavus Myers Center for the Study of Human Rights in North America. Tyson is a North Carolina native and a graduate of Duke (M.A. '91, Ph.D. '94).