

GOOD NEWS and ONLY GOOD NEWS

In This Issue:

Good News p. 1

**Helping Sister States
Protect Reproductive
Freedom p. 2**

**New ACLU
President p. 3**

Case Updates p. 4

**YWCA Honors Amy
Miller p. 4**

**ACLU Expands Into
Omaha p. 5**

**John Adams, the
Boston Massacre &
Guantanamo p. 6**

**Youth Activist
Scholarships p. 7**

**End of Year
Donations p. 7**

**Dates to Remember
p. 8**

We know it can be daunting to be a civil libertarian sometimes. That's why it's important to celebrate all the good news—and there is quite a bit of it in Nebraska right now, so settle back and feel good about these news items:

Good news for homeowners' free speech rights: In our last newsletter, we told you about our battles with cities trying to limit when homeowners could display political signs in their yards. Good news from those battles: every city we heard a complaint from has backed down. Bellevue, Lincoln, and Gothenburg all agreed that the First Amendment's guarantee of free speech protects political yard signs year round. All three cities agreed to either amend their city law or at least stop enforcing it. The municipalities also proactively contacted candidates running for office to let them know about the change in the law so that they could begin giving signs to their supporters immediately.

One homeowner in Bellevue had been visited by police, informing her she had to take down her yard sign or face criminal penalties. She wrote us "The day after you threatened to sue the city, I saw a political yard sign a couple of blocks away. My husband called the city, found out signs were now legal to display because the ACLU 'made them back down,' so we ran right out and put up our signs. Thanks so much for your intervention!"

Thanks also to those ACLU members who contacted our office with information about their local laws--we'll be continuing to work on other cities who were not actively enforcing their sign laws as the next tier of free speech rights cases.

Good news for readers: Banned Book Week celebrations happened in Lincoln, Omaha and Alliance this year with volunteers reading from famous banned books. The readings culminated with the number one most banned book of last year: "And Tango Makes Three," a picture book telling the true story of two male penguins in the NYC Zoo who raised a chick of their own. This book is still under active fire--the ACLU of Maryland filed a lawsuit just last month to keep the book in local

public libraries. The particular good news about celebrating banned book week in Nebraska is that we haven't heard of a censorship effort in the Cornhusker State for at least 8 years now. ACLU thanks the Angels Theatre Company for providing the readers and thanks Soul Desires Bookstore in Omaha and Lee Booksellers in Lincoln for providing the space.

("Good News" continued on page 5)

*Readings from banned books at Lee Booksellers in Lincoln.
Left to right: Amy Miller, Jeanne Kern, Gail Ogden, Zuri,
and Pat Carlson*



Helping Sister States Protect Reproductive Freedom

On October 3rd, Nebraskans boarded a bus and traveled to Sioux Falls, South Dakota to join reproductive rights activists there. South Dakota is considering Measure 11, a ballot initiative that would virtually outlaw abortions, as the state intends to dare someone to sue and thus put reproductive rights back in front of the US Supreme Court. Nebraskans joined locals in canvassing, phone banking, assembling mailings, and even some demonstrations in an effort to educate voters about the need to vote down the initiative. Volunteers from the ACLU affiliates of Iowa, Kansas, Minnesota, Missouri, Montana, Wisconsin and Wyoming joined in the work.



These are just SOME of the demonstrators from all the states—a lot more wouldn't fit into the camera frame!



Elaine Arrington and Maria Moreno, both UNL students, demonstrating in Sioux Falls



LaDene Swatsworth of Lincoln, Nebraska



ACLU Nebraska Executive Director Laurel Marsh

SEE THE ANNUAL REPORT INSIDE THIS NEWSLETTER

The enclosed report lays out money stuff—but here are some more statistics to consider from our last year:

Requests for Legal Representation: This year ACLU Nebraska received about 300 written requests for assistance by mail or email. In addition, we get an average of 3 to 5 phone calls daily who were asking for help and answers to questions.

Education and Outreach: One of our core missions is to educate Nebraskans about their civil liberties. In the last year, we made 55 presentations across the state to a combined audience of 1,932 people. We also staffed information booths at 10 community events.

Legislation: The shortest distance between two points is a straight line, and sometimes the straightest line between an individual and their rights is changing the law through legislative lobbying. Last year, our main Unicameral focus was trying (unsuccessfully) to abolish the death penalty, successfully defeating Real ID drivers' licenses, and passing into law an anti-bullying bill for all public schools.

New ACLU President Susan Herman



Just as our nation is going through its transition from one President to another, the ACLU national board, at its meeting on October 18th, elected its new national president, Susan Herman. Herman is a Centennial Professor of Law at Brooklyn Law School and a widely regarded expert on the Supreme Court. And of course this means that after 18 years of remarkable leadership, Nadine Strossen is stepping down.

Herman has served on the ACLU's National Board for 20 years, on the Executive Committee for the last 16 and acted as the Board's General Counsel for the last ten. "I'm deeply honored to have the privilege of leading the ACLU, especially as our country goes through a period of profound transition," said Herman. "Through every

administration, no matter who is president, there are always challenges requiring the protection of our country's fundamental freedoms, and that remains especially true in these tumultuous times. The ACLU has been and will remain on the front lines to protect our civil liberties."

Herman's commitment to the ACLU started over 25 years ago when she was still in law school and worked as an intern with the organization's Sexual Privacy Project. Since her days as an intern, Herman has served on multiple ACLU committees, authored many ACLU Supreme Court friend-of-the-court briefs, lobbied Congress for ACLU, and served as a public spokesperson for the organization.

As a law professor, Herman specializes in constitutional law and has written two books and numerous articles on civil liberties issues, including the due process rights of prisoners, the Patriot Act, the 4th Amendment, socioeconomic rights and equality, and the 1st Amendment. Herman's goals include increasing understanding of the ACLU's work as well as membership in the organization; and redoubling efforts to strengthen its state affiliates.

Herman replaces Nadine Strossen who stepped down this year after serving as ACLU President for 18 distinguished years. Meanwhile, Strossen will remain active in ACLU campaigns and continue to teach full time at New York Law School.

CASE UPDATES

Omaha Police Auditor Lawsuit: ACLU's lawsuit seeking to force Omaha to hire another independent police auditor has progressed to the next level, to the Nebraska Court of Appeals. Douglas County Judge Dougherty dismissed our case, finding the city council had discretion to follow the city law. We, of course, read the city ordinance that directs the City Council to staff the position to be a mandatory requirement. "The legal issue boils down to whether the ordinance put a binding obligation on the city officials of Omaha or whether it is just an empty promise the council is free to ignore," said ACLU Nebraska Legal Director Amy Miller. The case was brought on behalf of Charles Parks and Edward Rollerson, two Omaha activists who have been working for reformation of police contact with minority communities for years. Omaha attorney Bob Broom is the volunteer lawyer handling the case. The oral arguments in front of the Nebraska Court of Appeals have tentatively been scheduled for the second week of November.

Ed Poindexter Appeal: ACLU Nebraska submitted our amicus curiae ("friend of the court") brief on behalf of Edward Poindexter in October. The brief joins Poindexter's request for habeas corpus relief that is currently pending before the Nebraska Supreme Court. This is the first time Poindexter's case has been back in court in over twenty years as

he continues to assert he is innocent and was framed by the FBI as part of the COINTELPRO effort to neutralize Black Panthers and other activists. ACLU Nebraska's brief provided a historical perspective on COINTELPRO and the FBI's discriminatory and illegal practices targeting dissident groups in the late 1960's and early 1970's. The ACLU brief asks the court to consider whether Poindexter's prosecution was tainted as a result. Read the full brief on our site: www.aclunebraska.org

Prisoner Marriage Lawsuit: Becky Rivero and Terry Lewis' lawsuit seeking permission to get married while they're both in prison has proceeded to the discovery phase in trial court. ACLU Nebraska sued on behalf of Rivero and Lewis because the right to marry is a fundamental right protected under the Fourteenth Amendment. The prison has offered no reason for barring the marriage, even though the US Supreme Court has upheld the right of marriage for prisoners. Rivero and Lewis hope to formalize their long relationship to ensure they are not separated from each other when they are paroled—normally, parolees cannot have contact with anyone with a felony conviction. The couple had held themselves out as a married couple for years prior to their convictions for drugs. This case is being handled by volunteer attorney James Beckmann of Lincoln.

YWCA Honors ACLU Legal Director Amy Miller

The YWCA of Lincoln honored 5 women at their annual "Tribute to Women" banquet on October 22nd. Miller was one of the honorees, chosen because of her work for ACLU to oppose racism and to advance justice for women. In her comments thanking the YWCA for the award, Miller reminded the audience that ACLU's work to defend the individual ultimately protects all people's rights. She said, "While many of us may not be the victims of racial profiling, be refused entry into a public swimming pool because of our Muslim hair scarf or be subjected to inhumane prison conditions, these constitutional violations erode the dignity of all of us."



2008 YWCA Tribute to Women winners (left to right) Cindy Piester, Tami Robinson Soper, Amy Miller, Lan Le and Rita Lester.

ACLU Nebraska E-X-P-A-N-D-S Into Omaha

New Office Space: ACLU Nebraska has entered into a cooperative agreement to share office space in Omaha with Citizens for Equal Protection (CFEP). “Being able to expand beyond our single office in Lincoln is a great step for ACLU Nebraska,” said ACLU Nebraska Executive Director Laurel Marsh. “Many of our complaints and requests for assistance come from Omaha, but we’ve always been located in Lincoln to have ease of access to the Nebraska Legislature for our lobbying efforts. We look forward to getting to know more people in Omaha with this face-to-face presence.” The Omaha office is located at 1105 Howard Street (2nd Floor) and has limited hours at this time. We thank Mary Ann Lamanna, who has been volunteering at the office in the interim. Regular hours will be established when we finally find the perfect person to staff the office...and speaking of staffing the office...

New Community Organizer Position: We've got a brand new position created for the Omaha area, and need a passionate person interested in community organizing work. The position will be for approximately 15 hours a week, approximately \$15 per hour. This person will work closely with the Executive Director and other staff and volunteers to expand and strengthen the Nebraska Pro-Choice Coalition. Other areas of work will involve civil liberties issues in the areas of racial justice, immigrants’ rights, GLBT issues, and membership development. A full job description and application information is available on our website at www.aclunebraska.org

GOOD NEWS *(Continued from page 1)*

Good news for students’ free speech rights: Over 20 kids were suspended by the Millard Public School District in early September after they showed up wearing tshirts commemorating a fellow student who was killed over the summer. The innocuous tshirts read “R.I.P. Julius” and showed a picture of the deceased student Julius Robinson. An assistant principal made the suspension decisions, informing students they were supporting gang culture by expressing sorrow for Julius’ death, as he was apparently the victim of gang criminals. ACLU received a call from a parent who just learned his daughter had been suspended and was in contact with the school that same day.

ACLU Nebraska Legal Director Amy Miller pointed out that the school’s position that the phrase “RIP” was forbidden because gang members use the phrase was simply ridiculous. “RIP is a phrase extending back to the Middle Ages. It is a common way to express sorrow and grief. The fact that one segment of society uses it—along with everyone else—does not make it verboten for high school students.” After ACLU intervention, students were allowed to wear the RIP Julius shirts.

Good news for former felons’ voting rights: With the help of a grant from the national ACLU, we took

out radio ads across the state to inform people with a felony conviction that they now have the right to vote again, as long as it’s been at least two years since they were released from incarceration, probation or parole. “You’ve taken back your place in society—now take your place in the ballot box” was the theme of the ads, which ran on 38 radio stations statewide. A brochure explaining the voting rights of former felons is available for printing on our website at www.aclunebraska.org

Good news for HIV equality: A volunteer firefighter from a small Nebraska town (small enough that we’re not naming names here to respect his privacy) was up-front about the fact he’s openly gay and HIV+ when he was approached and asked to join the fireforce. He’s healthy and asymptomatic, and the current fighters voted unanimously to add him to their crew. He successfully completed training and helped fight one real fire. He even did the extra volunteer work available for the force, such as stuffing holiday candy bags for needy kids. But then the man was suddenly “fired” from his volunteer position. Turns out a new city employee had just heard about his HIV status and ordered his removal. After ACLU contacted the Mayor with information about HIV rights, the city reinstated the firefighter with apologies.



JOHN ADAMS, THE BOSTON MASSACRE, AND GUANTANAMO

Protecting the Rule of Law THEN: It was the most controversial case of its day — the defense of the British soldiers accused of carrying out what would come to be known as the Boston Massacre. Amid the outrage and fury that followed the shooting, which resulted in the deaths of five colonists, one young Boston attorney courageously took the case to ensure that justice was served.

The presence of British troops, who had occupied Boston since 1768 in an effort to put down resistance to the Crown's policy of taxation without representation, had been a source of mounting tension in the colonial city. Things came to a head on the snowy evening of March 5, 1770 when a small group of Bostonians gathered to taunt a British sentry. As the crowd grew into a mob of hundreds, several soldiers under the command of Captain Thomas Preston came to the assistance of the besieged sentry. Rocks and snowballs were thrown and soon the soldiers opened fire. When it was over, three civilians were dead and two more were mortally wounded.

With a public enraged by what they saw as an act of brutality by their British occupiers, Captain Preston and his men were indicted for murder by the colonial government. Because of the virulent anti-British sentiment in Boston, no lawyers in the city would agree to defend the soldiers, believing it would be the end of their legal careers. But John Adams, an outspoken critic of the British occupation, recognized the importance of a fair trial for the accused and agreed to represent them. Adams later wrote that he risked infamy and even death, and incurred much popular suspicion and prejudice for the sense of duty he felt to offer the British soldiers an adequate defense.

Of his decision to represent the British soldiers, Adams wrote in his diary: "The part I took in defense of captain Preston and the soldiers, procured me anxiety, and obloquy enough. It was, however, one of the most gallant, generous, manly and disinterested actions of my whole life, and one of the best pieces of service I ever rendered my country. Judgment of death against those soldiers would have been as foul a stain upon this country as the executions of the Quakers or witches, anciently." Captain Preston and six of his men were acquitted while two others who were convicted of manslaughter were sentenced to be branded with an "m" on their thumbs.

Protecting the Rule of Law NOW: The ACLU has assembled defense teams to be available to assist in the representation of detainees facing prosecution at Guantánamo. We took this step because of our grave concerns that the Guantanamo military commissions process does not reflect our country's commitment to justice and due process. The military commissions' authorization of the use of coerced evidence possibly derived from torture, secret evidence, and hearsay is unconstitutional and counter to American traditions of fairness and justice.

As ACLU historian and University of Nebraska-Omaha Professor Emeritus Samuel Walker says, "In the end, we have to ask the question, What are we fighting for? President Woodrow Wilson said that World War I was a war to make the world safe for democracy, but he trampled on democracy at home. Only the ACLU challenged him. World War II was a fight against Nazi racism, yet the president authorized the most racist action by the federal government in our history. Again, only the ACLU challenged the government. And so it is today. The federal government is casting aside fundamental constitutional principles with the military commission proceedings. The ACLU is again rising to defend the core values we are fighting for."

Read more about the ACLU's John Adams Project at www.aclu.org



YOUTH ACTIVIST STAND UP SCHOLARSHIPS

The national ACLU has announced its 2009 Youth Activist Stand Up Scholarship Program. **16 high school students will receive a college scholarship in the amount of \$12,500 each.** Additionally, the 2009 recipients will attend two Youth Activist Leadership Institute trainings, one in the New York National office and one in the Washington Legislative office, to equip them with the tools and skills they need to continue their civil liberties work on their campuses and in their communities.

To qualify for the scholarship you must:

- Have demonstrated a strong commitment to civil liberties through some form of activism
- Be a high school senior planning on entering an accredited college or university as a full-time, degree-seeking student
- Have attained a cumulative GPA of 3.0 on a 4.0 scale at the time of graduation
- Not be a current ACLU client or witness in a legal case

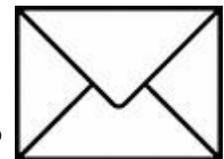
To be considered for the ACLU Youth Activist Scholarship your local ACLU affiliate must nominate you for consideration.

Please contact your local ACLU affiliate for the student in your life and ask for the Youth Scholarship Coordinator. This person will explain the application process to you in detail, ask you some questions about your involvement in civil liberties activism and, if you qualify, send you scholarship application forms and counsel you on how to proceed.

Last year's winners were chosen for starting a GSA at their school, for lobbying at their state legislatures, for being a peer educator on reproductive health, for challenging censorship at local libraries, for advocating for nondiscriminatory policies at their school, for whistleblowing on creationism in the classroom, for making educational films, and much more.

In Nebraska, the Youth Scholarship Coordinator is Megan Moslander: reach her at (402) 476-8091 or by email at mmoslander@aclunbraska.org More details are posted on our website at www.aclunbraska.org The deadline for applications to be received by your local office is December 5, 2008.

WHAT'S UP WITH THIS ENVELOPE IN MY NEWSLETTER?



It's the end of the year—that means the time to make charitable donations draws close. ACLU Nebraska Foundation relies entirely upon donations from local people like you to file lawsuits and to bring educational initiatives such as our advertising campaign to advise former felons of their right to vote. It is true the national ACLU provides support to the non-litigation side of our work: we get financial support to keep the lights on and keep the staff paid. But every time we decide to sue to challenge constitutional abuses, print up brochures advising students of their rights, or hold a public educational event, that money has to be found from some donor here in Nebraska.

That's why we'd like you to consider making an investment in ACLU Nebraska. Checks made payable to "ACLU Nebraska Foundation" are tax deductible. We promise to be more prudent with your funds than the major financial institutions have been recently—just look at the enclosed financial report information if you have any questions. And thank you, very much, for your support!



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Learn more at the CSF website:

www.CommunityServicesFund.org

DATES TO REMEMBER

November 14-20, 2008: Showing of the documentary film "Secrecy" at the Ross Theatre in Lincoln, Nebraska. Times and ticket cost are usual Ross rates. Read about the film at www.theross.org

December 5, 2008: Chocolate party fundraiser for ACLU Nebraska. Join us for decadent chocolate, festive holiday decorations and good company at Jack Saltzman's home at 841 S. 15th Street (3rd floor walk up) in Lincoln.

April 25, 2009: ACLU Annual Dinner and Awards Banquet. The event will be held at the downtown Holiday Inn in Lincoln. More details will be announced closer to the event.

For details on these events and more, see our website at www.aclunebraska.org