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**NEBRASKA PUBLIC SERVICE COMMISSION DUCKS  
ACLU TELEPHONE SPYING COMPLAINT**

News reports revealed earlier this year that the National Security Agency (NSA) obtained phone records from most major telephone companies on all customers. The extent of the information handed over is still unknown--at first, the NSA and companies denied the exchange of information happened at all, and then they claimed "only" the call records had been handed over. While the national debate over such wholesale spying rages, we're taking action in Nebraska.

In May, ACLU Nebraska filed a complaint with the Public Service Commission, asking the state agency to investigate. The Commission is charged with oversight of utilities and telecommunications companies to ensure state law is followed. Our state law offers protection to consumers who use telephone services, including the right of customers to be informed before a corporation changes the terms of service and the right of privacy.

Unfortunately, the initial complaint asking for an investigation into the companies' actions was turned down at the first stage. The Commission requested ACLU to file the same complaint in a different format, essentially stalling response on the substance of the matter. One Commissioner, Anne Boyle, spoke out about the need for the Commission to take action and protect Nebraskans' rights. We've resubmitted the complaint and are awaiting the Commission's reply.



**ACLU GIVEN CULTURAL AWARENESS AWARD FROM  
COMMUNITY RADIO STATION KZUM**

Community radio station honored ACLU Nebraska in May with their annual "Cultural Awareness" award. KZUM provides broad programming in multiple languages, genres of music, and news shows, and truly is a culturally aware radio station. The partnership between ACLU and KZUM has been ongoing for several years, as KZUM features public service announcements that include "know your rights" segments created by ACLU.

Tune in to hear the diverse programming--and the ACLU spots--in Lincoln at 89.3 FM or streaming on the internet at [www.kzum.org](http://www.kzum.org).

## LEGAL OBSERVERS AT WORK

Protests, demonstrations and rallies can sometimes result in conflict between the protestors, counter-demonstrators, and law enforcement. To ensure that everyone's First Amendment free speech rights are protected, ACLU Nebraska provides legal observers. A legal observer is a neutral person who is not participating in the activity and who is prepared to take notes and record any incidents or problems. The neutral status of the observer positions that person to be a better witness in the event of a criminal ticket or dispute. Our observers bring notepads and a willingness to watch the event without participating. One legal observer described the work as being “crossing guards for the First Amendment.”

While activists can train and provide their own legal observers, ACLU Nebraska will cover an event if given enough notice. We've acted as observers at rallies of all types, including anti-war demonstrations, protests at the appearances of President Bush and Vice President Cheney in Nebraska, and a rally held by white supremacists.

If you want training materials on how to be a legal

observer for your own group or you need an ACLU observer at an event, contact our office at (402) 476-8091 or by email [info@aclunebraska.org](mailto:info@aclunebraska.org).



ACLU volunteers Shelley Whitcher and David Koesters keep an eye on police during protest against President Bush's June appearance in South Omaha.

## WELCOME TO NEW BOARD MEMBER JOSHUA PLUTA

After this spring's board elections, ACLU Nebraska was left with a single one-year term vacancy. The board elected Joshua Pluta to fill that spot. Josh is currently a law student at UNL, making him the youngest board member. He is already very familiar with ACLU Nebraska, though, after spending a year volunteering at our office.

Josh is a native of Omaha. He currently works as a law clerk at the Commission on Public Advocacy on felony cases. He has been working with ACLU on Edward Poindexter's case.

Elections of board members occur each spring. If you're interested in being a candidate, contact our office at (402) 476-8091 or [info@aclunebraska.org](mailto:info@aclunebraska.org), and we will pass your name to the Nominations Committee of the board so you can receive more information about the rights and responsibilities of board service.

## Highpoints of the 2006 June National Board Meeting

By J. Eileen Durgin-Clinchard, Nebraska Representative to National ACLU Board

So, do you read the New York Times? If so, you are aware of reporter Stephanie Strom, who wrote an article prior to our June meeting about internal ACLU policies. Her article stated the National Board's Rights and Responsibilities Committee was considering whether to adopt a policy to discourage board members from publicly criticizing ACLU policies and internal administration. Needless to say, there was considerable reaction among Board members upon reading this in the newspaper. The committee report at issue was an effort to discuss among ourselves the board's internal processes and how we perceive our rights and responsibilities as members of a board. There was no effort to silence or discourage members from speaking their minds...which from my experience on the board would be nigh onto an impossible task anyway.

National ACLU Board meetings (and Nebraska ACLU board meetings), are open to members and the public who want to attend. In rare instances it is necessary to go into executive session on issues involving confidentiality. Reporter Stephanie Strom attended a session at

which the report of the Rights and Responsibilities Committee was discussed. Subsequently two more critical articles by her appeared in the New York Times. I am not sure that she and I were at the same meeting from her accounts. In any event, free speech is alive and well on the National Board of the ACLU.

Other matters discussed by the Board included our affirmative action goals, which we set for ourselves and are not part of any legal requirement. As an organization that represents all people we believe it is important our board and staff be diverse. We reviewed a report on diversity at the national level and among the state affiliates.

Board members also participated in a roundtable discussion session. This meeting's topic had to do with technology, history, and data collection as it occurs in business and government. We learned a lot about how much information is being collected about all of us. It is scary. For more information, visit [www.aclu.org](http://www.aclu.org), then click on "Privacy & Technology." Remember: it is not a fight of practice but of principle. It's not about collection but how it is used.





In our last newsletter, we told you how you can go to [www.aclu.tv](http://www.aclu.tv) and get free DVDs of the new ACLU show “The Freedom Files,” which is airing on Link TV. A member in Lincoln ordered extra copies of the episode on gay and lesbian rights—and received 35 copies of the DVD! She only needed a couple for the PFLAG groups, and asked for our help in distributing the rest of the DVDs into the public eye. We donated them to libraries across the state, from Scottsbluff, Broken Bow, Plattsmouth, Falls City, South Sioux City, Ainsworth, and beyond. If you order a copy of the Freedom Files and don’t know what to do with it afterwards, consider making a donation to a library or college campus nearby. It’s all about spreading the message as widely as possible!

### IN THE BEGINNING....

*One of ACLU Nebraska's original founders and incorporators, the Reverend Charles Stephen of Lincoln, wrote the following reminiscence for our 40th anniversary we're celebrating this year:*

Back in the spring of 1965 two Nebraska Unitarian Universalist clergymen, both new to the state, both long-time members of ACLU, discussed forming a Nebraska affiliate. The initial response from the national office was that 151 Nebraska members was "Too narrow a membership base on which to start an affiliate."

But later that year, the national office eased its rules and allowed us to form two Nebraska steering committees—one in Omaha which met on November 23 and another in Lincoln that met on December 15. Organizing meetings were then held in both cities, and by late winter we had written by-laws and articles of incorporation which we submitted to the national office. The ACLU national board accepted us on April 25, 1966.

There was little expectation in those early years that NCLU (our original name) would grow as it has. We were not dreamers, but realists. But, in fact, by the summer of 1966, the national office told us we had 252 members.

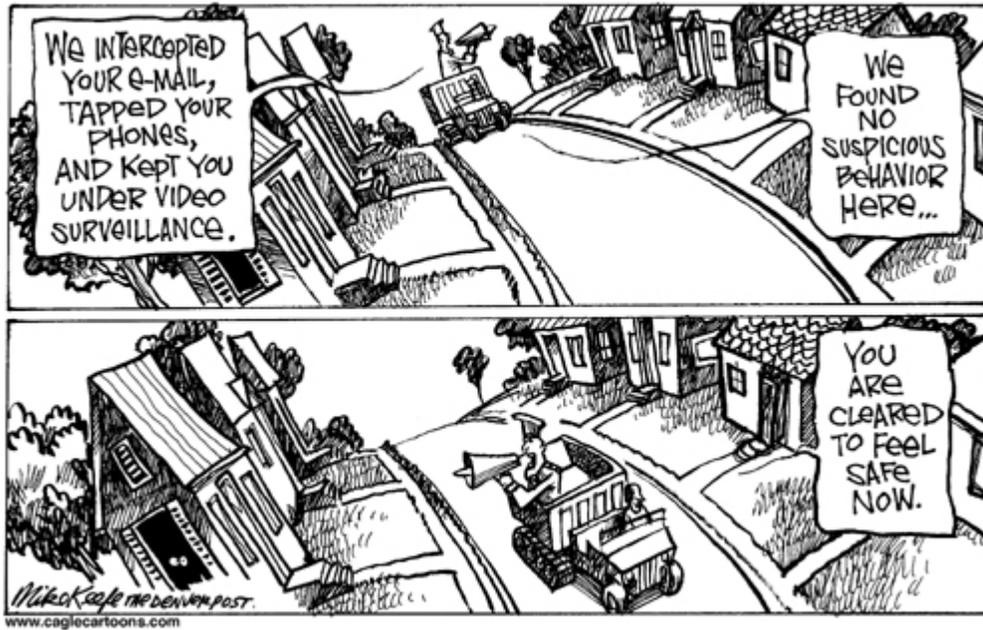
We had no office except that of the president, the Rev. Vester Vanstrom of Omaha, and mine as the secretary. We did have several willing attorneys on our original board: Pat Healey of Lincoln and Robert Oberbillig of Omaha. And there were four members of the clergy in this highly secular organization: Father Wendell Langley of Omaha, Rev. John Crossley of Hastings, Rev. Vanstrom and myself. Needing representation from western Nebraska, we chose Polly Richardson of Crawford, who regularly came to our monthly board meetings by train.

The original board also included David Levine, Warren Caldwell, Jacquelyn Herman and Robert Grossman all of Lincoln, and Earl Curry, Jr., Cecil Young and Leola McKie all of Omaha.

The people and size of the organization have changed, but the ideals remain the same.

Happy 40th Anniversary ACLU Nebraska!

~ Charles Stephen



### **Hello and Goodbye to ACLU Nebraska Administrative Assistants**

Eric Aspengren has worked as ACLU's Administrative Assistant for almost a year now. During that time he has also been Executive Director for Nebraskans Against the Death Penalty. He has decided to turn his efforts towards increasing NADP's visibility and effectiveness. NADP hopes to be able to make his position full-time through fundraising and grant efforts. In addition to his great work with NADP, he will be helping the Nebraska Lancaster Democrats this summer. We'll miss Eric, but luckily the bonds between ACLU and NADP have always been close...and we're in the same office building, so we won't lose track of him. You can still reach him

through NADP at (402) 477-7776 or [www.nadp.net](http://www.nadp.net) Thanks to Eric for his time working with us!

Welcome to Megan Moslander, who has stepped into the Administrative Assistant position as our first full-time assistant for several years. She is originally from Beatrice. Before joining our staff, Megan worked for several other non-profit organizations, but describes ACLU as a dream job, since she is a "news junkie." Megan lives in Lincoln with her partner. Greet Megan next time you contact the office and welcome her to ACLU Nebraska.



**Eric Aspengren, with lots of ACLU work**

## ACLU Asks the FBI "Are You Spying on These Nebraskans?"



**Joshua Cramer**

Earlier this month, ACLU Nebraska filed a Freedom of Information Act (FOIA) request with the FBI to find out if Nebraskan activists have been the target of illegal spying.

We know that since September 11th, the FBI has spied on peace groups and dissenting political activists across the country. Since there are people working for peace and justice in Nebraska who are critical of the current administration, we fear the FBI has been illegally spying in our state,

too. The FOIA request is a tool that will let us know if our tax dollars are being spent to spy on retired police officers, school teachers, and other local activists.



**Nan Graf**

The request was made for 4 non-profit groups (ACLU, Nebraskans for Peace, Speak Out at Stratcom, and Nebraskans for Justice) and 8 Nebraskans who are active in those groups: Joshua Cramer, Mary Dickinson, Malcom Miles, Lela Shanks, Mark Weddleton, Tim Rinne, Tariq Al-Amin, and Nan Graf, pictured here and on the next page. Short biographies of these Nebraskan activists are available on ACLU Nebraska's website, along with a copy of the FOIA request: [www.aclunebraska.org](http://www.aclunebraska.org)



**Lela Shanks**

Do these people look like threats to you? Among them are a grandmother, a high school teacher, a retired police officer, a behavioral health services network specialist, a former English professor, a volunteer coordinator, the director for a non-profit

organization, and a Head Start teacher.

We want the FBI and the police to protect us from terrorists, but every dollar and minute spent spying on innocent Nebraskans is time and money that could have been spent looking for criminals. These Nebraskans have done nothing more than speak out as their consciences dictate.

The FBI should only investigate people where there is evidence of a crime, not evidence of



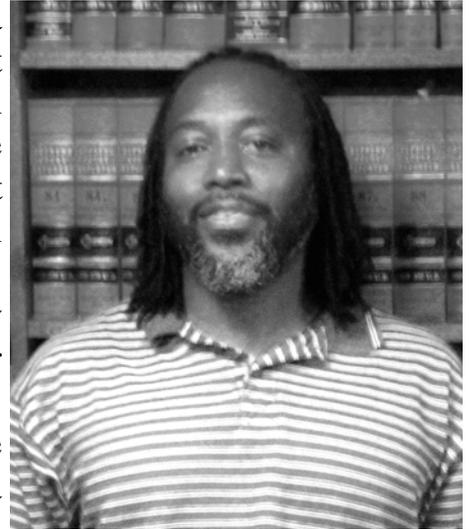
**Tim Rinne**



**Mark Weddleton**

political activity.

One of the requestors, Joshua Cramer, helped organize the Speak Out at Stratcom event, which marks the anniversary of the bombing of Hiroshima and calls for reduction in new nuclear weapons. Josh explained why he was involved in this FOIA letter: “When I was a young student attending public schools in Hastings, Nebraska, I learned to love my country. I also learned about my right to free speech. Now, as a young adult, I am left wondering why my speech might be monitored by the same government that provided me with an education.”



**Tariq Al-Amin**

Three of the requestors (Tariq Al-Amin, Mary Dickinson and Nan Graf) are involved in Nebraskans for Justice, a non-profit group that works for racial justice. Nebraskans for Justice have been particularly active in the fight to prove Edward Poindexter and Mondo we Langa

were wrongfully convicted of killing a police officer in the early 70’s. Because they spend time criticizing how the FBI worked to frame Black Panthers, this group worries they might now be targets for surveillance.

Lela Shanks’ lifetime of activism illustrates how frightening a government out of control can be. In 1963, her family was visited by FBI agents in retaliation for participating in civil rights picketing.

“These tactics erode trust in government,” Lela says. Her fear that we were returning to those days has made Lela an outspoken



**Malcom Miles**



**Mary Dickinson**

critic of the Patriot Act. Lela assumes she’s been a target for FBI surveillance for decades, and wants to ensure her grandchildren don’t have the same fear.

With their permission, ACLU will share the FOIA results when we learn about domestic spying has been occurring in the heartland.

Responses to a FOIA request can take 6-12 months. Learn more on our website [www.aclunebraska.org](http://www.aclunebraska.org).



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## YOU'RE INVITED TO THE 2006 MEMBERSHIP CONFERENCE IN DC

Imagine gathering with over one thousand other people just like you—people who are angry about unfettered government abusing its power, people who value free speech, people who strive for a racially diverse and free country.

There's nothing quite like a crowd of other card-carrying ACLU members to rev you up. Find out for yourself: this year the membership conference will be held October 15-17 in Washington DC. The final agenda is still being planned, but they've already confirmed these guest speakers: Supreme Court Justice Antonin Scalia, New York Times columnist Bob Herbert, political commentator Tucker Carlson, the ACLU clients who fought teaching Intelligent Design and won, and Muslim scholar Tariq Ramadan.

You should have received a postcard with information, but you can also check the ACLU website at [www.aclu.org](http://www.aclu.org) for details. See you there!

