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WELCOME TO OUR NEW EXECUTIVE DIRECTOR LAUREL MARSH

Laurel Marsh took the helm of ACLU Nebraska in October. She and her husband have been card-carrying members of ACLU for many years, and we are excited to have her legislative and management experience brought to ACLU Nebraska.

Here's her first Executive Director's message:

"Though my first month at work has been hectic, ACLU Nebraska has given me a stunning welcome. I started on Thursday, October 12 and on Sunday flew with Legal Director Amy Miller to Washington, D.C. to attend a National Membership conference. This event gave me a rapid (and fun!) crash course on current issues and ACLU.

For the last sixteen years I served as retiring Senator Dave Landis' Legislative Aide. Previously work travel meant a quick jaunt to North Lincoln or an occasional trip to Omaha. Prior to working for Dave, I was the Executive Director of Homestead Girl Scout Council for ten years. I also served on the Southeast Community College Board of Directors for twelve years.

On a personal note, I am married to Danny D. Clark. Dan is a unit chief for the Department of Homeland Security here in Lincoln,

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TRIBUTE TO KEVIN COLLERAN

A civil liberties hero passed away earlier this fall. Lincoln attorney Kevin Colleran was a partner in the firm Cline, Williams, Wright, Johnson & Oldfather, L.L.P. and spent many years working for the civil rights of all. He was killed in a car accident in England on September 18, 2006. At the time of his death, Kevin was active in helping the American College of Trial Lawyers in a case challenging the lack of due process for prisoners at Guantanamo Bay.

The ACLU has also been active in the fight for constitutionally mandated fair treatment of post 9-11 detainees, and Kevin Colleran's family selected ACLU for designated memorial donations.

The loss of this talented and generous attorney will be felt by all.

DON'T SPY ON ME



ACLU

Nebraska Public Service Commission Holds Hearing on NAS Phone Spying Complaint

On October 3, 2006, the Nebraska Public Service Commission heard arguments from ACLU Nebraska Legal Director Amy Miller and attorneys from Verizon and AT&T about whether those phone companies violated state law by cooperating with the National Security Agency's wiretapping and phone spying programs.

The five person Commission usually meets to discuss regulation issues that don't present civil liberties issues, but the Commissioners participated fully, asking hard questions of both sides. For example, both Verizon and AT&T defended their actions with legal arguments such as governmental immunity and the Secrets Privilege (a legal concept that allows the government to shield national security issues from the public). Yet those defenses protect actions of the government, not private companies. Commissioner Landis pointed this out to one phone company attorney: "It sounds to me like you are arguing for the Federal Government's position as opposed to a phone company's position here."

Commissioner Boyle also tried to elicit information about whether the executive branch attempted to intimidate the phone companies: "The restrictions that you...are mentioning, did they also include a restriction that you may not even answer a question as to whether or not your company was bullied or told that if you do not cooperate as was reported in *USA Today* that you may not get any more government contracts or that you were un-American?"

There were some hard questions for the ACLU, too. We urged the Commissioners to order the phone companies to answer at least whether they participated in the spying program or not. Commissioner Landis questioned Miller about how even that sort of query could be a problem: "Isn't that one of the reasons for the Secrets Privilege? You start with a little bit of information, a little more information, and a little more information, and the picture becomes more clear what activities are going on and how it is operating. Then, at some point, that becomes a disclosure to a potential entity, whatever term you want to use out there."

The hearing was held to decide whether ACLU's complaint to the Commission will be dismissed without further inquiry, as the phone companies have requested. There is no set time frame for the Commission's decision, but we will share the result when we receive it. You can read the text of our complaint on our website: www.aclunebraska.org

"As nightfall does not come at once, neither does oppression. In both instances there is a twilight where everything remains seemingly unchanged, and it is in such a twilight that we must be aware of the change in the air, however slight, lest we become unwitting victims of the darkness."

-- Supreme Court Justice William Douglas

The death penalty—an outdated concept

This essay by ACLU Legal Director Amy Miller was printed in the Omaha World Herald on November 9, 2006.

I've seen Nebraska's electric chair twice this year. The first time, I was on a tour of the Nebraska State Penitentiary with my church group. The second time was with a group of students who are studying social work and psychology.

On both tours, the very last stop was in front of a nondescript door near the security check-in point. The tour guides made it clear that anyone who did not wish to see the electric chair could just proceed to the exit. In each tour, some people refused to go in.

I went in to see the electric chair on both visits. I am deeply convinced the death penalty is not moral, effective or fair, so my decision to confront the chair in person was difficult. I feared I would react badly to standing a few feet from the tax-supported instrument of death. I was afraid I might cry or become distraught and embarrass myself. Yet I went in both times to gaze upon the chair. I did so precisely because I am against the death penalty and because my tax dollars can be used to kill other human beings.

Nebraska's electric chair was made in 1919, and that original chair remains in use. It was last used in 1997 for the execution of Robert Williams. In 1919, the world was very different: Women could not vote, people of color were denied virtually every protection of law, union organizers were openly arrested and beaten for their activities and child labor permeated American industry.

Seeing the chair in person is an instant reminder that the death penalty is as archaic as the machine itself. The wood is darkened and worn, like a church pew. Someone must have left a coffee mug on the chair's left armrest, because the permanent ring makes the chair seem like a straightbacked kitchen chair with marks of use.

Our tour group stood in the room reserved for execution witnesses and gazed through the glass at the chair. The chair, standing alone in the center of the room, is the only item in the execution chamber.

Curtains hang on both sides of the glass so witnesses can be screened from the execution preparations until the final moment. The curtains are muddy olive and mustard, a color scheme reminiscent of a ratty hotel room you would rent only if you'd been forced off the highway by a Nebraska blizzard.

(Continued on next page)



Track information about the fight to abolish the death penalty by visiting www.aclu.org/capital.

On that page, you'll find up to date figures and an execution "counter" you can include on your own website.

At the time of this printing, there have been 1,055 men and women executed in the last 30 years. There have also been 123 men and women exonerated and saved from death in that time.

(Death Penalty, continued from previous page)

It wasn't easy to look at the chair, but not just because of the emotional impact of confronting a state-constructed instrument of death. It was also difficult simply because the viewing room is packed with obstacles. The room appears to have doubled as a storage closet for some time. Empty metal shelving, broken office equipment, abandoned frames and one incongruous guitar case fill the room to bursting.

That is when it dawned on me: The electric chair is an antique, both literally and conceptually. The witness room is a forgotten storage space, and it should stay that way. The chair and the concept of murderous vengeance by the state should be consigned to a display at the Nebraska State Historical Society. The prison staff should go ahead and permanently use the viewing room to stash unwanted items.

The archaic nature of execution will not change even if we install new, modern machinery or adopt a new method of execution to take lives. We are simply too civilized to cling to the bloodthirsty fashions of a past era.

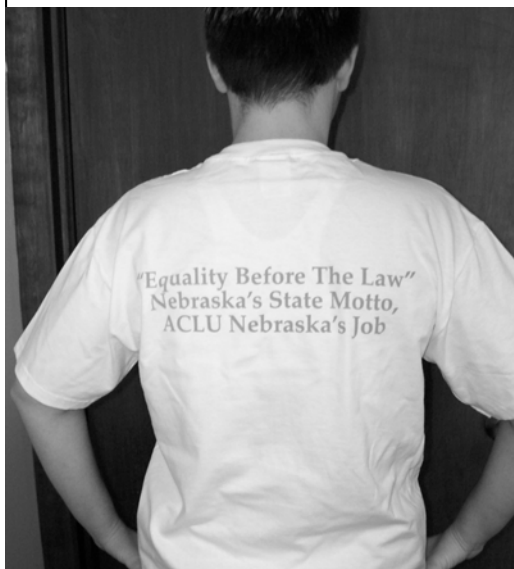
“I object to violence because when it appears to do good, the good is only temporary; the evil it does is permanent.” - Mahatma Gandhi

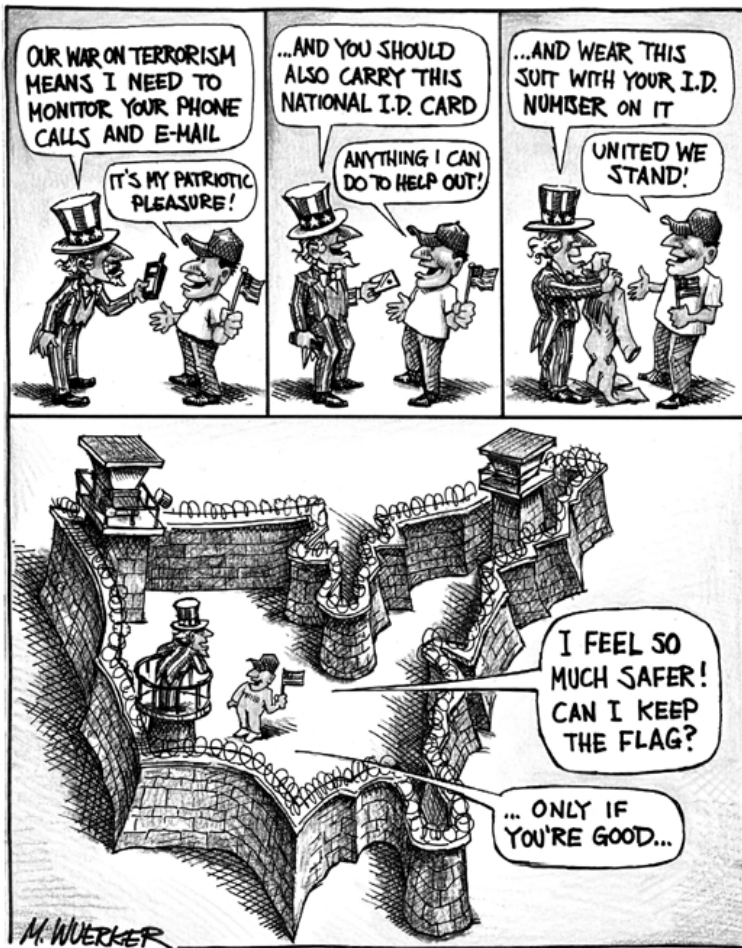
ACLU Nebraska T-Shirts For Sale

What better way to show you're a proud card-carrying member of ACLU than wear the proof on your back? We have two colors available: white or charcoal grey. Both shirts have blue printing with the

ACLU logo on the front, and on the back “Equality

Before the Law: Nebraska's State Motto, ACLU Nebraska's Job.” T-shirts are \$15 each, plus \$2 shipping if you wish us to mail them to you. You can also come to the office to pick up your shirt, but please call ahead to make sure we're available at (402) 476-8091. Sizes are small, medium, large, extra large, 2X, and 3X. To order a t-shirt, make your check payable to ACLU Nebraska Foundation and enclose a note indicating size and color. Mail to: ACLU Nebraska, 941 O Street, Suite #706, Lincoln NE 68508. Please allow 1 week for delivery.





Cartoon by Matt Wuerker

Speech, Speech!

ACLU speakers go to all sorts of venues to explain the work we do and the importance of protecting civil liberties. In the last year, we've given presentations to high school classes, college courses, Kiwanis and Rotary Club groups, churches and synagogues.

If you have a potential audience for us, help us make connection to new people and invite an ACLU speaker. We're very agreeable: we can give a long or short speech, do a debate, bring audio visual entertainment, or do just about anything to fit your group's wishes. We also let you pick the topic that is most interesting, whether it's GLBT rights, the Patriot Act, the death penalty, police misconduct, free speech for protestors, religious liberty, or any other ACLU issue. Contact the office to arrange for a speaker (402) 476-8091.

CHOCOLATE CHOCOLATE CHOCOLATE

If the word "chocolate" catches your attention, you *have* to attend the 2nd annual ACLU chocolate holiday party and fundraiser. **Friday, December 8, 6:30-9:30 pm**, we'll have an enormous spread of various chocolate desserts and wine for you at Jack Saltzman's home in Lincoln at 841 South 15th Street (third floor, walk-up).

Jack has been holding chocolate parties for different charities for years, and touring his home with its holiday decorations is a treat, even without the chocolate...but there will be more chocolate than you can shake a stick at! Desserts are provided by: Billy's Restaurant, Chez Hay Catering, The Dish, The Grain Bin, Kim Nash, Perkin's Bakery, Stauffer's Café and Pie Shoppe, Sweet Magnolia's, the CUP, The Tea Room at Studioville, Village Inn, Wilderness Ridge, and Yankee Hill Country Club.

Tickets are \$20 each, and all proceeds help fund ACLU Nebraska's litigation and education programs. Contact our office at (402) 476-8091 or by email at info@aclunebraska.org to reserve your ticket. (Tickets will also be available at the door.)

ATTACK of the BANNED BOOKS

For two nights in October, volunteers read selections from famous banned books in Omaha and Lincoln to celebrate Banned Book Week. A crowd of book-loving, censorship-hating civil libertarians gathered at Lee Booksellers in Lincoln and the Reading Grounds in Omaha.

Some of the readings were from the following dangerous books:

- * Brave New World—Aldous Huxley
- * Captain Underpants—Dav Pilkey
- * Beloved—Toni Morrison
- * Catcher in the Rye—JD Salinger
- * I Know Why the Caged Bird Sings—Maya Angelou

Of course, those books aren't just scandalous—they're also the recipients of awards and critical acclaim. The American Library Association tracks book banning requests and compiles an annual list of the most challenged books. You'll find the list on their website: www.ala.org

Discussion after the readings pointed out a disturbing fact: many of the authors whose books are banned are minority voices. They're women, they're African-American, or they are gay. The trend appears to be in favor of banning books from voices we don't want to hear.

The evening was a light hearted way to celebrate your freedom to read. We plan on continuing the tradition next year.



Volunteer readers at the Reading Grounds Bookstore in Omaha. Back row, left to right: Gail Ogden, Nathan Woodruff, Amy Miller, Kim Moore. Front row, left to right: LauraLee Woodruff, Kate Burger, Lora Black, Traci Schact. Not pictured: Brad Buffum

(Executive Director Laurel Marsh, continued from page 1)

Nebraska. We have two adult children, Shannon and Patrick. Shannon is a senior at Colorado State University in Ft. Collins, and Patrick is a sophomore here at the University of Nebraska. Dan and I hope to meet many of you at the ACLU Chocolate Party on December 8th.

Now at the end of my first month I can finally say that when I walk in the door to my office, it actually feels like MY office, not like I am trespassing in the office of another. I am impressed with the organizational focus on the bill of rights, the quality, caliber, and professionalism of the staff and volunteers I have met, and the respect accorded the organization when I tell someone of my new job. I hope to serve you well.”

ACLU Nebraska tries to be as accessible as possible to our members. If you want to reach Laurel or the rest of the staff, feel free to call, email or write.

Welcome to Laurel!

ROAMING MINISTERS IN PUBLIC SCHOOLS?!

We prioritize complaints about religion in public schools, because children are literally captive audiences in school when they're exposed to illegal proselytizing. Many of those complaints are about prayers at assembly or graduation, but a disturbing trend emerged this fall in Nebraska: ministers actually allowed in school or on school grounds to try and convince children to come to their churches.

Bible Study Flyers in Shelton

In Shelton, the K-12 public school children were greeted by a minister handing out "Awana" club flyers on school grounds during the first few weeks of the semester. The flyers said "Awana is a non-denominational Christian program with music, stories, games and scripture memorization" and invited students to come to the evening sessions at a local Baptist Church. Another minister from a Lutheran Church appeared the next day, with flyers that read "Please join us for a fun Vacation Bible School at St. Paul Lutheran Church where we will learn that Jesus is our greatest treasure!"

One parent was brave enough to object to his child walking through a gauntlet of religious proselytizing to enter school. We contacted the school Superintendent, who refused to believe the incidents happened until we showed him the flyers. The Superintendent, who was in his first year at Shelton, then discovered that some school staff had been allowing religious groups to come to school. He put a stop to the practice immediately, and we

were able to close our file with a victory.

Ministers Roaming the Halls in Holdrege

In Holdrege, the public school has Bible study groups that meet before school hours as a student-initiated voluntary program allowed by the law. But students reported the ministers from Campus Life and Youth Alive weren't leaving after the early-morning session was done. The ministers stayed at the school, talking to kids in the hallways between classes about joining the church and approaching students in the cafeteria at lunch. One parent sent an email to the school complaining of the practice, but did so anonymously out of fear of retaliation in the town of 5,636 people. The complaint was not responded to.

When ACLU learned of the situation, we contacted the

No child should face a gauntlet of religious proselytizing in order to attend public school.

Superintendent to point out the proselytizing visitors were not only violating the First Amendment but also presented a clear safety issue, as unattended adults in a school violated the school's own policies. The Superintendent investigated and agreed. She immediately wrote to assure us she'd met with staff and the ministers to stop the practice.

Bible Distribution in Grand Island

We're still negotiating with the Grand Island school district, where Gideons were allowed to stand immediately at the school doors to hand out Bibles to students as they left school in September. While the public sidewalks are a free zone for anyone to hand out items, no one should be allowed onto school grounds to promote their religion.



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Is There an ACLU War on Christians?

As we approach the holiday season, you'll start hearing accusations on some news shows that there is a war on Christmas and Christians with ACLU heading the assault. The rhetoric says ACLU hates religion and hates Christianity. Is that true??

"Absolutely not," said Executive Director Laurel Marsh. "ACLU works on cases to prevent government-sponsored religion, but we also work on protecting religious peoples' right to practice their religion. We've gone to bat for religious people, including Christians, many times here in Nebraska." For example, we helped a Presbyterian church in Lincoln that the city wanted to close down over zoning laws. We intervened in a case at the Nebraska Supreme Court for the House of Faith Christian Church of Omaha when the state claimed it wasn't big enough to merit the protections given to churches. A Christian Valedictorian was told she couldn't quote her minister in her graduation speech, but our intervention protected her First Amendment right to give her own message.

"This is just the tip of the iceberg," noted Marsh. "The myth that ACLU is anti-religion is so clearly false that one man started his own website to list some of the many cases where we helped Christians."

Visit www.aclufightsforchristians.com and help fight the myth!