



Abolition: So Close to the Goal p.1

Right to Tithing in Prison p. 1

Annual Dinner p. 2

Ed Poindexter Back in Court After 36 Years p. 3

Executive Director Message p. 4

ACLU Shirts p. 5

Anthony Romero's Book p. 6

Legislation Update p. 7

Habeas Corpus at Risk p. 8



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ABOLITION: SO CLOSE TO OUR GOAL

This legislative session saw amazing strides towards the goal of abolishing the death penalty. Senator Ernie Chambers' bill LB 476 moved to the floor of the Unicameral for full debate and only failed by one vote. A second bill, brought forward by the Judiciary Committee, forced the senators to debate abolition a second time. While the second bill also failed, the close vote demonstrates the battle is not hopeless.

Further good news came in May when the Nebraska Supreme Court placed a stay on the execution of Carey Dean Moore just a week before he was scheduled to be electrocuted. While Moore had not sought any further appeals or stay of his own execution, the Nebraska Supreme Court responded to a petition by Senator Chambers. Chambers' petition pointed out that the Court was scheduled to hear arguments in September about whether the electric chair is per se unconstitutional, and thus it would be a tragic injustice to electrocute one more inmate in case the Court determines the electric chair is cruel and unusual.

"For many years, it has felt as if we would never actually succeed in abolishing the death penalty," said ACLU Nebraska Executive Director Laurel Marsh. "But this session has been an invigorating time that reminds us the goal is achievable. We thank every ACLU member who called, wrote or emailed their senator, and we'll be calling upon your help in the next legislative session."

The Legislature will reconvene in January 2008, and the question of the death penalty is likely to come up again at that time. See page 7 for a report on our other legislative work.

TITHING IN PRISON

Many religions require their followers to tithe a portion of their income back to the church. Several inmates in Nebraska state prison have recently complained they aren't allowed to write checks to their churches, though. Inmates who have money on account with the prison may send checks and money orders to family members, buy items through catalogs, and even subscribe to magazines—including *Playboy* or other sexually explicit publications—yet they cannot make contributions to their religious communities! The prison has not explained the reason for the rule.

ACLU Nebraska is currently in negotiations with the state prison system to change the rule so all inmates may continue to practice their religion during incarceration.

**We've Got Jazz, We've Got Art, We've Got a Mission:
Annual Dinner Reflections**



Steve Shapiro

On Saturday, April 28, ACLU Nebraska held its annual dinner in Lincoln. Approximately 140 attendees started the evening listening to the cool sounds of jazz band Montage while taking in a display of art by Bryan Community School students on the theme “What My Civil Liberties Mean to Me.”

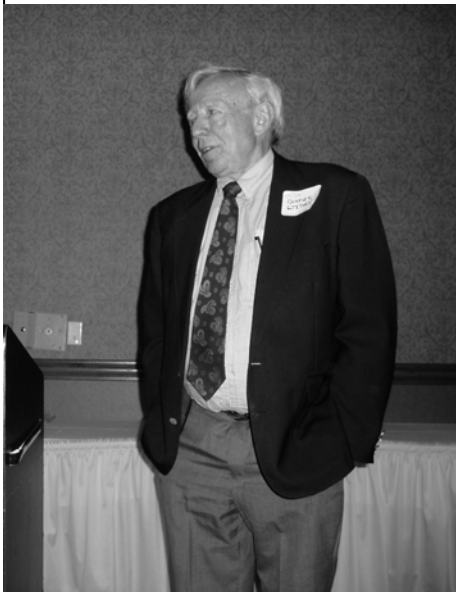
The Roger Baldwin Civil Libertarians of the Year award was presented to Judith Hart and the Angels Theatre Company for their ongoing work in bringing politically conscious plays to Nebraska and helping ACLU with our Banned Book Week celebrations.



ACLU members Nathan Woodruff (L) and LauraLee Woodruff (R) with honoree Judy Hart

Rev. Charles Stephen, Jr., Minister Emeritus of the Unitarian Church of Lincoln, received the Robert Spire Founders Service award in recognition of his lifelong dedication to civil liberties. Charles is one

of the original incorporators of ACLU Nebraska, so he is our own “founding father.”



Honoree Rev. Charles Stephen, Jr.

The evening was capped off by ACLU Legal Director Steve Shapiro. Shapiro spoke about the threats to civil liberties in every time of terror and fear. He reminded us that even Abraham Lincoln suspended the right of habeas corpus during the Civil War. History’s lessons say we have to continue to hold the President accountable for his abuses of power, but we also do not have to despair about those abuses.



Bryan Community School artists, left to right: Josh Peters, Heather Wilhelm, Ty Janda, and Sam Newbold. Sam’s work won first and third place.

Perhaps the best compliment for a fabulous evening came from Shapiro. He noted that he’s been to almost 40 different states for ACLU celebrations, yet Nebraska’s was the only dinner with live music.

We hope you join us next year at the dinner!

Ed Poindexter: Black Panther Back in Court After 36 Years



Ed Poindexter

Edward Poindexter was convicted of murder in 1970, but decades later questions still remain about his actual guilt. Poindexter was Deputy Director of the Nebraska branch of the Black Panther Party. He was convicted of a bombing that killed an Omaha police officer though the conviction rested almost entirely on the testimony of a 15 year old boy and no other evidence. Amnesty International has proclaimed Poindexter and his co-defendant, Mondo we Langa, to be political prisoners who were wrongfully convicted as retaliation for their political activism.

A hearing on Poindexter's request for a new trial began on May 8, 2007 in Douglas County District Court. He is represented by Bob Bartle of Lincoln. At the start of the hearing, ACLU Nebraska filed an amicus curiae ("friend of the court") brief on behalf of Poindexter.

During the period when Edward Poindexter was arrested, the FBI had a program designed to put political activists behind bars, even when the police knew the activists were innocent. This was the COINTELPRO (Counter Intelligence Program) operation that was later condemned by Congress. "There have been several documented cases where prisoners proved they were innocent victims of COINTELPRO and were released from prison decades later," said Legal Director Amy Miller. "We referred in our brief to the cases of three other prominent Black Panther leaders who were convicted on forged evidence. All were exonerated and freed decades later. Those other cases include Elmer Pratt in California, Harllel Jones in Ohio, and Richard Moore in New York. It's chilling that the cases we found all had a similar pattern to what happened in Poindexter's case: a Black Panther leader was convicted of murder on the testimony of a single witness with questionable credibility."

Read the full ACLU brief at our website: www.aclunebraska.org

The brief urges the Court to consider the history of COINTELPRO and the FBI's known mission to arrest and disrupt as many leaders of the Black Panthers as possible. Since the facts in Poindexter's case are eerily similar to convictions of other Black Panthers that have now been set aside, ACLU Nebraska urged the Douglas County District Court to consider whether COINTELPRO may have been involved in Poindexter's prosecution.

We cannot say definitively that Edward Poindexter is innocent. But we can say that there is newly uncovered evidence that the prosecutors and police engaged in serious misconduct in his case. The pattern of misconduct resembles how COINTELPRO operated in other cases targeting political activists. If informants lied or evidence of innocence was withheld, then Poindexter deserves a new trial.

The evidentiary hearing concluded in late May. A decision could come down from the District Court at any time.

From Executive Director Laurel Marsh: “You Belong to a Remarkable Organization!”

You know ACLU folks are a remarkable group of people, but I want to share some of my thoughts on this subject that have occurred to me recently:

- If you walk into the ACLU Nebraska office in the morning, you will be struck by the energy and activity generated by four student interns who are working for us this summer. *Cheers* for Will Bardwell, who joins us from the University of Mississippi College of Law, Chris Buller from the Valparaiso College of Law in Indiana, and Franceska Cassell and Jen Mostek from our own University of Nebraska College of Law. A fifth intern, Alexandra Kieffer of Grinnell College in Iowa will begin the first week of June. Interns perform a great deal of the legal and subject research we use to pursue civil rights in Nebraska. We are grateful to each of them.

- *Cheers* also for Alan Peterson, a Lincoln attorney who was elected President of the ACLU Nebraska Board at the May 19th meeting. Joining Alan on the Executive Committee will be Christy Abraham as 1st Vice President, Sarah Rodriguez as 2nd Vice President, Eric Evans as Treasurer, and Rachel Yamamoto as Secretary.

- *We welcomed* two new members to the Board of Directors in May, Fritz Hudson and Gina Matkin. Fritz is the Minister of the Unitarian Church in Lincoln, and Gina is an Assistant Professor in the Department of Agricultural Leadership, Education, and Communication at UN-L. Board members who were elected to continue their service are Russ Alberts, Joseph Brown, Eileen Durgin-Clinchard, and Sarah Rodriguez. *We thank* retiring Board members Josh Pluta and Bill Staley for their service.

- The **ACLU Biennial Convention** will be held June 13-16 at the Westin Seattle Hotel in Seattle, Washington. The 2007 ACLU Biennial Conference is an opportunity for ACLU lay leaders to meet, network, and vote on policy resolutions. The conference schedule includes educational and leadership workshops, engaging plenary sessions, and voting sessions where resolutions are debated. We'll begin Wednesday evening with the Freedom Fair and end Saturday evening with the Medal of Liberty Dinner. The number of delegates an affiliate can send is based on membership. ACLU Nebraska is entitled to 3 voting delegates in addition to our member of the National Board. Attending for Nebraska are delegates: Alan Peterson, Laurie Thomas Lee, Laurel Marsh; alternate: Amy Miller, and national board member: Eileen Durgin-Clinchard. Our delegates will bring back new ideas for our work in Nebraska.

- Save the date: our next holiday Chocolate Party at Jack Saltzman's house will be December 7th. Watch for invites in the fall.

As I mark my half-year anniversary of being on staff with ACLU Nebraska, I can report this has been difficult but remarkable. Thank you all for being with us in our challenging work!

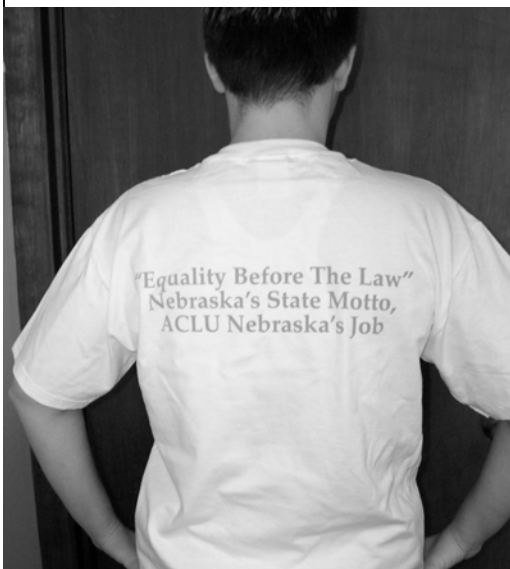
—Laurel Marsh



Mike Lane, Cagle Cartoons

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.

Anthony Romero's Book "In Defense of Our America"

ACLU Executive Director Anthony Romero has just released his book describing how the Bill of Rights has been dangerously eroded in the battle against terror.

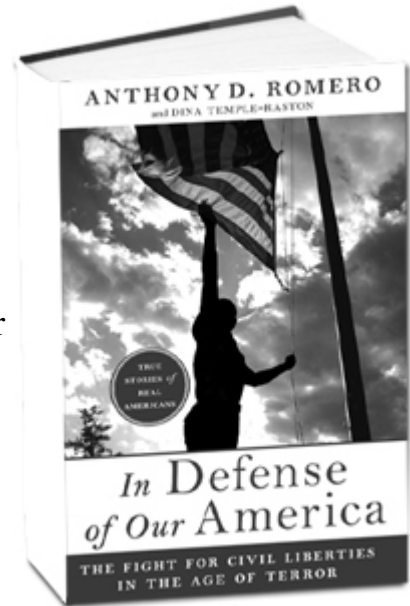
Readers are taken behind the scenes of some of the most important civil liberties cases in America. From the story of the "American Taliban" to the battle against the National Security Agency's warrantless spying program, *In Defense of Our America* tracks a roster of skirmishes in the larger fight for civil liberties in this country. It tracks an effort in Pennsylvania to force religion into the public school science curriculum and tells the story of South Dakota's attempts to place an outright ban on abortions in the state.

In a narrative that allows the characters to tell the story, *In Defense of Our America* offers the first inside look at the Lindh family as they saw their son and brother, John Walker Lindh, emerge as a symbol of America's battle against Islamic fundamentalism. It follows Joshua Dratel, a defense attorney at the center of many legal battles over the rights of individuals suspected of terrorism, and tells the story of a modern-day Scopes trial in Dover, Pennsylvania. The book tracks the case of Matthew Limon, a gay teenager sentenced to 17 years for having consensual oral sex with a younger teenage boy in Kansas, and looks behind the reports of a broken judicial system in New Orleans after Hurricane Katrina.

In Defense of Our America chronicles the stories of an array of colorful characters to illustrate the state of play in today's fight for civil liberties, including Cecelia Fire Thunder, the Sioux President who wanted to open an abortion clinic on her South Dakota reservation, and high school science teacher Bertha Spahr who defied a school board dominated by fundamentalist Christians by taking a stand against "intelligent design."

With unparalleled access to key players in some of the landmark tests of the Constitution and the Bill of Rights, *In Defense of Our America* weaves together a compelling narrative that provides an unusually full look at the fight for civil liberties as Americans struggle to protect their rights and ensure their security.

The book is available at bookstores and online.



"Find out just what people will submit to, and you have found out the exact amount of injustice and wrong which will be imposed upon them; and these will continue until they are resisted with either words or blows, or both. The limits of tyrants are prescribed by the endurance of those whom they oppress."

— Frederick Douglass

UPDATE ON UNICAMERAL LOBBYING

Our legislative priorities are set by our Board of Directors each year. In this legislative session, our staff lobbied on 35 bills on a wide range of issues.

This was the first half of the legislative session which will be completed in 2008. Bills that are still in committee or on general file will therefore have a chance of being heard next year, and are still viable issues. If one of these interests you, it's a-okay to write your senator even now—they'll save your comments for next session!

Here are some of the highlights of the bills we prioritized and their current status:

Recording custodial interrogations LB 179 (support): Would require police to record all custodial interrogations of suspects. On General File.

Bullying law LB 205 (support): Would require every school district to have a policy to prevent bullying. On General File.

Real ID LB 285 (oppose) and LR 28 (support): REAL ID is a de facto national ID card. The bill would implement Real ID and the resolution would refuse to do so! The resolution passed, the bill is in committee.

Age discrimination on the job LB 432 (support): Would improve protections for older employees. In committee.

Presidential electors LB 433 (oppose): Would allow electors to ignore the vote of the people. In committee.

Arrest records not public LB 470 (support): Would make non-charged arrests disappear from the publicly-available record. On final reading.

Ombudsman to oversee county jail complaints LB 467 (support): Extends this office's power from state prisons to include

county jail inmate problems. On General File.

Prohibit discrimination on basis of sexual orientation LB 475 (support): Would prohibit discrimination on the job and in housing for GLBT people. Voted down on the floor.

Adoption by second parents LB 571 (support): Would protect children by allowing any two people to adopt jointly, including GLBT people. In committee.

Prisoners eligible for Medicaid on release LB 666 (support): Instead of waiting many months, inmates could get medical help right away on release. In committee.

Diversion for mentally ill offenders LB 669 (support): Would allow offenders to get diversion if mental health care is deemed more appropriate than incarceration. In committee.

Marriage license fee increase LB 696 (oppose): Would require couples to either have religious classes prior to marriage or pay more money for the license. In committee.

Find all these bills and current status information at the Unicameral's website: www.nebraskalegislature.gov

Definitions

In committee: Bill has neither advanced to the full Legislature nor been killed by committee.

On General File: Bill has moved out of committee and is pending before the full legislature

On Final Reading: One more round of debate before bill goes to the Governor for signing.



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HABEAS CORPUS AND THE MILITARY COMMISSIONS ACT

Habeas corpus is not a meaningless fancy legal term. It's your right to not be thrown in prison illegally, with no help and no end in sight.

From England's Magna Carta through recent Supreme Court decisions protecting Guantánamo detainees, the prohibition against unlawful imprisonment has remained fundamental to our system of laws and our basic values. No government should ever be given the power to call someone an enemy and lock them away indefinitely.

Today we face a new and unprecedented assault on habeas corpus, due process and our most basic American values. The Military Commissions Act of 2006 eliminates habeas rights for some people, gives the President absolute power to designate enemy combatants, and weakens the rules preventing evidence gained through torture.

We all know the difference between fairness and persecution. It is up to each of us to tell Congress to correct its mistake and restore habeas, and all of our Constitutional rights. We can restore habeas and get our rights back - if we act together, our voices will reach Congress and they will stand up for the values we elected them to defend.

Join us on June 26, in Washington, D.C., as we gather together at the Capitol, meet with lawmakers, and rally to demand the restoration of our constitutional rights! To learn more about the June 26, 2007 Day of Action in Washington, D.C. call us at (402) 476-8091 or go to www.findhabeas.com

