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GOVERNOR PROCLAIMS BANNED BOOK WEEK

In September, Governor Dave Heineman joined ACLU Nebraska, the Academic Freedom Coalition of Nebraska, and the Nebraska Library Association Intellectual Freedom Committee in celebrating Banned Book Week. He signed a proclamation in honor of the anti-censorship holiday that read in part “Privacy is essential to the exercise of freedom, the freedom to read is protected by our Constitution, and intellectual freedom is essential to the preservation of a free society and a creative culture.”

In addition to the proclamation ceremony, ACLU Nebraska hosted readings from famous challenged books in Omaha and Lincoln with actors from the Angels Theatre Company for our third annual banned book week celebration.

Banned Book Week 2008 will be September 27—October 4.



Left to right: Beth Goble of the NLA, Laurie Thomas Lee of AFCON and the ACLU Board of Directors, Governor Dave Heineman, ACLU Nebraska Executive Director Laurel Marsh.

RIGHT TO VOTE AFTER A FELONY

Nebraska changed our law to allow convicted felons to vote just a couple of years ago. Previously, anyone with a felony conviction was barred for life from voting unless they went through the laborious and often unsuccessful pardons process. Now, all ex-felons are eligible to vote **TWO YEARS** after they're out of the system.

That means two years after completing a prison sentence, a parole term, or probation; the two years is done when the system is completely done with the individual. People with a felony conviction may simply register to vote just like anyone else as soon as the two years have elapsed.

While this was a great victory for voting rights, ACLU discovered very few people

affected by the law knew of their new rights. During the November 2006 elections, we received calls from ex-felons and their family members, trying to learn their status at the last minute. We decided it wasn't just enough to get the new law—we needed an education campaign to bring the message home.

Since the former ban on felon voting rights especially impacted minority males, this is not just about protecting the constitutional right to vote. It is also an important battle for racial equality. Minority males are disproportionately charged with felonies and convicted in our state, and this meant that almost half of the 50,000 disenfranchised former felons in Nebraska were people of color.

The Nebraska Voting Rights Coalition was formed to improve the law and then created brochures about the new law. As a member of that coalition, ACLU Nebraska stepped up efforts to distribute the information this summer. We contacted every single public library in the state for permission to place the voting brochures (both in English and Spanish) in their libraries. We also contacted community centers and faith based groups to ask them to distribute the brochures. As of this newsletter, we have handed out thousands of copies statewide.

But that's not enough. We know there are more former felons who need to get word of their right to vote. Do you have space at your school, religious community, workplace, or other site to display a stack of brochures? If so, help us get the word out! Contact our office at (402) 476-8091 or info@aclunebraska.org and tell us how many brochures you want, in what language, and where to send them. We'll be happy to keep re-supplying you as needed.

The voting rights brochures are also available for download and email distribution on our website. Visit www.aclunebraska.org, click on "Publications and Newsletters."

**HELP US GET THE
WORD OUT ON
VOTING RIGHTS!**

Let us know if you have a way to help distribute felon voting rights brochures in your community.

Call ACLU Nebraska at (402) 476-8091 or email us at info@aclunebraska.org and we'll send you as many brochures as you want.



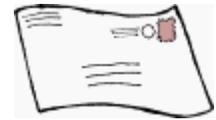
CHOCOLATE JOYFULNESS

Old Man Winter made for a smaller party at Jack Saltzman's home this year, as many of us wondered "Is it worth it to drive in icy conditions to indulge in chocolate desserts with fellow civil libertarians?" About 75 people answered that "YES," including ACLU Nebraska Board President Alan Peterson, pictured here.

Desserts were donated from Billy's Restaurant, Chez Hay, Dish, Green Gateau, Maggie's, Mahoney State Park, Nine South Chargrill, Perkins, Skeeter Barnes, Stauffer's Cake and Pie Shoppe, and thé Cup. Join us next year at our fundraising and feasting occasion!

WHAT'S THIS ENVELOPE IN MY NEWSLETTER??

End of the year giving—you are hearing from all the non-profits in your life at this season, but ACLU Nebraska has a special reason to ask you to consider making one last 2007 tax-deductible gift to the ACLU Nebraska Foundation.



Unlike many other charities that receive government funding or private foundation assistance, ACLU Nebraska's money is entirely from individual members. We don't take any government money because it's our job to sue the government! And the money given by Nebraskans stays right here in the Cornhusker state. Donations made to the Foundation go directly to funding lawsuits and education efforts in Nebraska.

Please include us in your year-end giving by using the envelope enclosed here.

MEET THE ACLU NEBRASKA BOARD...AND CONSIDER JOINING THEM!



ACLU NEBRASKA BOARD: Front row left to right: Sarah Rodriguez, Rachel Yamamoto, Eileen Durgin-Clinchard, Gina Matkin, Dwayne Ball. Middle row left to right: Christy Abraham, Leslie Seymore, Wendy Francis, David Moshman. Back row left to right: Eric Evans, Joe Brown, Alan Peterson, Russ Alberts, Brenda Ealey, Jim Bender. (Not pictured: Fritz Hudson, Laurie Thomas Lee, Nelson Potter.)

ACLU Nebraska is guided by an 18 member volunteer board. No special skills or training are required to be an ACLU board member except current ACLU membership and a desire to work to promote civil liberties in our state.

Board members serve a 3 year term. By agreeing to serve as a board member, you agree to attend six meetings a year (the meetings are alternately held in Lincoln and Omaha) and to serve on two committees that may meet more frequently during the year. Board members also help with fundraising—each board member agrees to contact at least 4 current donors (provided by the office) for their yearly pledge to support ACLU Nebraska.

Interested in running for the Board? If so, contact the office by January 31, 2008, by phone (402) 476-8091 or by mail (941 O Street #706, Lincoln NE 68508), or by email info@aclunbraska.org and we will pass on your information to the Nominations Committee. (Or see p. 6 for information on the petition process.)

DEATH PENALTY IN QUESTION, AND ACLU ASKS EVEN MORE QUESTIONS

—Amy Miller, Legal Director

As both the US Supreme Court and Nebraska Supreme Court consider whether now is the time to abolish the death penalty, ACLU Nebraska has been asking some hard questions about Nebraska's electrocution procedures.

Earlier this year, ACLU Nebraska used the open records laws to obtain documents from the Department of Corrections. We wanted to know how the policies about use of the electric chair were developed. Since we're going to be killing human beings with your tax payer money, you might be interested to learn what those documents revealed.

Nebraska changed the "protocols" for death by electrocution in the last year.

"Protocols" are a sanitized way of describing the amount of volts, ohms, or joules we use to kill the human beings the state is punishing for killing. Since the old policies about the amount of volts had been thrown out by a judge, the Department of Corrections needed to shop around for a new method.



This couldn't have been an easy task for the DOC. After all, there is not a single other state using electrocution to kill people anymore, so the warden couldn't just phone across state lines to get advice. The other states with the death penalty are all using lethal injection, and though some still have an old electric chair around as a backup, it's just not considered humane enough to be used anywhere. Anywhere but Nebraska, that is. Even if we did ask some other state, we'd have trouble with the age of our equipment: Nebraska is still using an electric chair built in the 1920's. Unless someone familiar with technology from the era of the Model T Ford had suggestions, we needed expert help to decide what to do the next time we used the chair.

Confronted with the need to find an expert, the DOC hired a doctor as a consultant for the new protocols. Dr. R.K. Wright of Florida wrote out his prescription for death that will be implemented the next time we electrocute someone--unless the justices of the Nebraska Supreme Court

Nebraska's protocols for killing a living person are based on one expert opinion, and only one. Shouldn't we get at least a second opinion?

decide to hold this outdated form of death is simply too grotesque for the modern era. Dr. Wright (for a cost not disclosed to Nebraska taxpayers) spent hours doing his research before making a recommendation. According to the documents disclosed through our request, we know exactly how in-depth that research was. Dr. Wright consulted medical journals and solemnly quotes the *New York Medical Journal*. Not a recent edition, unfortunately: he used an article from the year 1892. That's not a typo: he's relied upon medical records from over 100 years ago in order to provide the best advice on how to kill a man today.

The rest of Dr. Wright's recommendations are just as disappointing. He cites a study in Mexico where doctors electrocuted dogs and suggests those results might be helpful to us. He assures the DOC that Tennessee's electric chair tested out just fine earlier this year,

(Continued on page 8)



Cartoon by Cam Cardow, Ottawa Citizen

VICTORIES OUTSIDE OF COURT

Since filing lawsuits is expensive, we try hard to resolve every complaint with negotiation first. Those cases don't make headlines in the paper, but here's just a few of the happy endings that ended just short of the courthouse steps in the last few months:

Proselytizing in Public Housing: Residents at the Bridgeport public housing apartments complained to ACLU about the staff engaging in religious proselytizing to them. The housing unit is for elderly people as well as low-income individuals and people with disabilities. They reported the staff led residents in forced prayer before letting them ride in the housing unit's van for shopping trips, refused to rent the Harry Potter movies for the common room "movie night" due to the witchcraft themes in the films, and even attempted to tell one woman that a skull-shaped candlestick in her room was Satanic and should be removed. ACLU contacted the housing board of supervisors and the Bridgeport Housing Authority, and received assurances the practices were not approved and would be stopped. Employees have been re-trained about appropriate respect for residents' individual religious beliefs.

Public Library Internet Censorship: A man from a small central Nebraska town contacted ACLU when he was informed he couldn't use library computers to access any websites with "inappropriate" content. "Inappropriate" was not defined, but the library did specify that dating sites such as Match.com and eHarmony were prohibited too. ACLU contacted the library to advise them the US Supreme Court has held that while library computer filters are legal, an adult has the right to receive access to an unfiltered computer on request. We also contacted the Nebraska Library Intellectual Freedom Committee about the situation and asked the Commission to help the library in developing a better policy that complied with the First Amendment. The library has agreed to change their policy.

DON'T WAIT '08 FOR 08

Defend Freedom Now

With your help, ACLU is going to put all 535 members of Congress on the record by asking two simple questions: Will you defend the Constitution? And will you defend it now? Alongside ACLU members across the country, we'll be demanding every member of Congress to answer "yes." Answering yes means each official promises to stand up to act as we believe our nation's founders would have done on these critical issues:

- * End rampant surveillance and warrantless spying on Americans. It's been over a year and half since we found out our own government has been tapping our phones and reading our emails. Since that time, the Senate Judiciary Committee asked the Bush Administration for information by issuing subpoenas to the White House, Vice President and Justice Department. The deadline for compliance was July 18—and that date has come and gone without action by Congress. We need all House and Senate members to agree to revoke these spying powers permanently.

- * Shut down Guantanamo Bay and give those held there access to justice. Prisoners held as part of the so-called war on terror are being held indefinitely, neither tried for crimes nor released for innocence. This has become a national shame, especially as reports leaked from the prison indicate that torture, desecration of the Koran and other abuses are routine. The only solution? Shut down the prison.

- * Stop torture and extraordinary rendition (secret kidnapping of people and sending them to countries that torture). The Bush Administration and Congress have ignored their obligation to end the CIA's secret "extraordinary rendition" program. ACLU has filed suit on behalf of several men who were snatched up by the CIA and transported to secret, overseas locations where they were tortured and treated in a degrading inhumane manner before being released. While those lawsuits will proceed, Congress needs to acknowledge this unlawful kidnapping program and act to stop it once and for all.

WHAT YOU CAN DO: Sign up for ACLU action alerts online to let us help you contact your elected representatives. Visit www.aclu.org and click on "Action Center."

NOTICE FOR PETITION PROCESS TO NOMINATE BOARD MEMBERS

In addition to the ACLU Nebraska Board Nominations Committee process described on page 3 of this newsletter, any individual member of ACLU Nebraska may make a nomination of an ACLU Nebraska member to be included on the ballot for the board elections. In order to submit such a petition, you must have 2.5% of the total members sign a petition for the nominee. At current time, that requires 39 signatures of current members (2.5% of 1569 members). Petitions must be delivered to the Board Secretary Rachel Yamamoto no later than March 20, 2008.

If you have questions, please contact ACLU Nebraska Executive Director Laurel Marsh at (402) 476-8091 or info@aclunebraska.org or 941 O Street, #706, Lincoln NE 68508. Petitions should be submitted to the ACLU Nebraska office, addressed in care of Board Secretary Rachel Yamamoto.

EXECUTIVE DIRECTOR'S MESSAGE



In October I celebrated my first anniversary as Executive Director of ACLU Nebraska. When I started last year, I was interviewed by A'Jamal Byndon of KIOS radio in Omaha. A'Jamal asked me if the ACLU was a liberal organization or a conservative one. I panicked briefly. I had not thought of ACLU in quite those terms. My reply was that we are cast as a liberal organization, but we have a very conservative job. Our mission is to *defend and promote the individual rights secured by the United States and Nebraska Constitutions.*

This is it. This is what we do. We defend the rights granted to us in a 200 year-old document. Pretty darn radical, aren't we?!

Some of the ideas and rights are even older. Take the Magna Carta, *The Great Charter*, signed by King John at Runnymede on June 15, 1215. The Magna Carta contains several famous promises. One says that "No freeman shall be taken or imprisoned or disseised [dispossessed] or exiled or in any way destroyed, nor will we go upon him nor send upon him, except by the lawful judgment of his peers or by the law of the land." The right to *Habeas Corpus*, a legal paper ordering authorities to produce a prisoner in court, developed from another promise in the Magna Carta. The king promised not to hold a man for any length of time without granting him a hearing.

These promises, the cornerstone principles of English and American liberty, are topics

we now discuss with students in our educational programs.

ACLU Nebraska has an attractive education program. So far this fiscal year we have spoken in person to a combined audience of 1465 people. Many of our presentations are to high school or college classes. We talk about ACLU's "Safe and Free" agenda, which seeks to end torture and warrantless wiretapping, close the prison at Guantanamo, and restore habeas corpus. These issues are all current examples of the ongoing struggle to protect our Constitution.

After King John signed the Magna Carta, the struggle did not end. He made plans to subdue the nobles and to deny the rights he had given them. King John was still at war when he died in 1216. **Now it is our turn to decide in what type of society we wish to live.**

Singer Bruce Springsteen put it this was during a "60 Minutes" interview on October 7, 2007: "*We've seen things happen over the past six years that I don't think anybody ever thought they'd ever see in the United States. When people think of the American identity, they don't think of torture. They don't think of illegal wiretapping. They don't think of voter suppression. They don't think of no habeas corpus. No right to a lawyer...you know. Those things are anti-American.*"

Thank you for being a member of ACLU Nebraska. If anyone ever asks you why, you can say it's because King John is once again challenging the promises made in the Magna Carta.

~ Laurel Marsh
Executive Director



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(Death Penalty, continued from p. 4)

but that was during a trial run with no human body: Tennessee hasn't electrocuted anyone in the last 45 years. Perhaps it's unfair to expect more accurate or reliable advice from just this one doctor.

What other advice did the DOC get before settling upon using Dr. Wright's protocols? Well, now, that's an embarrassing question for the DOC. Because they didn't get a second opinion. We asked for all the opinions obtained, and the prison responded there were no such documents--Dr. Wright is the only one they asked. The DOC might not have found any other doctor who would give an opinion, though, since the American Medical Association has recently said a doctor violates her Hippocratic oath if she participates in an execution in any manner.

In early December, 2007, the Attorney General asked the Nebraska Supreme Court to stay any decision about the constitutionality of our electric chair until the US Supreme Court makes a decision in cases involving the humanity of lethal injection. Perhaps even the AG's office is feeling uncertain about our current procedures? Relying on ancient technology, untested advice and the opinion of only one hired hand: sounds like a consumer nightmare, but that's the plan in place if Nebraska revs up the machinery of death again. Let us hope the Nebraska Supreme Court saves us from our own folly and outlaws the chair.