



American Civil Liberties Union of South Carolina Foundation

*Because Freedom Can't Protect Itself*

# NEWSLETTER

*Fall 2014*

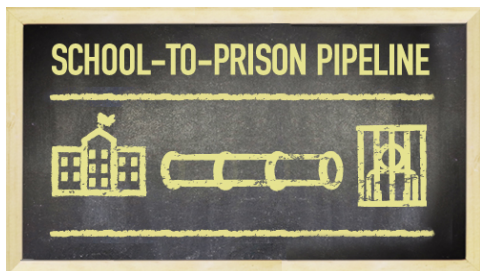
## Give Kids a Chance in South Carolina

Let's call him T.L.

Like most children who have experience with the juvenile justice system, T.L.'s problems started in school.

When T.L. was 16, he was expelled for skipping high school. After leaving school, T.L. ended up getting arrested for stealing. The judge sent him to a locked "evaluation center" in Union, where he was incarcerated for weeks just to have a social worker interview him.

Luckily, T.L. was referred to an alternative-to-incarceration program and connected with a trained mentor who was always there to talk to and to help him stay on track. Now, one year later, T.L. has stayed out of trouble, plans to earn his G.E.D. and join the military.



If the school administrators in T.L.'s high school had employed a positive discipline approach and tried to re-engage him rather than expel him, T.L. might not have lost a year in school and ended up in the court system.

The long-term harmful effects of detaining children have been extensively researched. Even very short stays in detention decrease the likelihood he or she will return to school and increase the chances that a child will get re-arrested.

Sadly, T.L.'s story is not unique. Every year, schools are pushing out thousands of students for minor disciplinary infractions. Behavior that in the past would send students to the principal's office is now landing them in court.

Under South Carolina's *Disturbing Schools Law*, "obnoxious" behavior such as mouthing off to a teacher or fighting can lead to an arrest and entry into the juvenile justice system.

Because of overly punitive policies, many South Carolina students become ensnared in the juvenile justice system, where they may be locked up in juvenile jails and prisons and locked out of positive opportunities like college and gainful employment.

Our municipalities are facing a youth incarceration crisis. The majority of children in South Carolina's juvenile facilities are confined for non-violent offenses or technical violations of probation or other court mandates.

Only 8 percent of children admitted to the South Carolina Department of Juvenile Justice (DJJ) in FY 2012-13 were convicted of serious and violent offenses. Fully 51 percent of children in the state's juvenile facilities were confined for violating probation or for contempt of court in FY 2011-12.

The ACLU of SC has joined forces with parents, community members and other civil rights and civic organizations to launch the **Give Kids a Chance Campaign** around our state.

With the help of our Youth Justice Advocate, Tracey Tucker (*pictured below*), we plan to promote positive discipline in schools in lieu of punitive policies like the *Disturbing Schools Law*.

When kids do go to court for non-violent offenses, they should receive community evaluations instead of being locked up in juvenile justice centers.

We also want to expand community-based programs to reduce the number of children languishing in juvenile jails and prisons. Alternative programs have been proven to reduce youth crime and improve outcomes for children.

We need a multi-pronged approach to keep kids in school and out of jail. **With your help, it can be done!**



**From the President**  
**Reverend Joseph Darby**



With election day looming on November 4, everyone in South Carolina has an opportunity to exercise an important right.

You can vote in another way as well, and that's by supporting the ACLU of SC with contributions that

make it possible to do its vital work of protecting everyone's civil liberties. The right to vote, even if you don't have a photo ID. The right not to be discriminated against because of your race, ethnicity, religion or sexual orientation. The right to fair treatment by the police, regardless of your income or social standing. A woman's right to make her own personal decisions about her reproductive health care, without politicians' interfering. The right to be heard, even if your neighbors don't like what you're saying.

Your support enables the ACLU of SC to stand up for the rights of the vulnerable: Children who are locked up for doing things no adult would be arrested for. Homeless people who aren't welcome in the public square. People who are treated in unjust ways because of their ethnicity. Transgender youth who are bullied by their classmates and by adults in authority who should know better.

**You may not always agree with all of the cases that the ACLU of SC takes on, or all the policies it advocates. But you know that the organization stands – 100% – for the constitutional rights of us all.**

So thank you for standing with the ACLU of South Carolina. Your support is invaluable. And please remember to exercise your right to vote!

## Investing in Change

As a donor to the ACLU of SC Foundation, you ensure our ability to fight for individual freedoms and rights.

Your tax deductible gift enables our critical presence as South Carolina's leading guardian of liberty and justice for years to come.

If you have already made a gift, *thank you!* We will continue to be good stewards of your generosity as we do all that is possible to defend the Constitution and Bill of Rights.

If you are interested in making an even greater impact, please make a donation in the envelope provided or online at:

[www.aclusouthcarolina.org](http://www.aclusouthcarolina.org)

**From the Executive Director**  
**Victoria Middleton**



**In 2014, working with national ACLU strategists, we held the line in protecting a woman's access to basic health care in South Carolina and her right to make the best decisions for her health and her family without politicians interfering.**

With our coalition partners, we stopped four dangerous bills from becoming law. These included a bill that would criminalize a doctor who provides an abortion after 20 weeks in pregnancy, even when a woman needs one because she has received a complicated diagnosis about her pregnancy or her health is threatened.

Another bill would have required a doctor who provides abortion to have admitting privileges at a local hospital. This has little to do with patient care but is instead intended to shut down clinics and end access to safe, legal abortion for many women.

Two extreme personhood bills would have banned all abortions by granting legal rights to fertilized eggs, making some forms of contraception illegal, preventing couples from obtaining fertility treatment, and denying a pregnant woman life-saving medical treatment for a disease if it might harm a fertilized egg.

**We know that these and other threats to women's reproductive health are likely to resurface in the coming legislative session. We need your help to defeat them.**

Other ACLU of SC legislative priorities include passing bills that would require law enforcement to have a warrant to search your cell phone or laptop or to deploy drones – unmanned aerial vehicles with cameras. These measures protect the privacy of citizens and ensure proper oversight.



We will continue to advocate for police use of body cameras and "dash cams" to record stops. In other communities, these devices have been shown to lessen abuse of authority and increase public safety, if properly deployed and monitored.

And we're excited to be part of a new statewide campaign to **Give Kids a Chance** (page 1). To keep kids in school, not in jail, we'll be raising awareness of the problem of criminalizing childhood, presenting positive alternatives to locking kids up, and advocating for new legislation that will reduce the incarceration of young people.

# GET READY TO VOTE

## Midterm Elections November 4, 2014

Midterm refers to the general elections that are held two years after the four-year elections for the President, near the midpoint of the four-year presidential term. Federal offices up for election are all seats in the U.S. Congress and, in South Carolina, both U.S. Senate seats. In addition, South Carolina voters will elect their governor, many state legislators, and other state and local public offices.

Unfortunately, midterm elections usually generate lower voter turnout than presidential elections. Only about 40% of those eligible to vote actually go to the polls in midterm elections. *Let's reverse that trend.*

### **Are you ready to Ace the Midterms?** *Test your voting knowledge.*

1. Women make up what percentage of the state legislators in South Carolina?  
A. 13%      B. 25%      C. 36%      D. 50%
2. In the 2014 Midterm Elections, 124 seats are up for election in the South Carolina. State House of Representatives. How many of those running to fill those seats have no major party opposition?  
A. 94      B. 78      C. 45      D. 25
3. Which of the following are acceptable reasons for not presenting a Voter Photo ID in South Carolina?  
A. Cannot afford a replacement birth certificate      B. Wallet was lost in the ocean  
C. Religious objection to being photographed      D. All are correct.
4. Where are full-time college students allowed to vote?  
A. Home state (for out of state students)      B. Home town/district (for in-state students)  
C. Where they attend college      D. All are correct.
5. Who determines ordinances regarding bar/restaurant closings, noise levels, zoning for businesses and residences, and bicycling or skateboarding on city streets?  
A. Police      B. Local elected officials      C. Chamber of Commerce      D. State Legislature

(Answers on page 5)

**The ACLU of South Carolina does not endorse or oppose any candidate or party.**

Our mission is to provide information on voting laws, restrictions and regulations so that all citizens can be well-informed of their voting rights when they go to the polls on November 4<sup>th</sup>.

Please visit our website – [www.aclusouthcarolina.org](http://www.aclusouthcarolina.org) – for complete information on voting rights.



# SNAPSHOTS FROM THE LEGAL DOCKET

*Susan Dunn, Legal Director*

## Recognition of marriage

On October 6, the U. S. Supreme Court denied certiorari in all circuit court cases dealing with the recognition of same-sex marriages. That denial rendered final the Fourth Circuit's decision in *McQuigg v. Bostic* (a Virginia case), which found that state same-sex marriage bans violate the United States Constitution. South Carolina is part of the 4th Circuit.



*October 8, Freedom to Marry Press Conference and Rally Susan Dunn, Legal Director of the ACLU of South Carolina, 2<sup>nd</sup> from left*

Relying on the *Bostic* decision, the Charleston probate judge accepted an application for a marriage license on October 8. The S. C. Attorney General filed an action in the South Carolina Supreme Court asking that the judge be restrained from issuing such an order until after the United States District Court rules in the case which challenges the marriage ban in South Carolina.

When the SC Supreme Court opened on October 9, we, along with attorneys working with SC Equality, filed a motion to intervene on behalf of the couple who had submitted the first marriage license application in Charleston.

The SC Supreme Court granted our motion to intervene and proceeded to order all Probate Judges to wait until the decision in the US District Court on the SC case before Issuing marriage licenses to same sex couples.

## Choice of Name after Marriage

In October 2013, Judith, a resident of South Carolina, married Kirsten in Massachusetts. Judith chose to use Kristen's surname after the marriage. Judith took her marriage certificate to the Social Security Administration, and her records were changed to reflect her new name.

But when Judith presented her certificate of marriage and Social Security card to the SC Department of Motor Vehicles to request a new license in her chosen name,

she was instructed to get a court order. A party to a heterosexual marriage is allowed to request a name change to his or her chosen name upon presentation of an original marriage license from any state.

We expect to file in the US District Court in Columbia in the near future, if the state fails to rescind its unconstitutional policy.

## Redistricting – Jasper County School Board

The 2010 census revealed that the Jasper County School Board single district lines needed to be redrawn to accommodate changes in population concentration. The South Carolina Legislature failed to pass a redistricting plan.

The ACLU and ACLU of SC filed suit in the US District Court Beaufort Division. In September, we obtained a favorable summary judgment which found present districts to be unconstitutional. All elections are stayed until new lines can be drawn.

As part of the mediation, ACLU of SC will participate in public hearings in Jasper County on the school board redistricting.

## Defending Voting Access

Since January 2013, when SC's Voter photo ID law went into effect, we have monitored as many certification hearings as possible. We will organize monitors for certification hearings in November. We now have volunteers in 25 of the 46 counties, and we are still recruiting.



We participated in voter education forums in Charleston, Columbia and Sumter. For those events and also for general distribution, we created Ace the Midterms Voter Education packets and voter information cards in paper and digital formats.

*(Sumter forum pictured at right.)*

We helped with a telephone survey which asked what the 46 counties require when an ex-felon registers to vote. We have found a lack of consistency. Some counties require written proof that the criminal sentence is completed. Others do not. Litigation is a possibility

Check our website, [www.aclusouthcarolina.org](http://www.aclusouthcarolina.org), to download this information and to take our voter quizzes if you haven't already done so.

# Mark Your Calendars for the 2015 Annual General Membership Meeting

**January 24, 2015 – 10:00 AM**

**Charleston, South Carolina**

**Venue and program will be announced soon.**

**Please be on the lookout for the annual Election Mailing. You will be electing new members to the Board of Directors in December of this year.**

**Only members in good standing will receive ballots for the election. If you are not sure of your membership status, please call (843-7230-2423 x2) or email (info@aclusouthcarolina.org) for a status update**

## Education & Outreach

### **FIRST AMENDMENT: September 22**

Read-Out at the Halsey Institute in Charleston to mark 2014 Banned Books Week. A standing room only crowd heard noted Lowcountry authors read selections from their favorite banned books to decry censorship and celebrate the First Amendment guarantees of freedom of speech and thought.



### **ENDING THE SCHOOL TO PRISON PIPELINE: September 17**

School to Prison Pipeline Community Forum at College of Charleston. ACLU of South Carolina Legal Director Susan Dunn (pictured second from left) participated in the panel and Board member Heath Hoffmann (not shown) moderated the discussion. Public education will be a key component in addressing school discipline problems in our state.

**SHOWING OUR PRIDE at the summer statewide events: June 8 – SC Black Pride in Columbia, August 9 – Charleston Pride, September 13 – Upstate Pride in Spartanburg, and September 20 – SC Pride in Columbia.**



*\*Answers to page 3 quiz questions: 1A, 2A, 3D, 4D, 5B\**