



ACLU

AMERICAN CIVIL LIBERTIES UNION
of SOUTH CAROLINA

Because Freedom Can't Protect Itself

NEWSLETTER

Spring 2014

American Civil Liberties Union of South Carolina Foundation

From the President of the Board

Reverend Joseph Darby

Fifty years after the passage of the landmark Civil Rights Act, we in South Carolina are fighting re-segregation in our schools, voter suppression, racial profiling, and other forms of discrimination that are now institutionalized in our education and criminal justice systems. Hidden racism in our institutions calls for a smart and strong response, and that is where the ACLU of South Carolina makes a difference.



1960 demonstration for civil rights outside GOP convention hall, Chicago, Illinois.

Who is most impacted by laws to combat statistically nonexistent voter fraud?

In some states, a concealed weapon permit is allowable voter identification but a student ID is not. Why should seniors, who were born at home and are identified on their birth certificates as "baby boy" or "baby girl," spend precious funds going to court to straighten things out?

The ACLU of South Carolina continues to fight against voter suppression measures and for ways to improve the election process—like early voting, more polling places, easier voter registration, and training for poll workers. We are working toward a system that guarantees fair elections and doesn't disguise legalized voter suppression as zeal to "combat voter fraud."

Who is more likely to be pushed out of school for minor infractions of discipline, less likely to be diagnosed with mental, emotional or physical disabilities, and most likely to be arrested and sent on the 'school to prison' pathway?

Children and adults of racial and ethnic minorities are over-represented in our juvenile and adult corrections facilities in South Carolina.

Even though evidence exists to show that children of color are no more likely to "act out" in school and that young people of color are less likely to use marijuana than whites, they are more likely to come in contact with the criminal justice system.

These violations of constitutional rights to due process and equal treatment come at a heavy cost to our state—in graduation rates, work force development, health and safety.

The Importance of the Youth Vote

Roysean Philson & Hannah Swanson, Interns

Students want to be heard, but judging by the low turnout among youth voters, students can underestimate the role voting can play in voicing their opinions.

As part of our spring semester internships at the ACLU of South Carolina, we created a project to encourage students at the College of Charleston to become active participants in the political life of their communities by voting.

Along with the Office of Multicultural Student Programs and Services, we organized a forum on voter awareness and access. Students heard how their votes can make a difference, how a very small number of votes can determine an election and why voting is the best way to weigh in on issues affecting our lives.

Susan Dunn, Legal Director at the ACLU of South Carolina; Dr. Marguerite Archie-Hudson, of the Political Science Department; state senator Marlon Kimpson; and Joe Debney, Executive Director at Charleston County Board of Elections and Registration spoke on issues ranging from the history of voter suppression to how public policy and election laws are made.

The Charleston County Election Commission was on hand to register voters and take voter ID pictures and promised to return to campus in the fall to register more students in time for the November 4th elections.

The forum will be a model for voter events that will be shared with campuses throughout the state.

We are graduating and moving on to life after college, but we are pleased that our ACLU of South Carolina internship successors will continue this project.

The 2014 elections are midterms all students should "ace."



Millicent Brown (l) ACLU of SC Board member and Hannah Swanson at the forum.

Annual General Membership Meeting

The ACLU of South Carolina held its 2014 general membership meeting in Arnold Hall of the Sylvia Vlosky Yaschik Jewish Studies Center at the College of Charleston on Saturday February 1.

Board President Joseph Darby introduced the Board of Directors, a diverse group of civic activists and leaders from throughout South Carolina. He then welcomed members from around the state, noting that they play a vital role in educating the public and advocating for civil liberties.

Jay Stanley, Senior Policy Analyst with the Speech Privacy and Technology Project of the ACLU, gave the keynote address, **“Big Brother in your back yard: Why you should worry about the surveillance state.”**

Jay has authored and co-authored a variety of influential ACLU reports, including “Protecting Privacy from Aerial Surveillance” (with co-author Catherine Crump, 2011), which helped bring the privacy issues surrounding domestic surveillance drones to public awareness, and “The Crisis in Fourth Amendment Jurisprudence” (2010), published by the American Constitution Society.

Following the keynote address, Executive Director Victoria Middleton briefed on the past year in review, highlighting the affiliate’s work in public education, advocacy and litigation. She also summed up priorities for the 2014 legislation session, including amendments on voting rights, threats to reproductive health and equal protection.

Attendees at the Annual Membership Meeting listened closely to Jay Stanley (pictured below) and took part in a lively question and answer session.



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Investing in Change

As a donor to the ACLU of South Carolina 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 a greater impact on justice for our most vulnerable neighbors, please call or e-mail:

Ali Titus, Director of Development
843-720-1423, ext.4
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From the Executive Director

Victoria Middleton



“Traveling hopefully”—that’s how Roger Baldwin, an ACLU founder, described the progressive battle to secure constitutional rights to all Americans, not just a privileged few.

We ACLU members and supporters always have our eyes on the goal, but we know that “hope is not a strategy.” So we are strategic in using advocacy and litigation to bring about positive change in South Carolina. Here’s a brief recap of our advocacy in recent months:

Reproductive freedom We have played a vital role in fighting extreme bills in the Statehouse that threaten a woman’s reproductive health and her right to make her own decisions about her medical care.

One bill would ban late term abortions that are very rare and usually done only when a severe fetal anomaly is detected, or to save the health and life of the mother. Another requires clinic physicians to have hospital admitting privileges and be board certified in a specialty.

These bills would make treatment unavailable to those women who most urgently need care and would criminalize a legal medical procedure.

Dr. Julie Bindeman (*pictured below with her youngest child*) travelled from Maryland to Columbia to testify against the 20-week ban at the Senate Medical Affairs Committee meeting on April 30.

Several years ago, during a routine 20-week ultra-sound, Julie did not hear what she had hoped. She learned that her pregnancy had developed a severe medical condition that could not have been diagnosed earlier.

After meeting with specialists, much discussion and with the support of her family, Julie and her husband made the heart-wrenching decision to terminate the pregnancy.

It was brave of Julie to testify. She understands—as a woman who experienced this firsthand and as a psychologist who now treats women who have reproductive problems like her own—that it is painfully hard for a woman to come forward with such a story. Many things can happen in pregnancy, and Julie’s story illustrates that our legislators should not presume to know what is medically best for South Carolina families.



Warrantless searches We testified in support of a landmark bill (H 4791) that would require law enforcement to obtain a warrant before searching electronic devices. It protects constitutional rights to freedom from unreasonable searches. The bill assures the same protections to the electronic equivalent of photo albums, personal mail, and medical paperwork that are already guaranteed by the Fourth Amendment and applicable state law. We will continue to stand for the right to privacy and freedom from unwarranted government intrusion.



LGBT rights We submitted testimony on the “Workplace Fairness” act (H 4025) that would prohibit discrimination in the workplace against LGBT employees, and we participated in an LGBT equality summit in Columbia in January. On April 15, Tax Day, we rallied against the discrimination faced by South Carolinians in same-sex marriages who are not allowed to file joint returns, despite changes in federal law.

First Amendment When the South Carolina House cut funding for two state universities over LGBT-themed books, we worked with the National Coalition against Censorship to send a letter to the Senate Finance Committee of the South Carolina legislature urging restoration of funding. Censorship threatens the core of academic freedom and inhibits the free exchange of ideas. As ACLU members know well, the First Amendment was intended to protect speech we don’t all agree with. Politicians shouldn’t be in the business of dictating what we think and what students may read.

**Please continue to stand with us.
You make the difference.**

Your support encourages and inspires us. You helped us beat back a voter suppression bill and neutralize the worst provisions of an anti-immigrant law. You helped us end the segregation of HIV-positive inmates in SC prisons—the last state to do so. You are helping us to advance marriage equality in our state and to end homophobic discrimination in schools, offices, and government agencies.

When politicians use religion to discriminate, interfere with a woman’s reproductive health decisions, censor books, deny a legal name-change to a same-sex married couple, or block legislation that would permit medical marijuana to be used for vital treatments—we are there to tell them “NO.” By supporting us, you are there too!

Report from the Legal Director

Susan Dunn



Anti-Immigrant Litigation Along with the National ACLU Immigrant Rights Project and other civil rights groups, we initiated a law suit seeking to block enforcement of SC's anti-immigrant legislation. The 4th Circuit affirmed the injunction in that case and sent the case back to the US District Court in Charleston for trial.

This case was settled in March 2014. The State agreed to a narrow interpretation of the statute, which should limit unconstitutional law enforcement detentions.

Freedom to Marry after Windsor After the ACLU's landmark Supreme Court victory in the Windsor case in 2013, many people are eager to test the constitutionality of the South Carolina marriage restriction amendment.

With allies such as South Carolina Equality, we have formed a legal advisory team that has established a coherent legal strategy for this state. The task force presented a seminar on modern family issues for the South Carolina Bar on March 14th.

We continue to assist individual plaintiffs with problems arising from living in a state that does not recognize their legal marriage, although federal law does. These include choice of name after marriage, custody issues, and joint filing of taxes by same-sex couples.

Debtors' Prisons We have submitted FOIA requests to obtain the jail records of the populations in six county jails on February 1, 2014. Our goal is to evaluate how many inmates were serving sentences issued by courts that appear to provide no indigent defense, including people incarcerated for failure to pay child support and juveniles held in juvenile facilities. Analysis of this snapshot should reveal the number of people jailed for non-violent offenses and held because they lack money to pay fines or meet bail. This investigation will build upon the work we have done to identify municipal and magistrate courts with non-existent or inadequate indigent defense.

Public Forum Protection, City of Charleston We identified potential plaintiffs to challenge the City of Charleston statute that is being used to arrest individuals who peacefully panhandle, street musicians, and artisans who make and sell palmetto roses. We then met with senior attorneys for the city.

The City acknowledged that the ordinance in question has serious deficiencies and agreed to modify it to protect residents' constitutional rights. We are reviewing the modifications and meeting with other advocates for the homeless in reviewing the ordinance.



School to Prison Pipeline To end school push-out over routine discipline issues in South Carolina schools, we are launching a campaign to keep kids in school, not in jail. We have received a grant to hire a community organizer to lay the foundation for school discipline reforms.

The organizer will assist in investigating the use of police in discipline and over-criminalization of students at school and will also lead our effort to combat detention for youthful offenders. Too many children are arrested for status offenses like truancy and "disturbing schools," for which no adult would be charged.

Sadly but unsurprisingly, students of color are suspended, expelled and arrested disproportionately to their number in the overall school-age population. South Carolina needs new approaches to school discipline to produce fairer outcomes and more successful school graduates.

Defending Voting Access We helped organize a hearing relating to the continued importance of the National Voting Rights Act on February 6th in Columbia. We presented testimony relating to the application of the reasonable impediment provision of the Voter ID legislation.

Since January 2013, when South Carolina's Voter photo ID law went into effect, we have monitored as many local election certification hearings as possible and trained volunteers to continue the monitoring. We are sharing this training module with interested voting rights partners and actively monitoring any voting changes ahead of the 2014 primary and mid-term elections.



Dr. Marguerite Archie-Hudson (l) and Susan Dunn (r) at the College of Charleston Student Voters Forum on April 14. (See story page 1)

Advocacy & Education – Coming Soon



Time to plan for PRIDE parades and festivals

We need your help—please join us to march and stand up for equality with ACLU of South Carolina at the festival.

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| South Carolina Black Pride | June 28 | Columbia |
| Charleston Pride | August 9 | Charleston |
| Upstate Pride | September 13 | Spartanburg |
| South Carolina Pride | September 20 | Columbia |

Watch for Banned Books Week this September

Check our website and follow us on Facebook and Twitter for current information on events during Banned Books Week. Celebrate the First Amendment and freedom from censorship.

www.aclusouthcarolina.org



Recent Advocacy & Education

Fall & Winter 2013 Statewide Citizen Advocacy Training. Participants heard from elected state representatives and advocates from the ACLU of South Carolina, Planned Parenthood and South Carolina Equality about how to have an impact in state policy-making by getting involved in the legislative process.



Trainings (left to right) Greenville, Columbia, Charleston



March 1 Conducted advocacy training for Students at the USC-Upstate School of Social Work in Greenville.

March 7 Participated in LGBT Strategy Summit in Columbia.

April 14 Co-hosted a Student Voter Forum at the College of Charleston.

April 25 Facilitated the Stand Against Racism community workshop at the YWCA of Charleston.



Pictured at left: Roysean Philson, College of Charleston senior and ACLU of South Carolina spring semester intern, moderated the April 14th Student Voter Forum.

Pictured at right: April 25th YWCA Stand Against Racism community workshop.



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