

# Virginia Liberties

Newsletter of the American Civil Liberties Union of Virginia Spring 2011

## Giles County Plays Dangerous Game with Religious Freedom

### *School District Unposts, Reposts, Unposts, Threatens to Repost Ten Commandments*

In a back and forth that alternately defied and embraced the First Amendment, the Giles County School Board took down framed copies of the Ten Commandments it had placed in public schools, then reinstated them after 200 parents showed up at a meeting to argue that students needed the Ten Commandments in their lives.

The Ten Commandments were removed again after the ACLU of Virginia threatened a lawsuit, but in a recent meeting the school board considered reinstating them, this time in the context of other historical documents.

The final chapter of the school board's on-again, off-again approach has yet to be written, but in recent rulings the U.S. Supreme Court



has made it clear that one of the most important factors in considering the constitutionality of government-posted copies of the Ten Commandments is whether the advancement of religion is a motivating factor.

Although the Ten Commandments may in most instances be displayed in public schools in the context of other documents, that does not erase the religious purpose behind the postings in Giles County Schools.

The Ten Commandments had apparently been displayed on the walls in Giles County schools for many years, until a complaint found its way to the superintendent, who consulted with the school board attorney before ordering their removal. That act sparked the heavily attended school board meeting that led to the reinstatement of the documents.

## Legislators Use Back Door to Close Doors of Abortion Clinics

In a last minute maneuver, legislators passed the worst anti-choice legislation seen in years. Just days before the session ended, Delegate Kathy Byron introduced an amendment to an unrelated Senate bill requiring the State Board of Health to issue regulations concerning infection protection and facility security in hospitals. Byron's amendment, in essence, reintroduced the TRAP bill (targeted regulation of abortion providers) by defining abortion clinics that conduct five or more abortions per month as a category of hospital.

TRAP bills, whose purpose is to impose expensive and burdensome staffing and facilities requirements on abortion clinics in order to drive them out of business, have been introduced annually in the General Assembly for the last half dozen years. They pass the House easily, but fail to survive the Senate Education and Health Committee.

In the 2011 session, the TRAP bill, introduced by Richard P. Bell, passed the House 66-33, but as expected was voted down in the Senate Education and Health Committee on a 10-5 vote.

The fight against this bill, however, is far from over, since it is the Board of Health that must create the new regulations. While hamstrung by the law's requirement that abortion clinics be treated as hospitals, the board could choose to apply professional medical standards to clinics, which hold that clinics are safe as they are currently regulated, or it could choose to overburden clinics with unnecessary regulations.

Take Action: Sign up to be a grassroots lobbyist at [www.acluva.org](http://www.acluva.org).

## Reproductive Rights Expert to Address ACLU Members

*Guttmacher Institute's Elizabeth Nash at ACLU of Virginia Annual Meeting in Richmond, May 21*

Guttmacher Institute Public Policy Associate Elizabeth Nash will speak at the ACLU of Virginia's Annual Membership Meeting on May 21 at the Friends Meetinghouse in Richmond. In a talk titled "Emerging Threats to Reproductive Rights in Virginia and Beyond," Nash will discuss both the impact of the recently passed Virginia law targeting abortion providers and national trends concerning women's reproductive rights.

The Guttmacher Institute is one of the nation's premiere advocacy organizations for the advancement of sexual and reproductive health. Nash coordinates the efforts of the organization's state team, which analyzes legislative, regulatory and judicial actions impacting reproductive health issues and develops Guttmacher's monthly State Policies in Brief series.

Nash is a graduate of the College of William and Mary and earned her Masters in Public Policy from The George Washington University. She has published several articles and fact sheets on states' policies concerning abortion, contraception, pregnancy, and sexually transmitted infections.

The ACLU of Virginia Annual Meeting is open to all members and guests. See details on back cover.



Elizabeth Nash

# From the Director

## Why We Care about Immigrants' Rights in Virginia

*Look no further than DMV's refusal to accept federal work papers as proof of residency.*

I am frequently asked by ACLU supporters about our immigrants' rights work--and typically the questions are not of the friendly sort. Why, they demand to know, is the ACLU opposing attempts to reduce the presence of undocumented persons in our communities?

The question is a good one, but it misses the point. The ACLU of Virginia is fighting laws and policies that undermine the rights of the entire immigrant population. Most of these measures broaden the authority of the government in ways that are intended to-- and will-- increase discrimination based on national origin.

In the real world separating truly legitimate laws from those built solely from bias is not always easy. But when the General Assembly introduces 150 bills in a single session that have little to do with undocumented persons and everything to do with making life harder for foreign-appearing persons, then something is awry.

And, when Prince William County proposed that the police conduct immigration status checks on all detained persons suspected of being undocumented, we knew the policy would not only increase profiling based on nationality, but that only detainees who appeared to be foreign would be subjected to the policy. County officials even proposed at one point that the gatekeepers at public libraries and recreational facilities be allowed to require proof of citizenship when they suspected a user was undocumented-- in other words, when their skin was brown or they spoke another language.

But nothing is more evident of the prejudice that propels this kind of discrimination than DMV's recent decision to refuse to accept the federal workers permit (called an EAD), as proof of legal presence for purposes of obtaining a driver's license -- a policy change that creates innumerable hardships on many legally present persons here in the country to work.



The incident that precipitated this policy-- a tragic car accident in which a drunk driver killed a nun-- had more to do with the issue of drunk driving than it did immigration. Yet an accident had occurred and because an immigrant facing deportation had caused the accident, it was clear that immigrants, as a whole, were going to be scapegoated.

Like the refusal of DMV to accept the EAD, most of what we see in the General Assembly and places like Prince William are anti-immigrant policies seeking to solve a problem that doesn't exist. The ACLU of Virginia places racial justice at the top of our agenda, and as long as elected officials keep trying to pass thinly veiled laws intended to discriminate against our immigrant communities, we'll be there to oppose them.

*Kent Willis, Executive Director*

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### **Virginia Liberties**

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### **Mark These Dates...**

#### **ACLU Annual Meeting, May 21**

2:00-4:00 p.m.

Richmond Friends Meetinghouse  
4500 Kensington Ave.  
(Entrance on Commonwealth Ave.)

#### *Presentation*

"Emerging Threats to Reproductive Rights in Virginia and Beyond"

Elizabeth Nash, Guttmacher Institute

*Meet and Greet ACLU Reception*

(following the presentation)

*We'd like to know if you'll be attending.*

Call us at (804) 644-8022 or email us at [acluva\[at\]acluva.org](mailto:acluva[at]acluva.org).

(Street parking is free and plentiful on Commonwealth Ave.)

#### **NOVA Chapter Crabfest, June 26**

Don't miss this annual ACLU tradition! Join the Northern Virginia Chapter of the ACLU on Sunday, June 26, from 1:00 to 5:00 p.m. at Fort Hunt Park, Area B, for crabs, hamburgers, hot dogs, veggie burgers, and more. Guest speaker: ACLU of Virginia Executive Director Kent Willis. For details, contact the NOVA ACLU Chapter at (703) 360-1096 or [novachapter\[at\]acluva.org](mailto:novachapter[at]acluva.org).

# ACLU of Virginia Legal Action

## Judge Reverses Ruling, Allows Lesbian Couple to Share Last Name

A Washington County Circuit Court judge has reversed his previous ruling in which he prohibited a lesbian woman from changing her name to be the same as her partner's. The ACLU represented Leigh Anne Ruth Hunter and Jennifer Beth Surber, both of whom had petitioned the judge to have their names changed to Hunter Surber.

The judge originally granted Surber's name change, but denied Hunter's, holding that the couple's aim was to appear married, which is prohibited under Virginia law. ACLU Legal Director Rebecca Glenberg argued that the name change did not violate state marriage laws because it did not carry with it any rights or obligations of marriage, and that failing to grant the name change would be in violation of the constitutional right to equal protection under the law.

The ACLU also represents a gay couple, Brian Justice and Michael Dye, who were married in Iowa and live together in Virginia. In 2009, they filed in court to have their names changed to "Dye-Justice," but their application was denied by the same judge and for the same reason as Hunter. Following our victory in the Hunter Surber case, the couple reapplied for a name change.

## State Supreme Court Upholds Right to Petition in 'Gloucester 40' Case

The Virginia Supreme Court has ruled in favor of the "Gloucester 40," a group of citizens who attempted to use an obscure state law to remove from office four members of the Gloucester County Board of Supervisors. In 2008, the group filed removal petitions as prescribed by law, but the judge dismissed the case based on technical flaws in the design of the petitions and fined the group \$80,000. Pressured by us and others, the General Assembly soon thereafter amended the law to prevent judges from ordering sanctions in removal petition cases. However, because the new law was not retroactive, the fines remained in place. The ACLU of Virginia and the Thomas Jefferson Center for the Protection of Freedom of Expression filed amicus briefs supporting the Gloucester 40.

## Richmond Police Drop Suit against Anarchist Group for Return of Documents Obtained through FOIA

The Richmond Police Department drew the public's attention to documents that they hoped to keep confidential when they filed a lawsuit seeking the return of the documents from Mo Karn, a member of a local anarchist group. Karn obtained the police manuals and other papers using the Freedom of Information Act, and then posted them on a website managed by her collective.

Richmond Police Chief Bryan Norwood sought to compel Karn to return the documents, arguing that they should never have been released in the first place. However, court precedents state that once the government makes information public, even in error, it cannot then control the dissemination of that information. After the ACLU intervened on Karn's behalf, the Richmond Police dismissed the case.

### In Brief...

#### ***Wikileaks Investigation: Court Says Government Permitted to Collect Records of Twitter Users***

A federal magistrate judge ruled that the government in its investigation of Wikileaks can compel Twitter to provide information about its users, including the IP addresses from where users tweeted and identifying information concerning anyone with whom those users communicated via Twitter's private messaging feature. The court rejected the ACLU and the Electronic Frontier Foundation's arguments that the order violates users' free speech and privacy rights. Citing the First Amendment, the ACLU and EFF also filed a motion to unseal orders against other social networking sites to reveal information about users. This motion was rejected by the magistrate judge, who ruled that secrecy protects law enforcement and prevents the destruction of evidence.

#### ***ACLU Defends Right to Post Anonymous Reviews***

The ACLU and Public Citizen filed papers in March on behalf of five individuals, who anonymously posted negative online reviews of a San Francisco plastic surgeon. The surgeon claims the individuals conspired to defame her and subpoenaed Google for their identities. By filing her case in Virginia, the surgeon seeks to avoid a California law that provides penalties for lawsuits filed for the purpose of stifling speech on matters of public interest. We and Public Citizen argue that the surgeon is trying to intimidate her critics into silence by suing them.

#### ***Virginia Supreme Court to Rehear AG's Demand for UVA Records Related to Climate Scientist***

The Virginia Supreme Court has agreed to hear Attorney General Cuccinelli's appeal in his attempt to compel the University of Virginia to hand over documents, including emails and research materials, related to former University professor Michael Mann. The AG claims to be investigating allegations of fraud committed by Mann in his applications for state and federal grants to conduct climate science research, but the ACLU, the American Association of University Professors, and the Union of Concerned Scientists argue in our amicus brief that the AG is threatening academic freedom and chilling independent scientific inquiry by targeting a professor based on his views on global warming.

#### ***ACLU Says Religious Beliefs Should Not Dictate Insurance Coverage for Reproductive Health Care***

The ACLU filed a friend-of-the-court brief in the Fourth Circuit Court of Appeals arguing that religious beliefs should not dictate access to health care for others. In this case, Liberty University is challenging the new federal health care law stating that the Affordable Care Act violates its religious rights under the Religious Freedom Restoration Act and argues that insurance companies should exclude coverage for abortion and other health services that any faith finds objectionable.

# Around Virginia

## Recent Events

### ***NOVA Chapter Brunch Focuses on Virginia Legislative Issues***

The Northern Virginia Chapter held its annual winter issues brunch on February 13, with a crowd of about 70 ACLU members in attendance. ACLU of Virginia Legislative Counsel Hope Amezcuita explained how bills introduced in the 2011 General Assembly would impact civil liberties this year. She covered topics such as reproductive rights, religious liberty, privacy, and immigrants' rights. As always when ACLU members are gathered, a lively question and answer period ensued. Special thanks to our Northern Virginia Chapter and its volunteers, who organized the event and provided another delicious brunch for everyone who attended.

### ***Religious Liberty is Topic for Talk at ACLU Event in Falls Church***

On March 19, 65 supporters gathered at Goodwin House Bailey's Crossroads in Falls Church to hear ACLU religious liberty expert Heather Weaver speak on religious freedom in Virginia and around the country. The dialogue between Weaver and attendees included discussion on the religious rights of students in public schools, the teaching of intelligent design, and the growing anti-Muslim sentiment in the United States.

### ***Nadine Strossen Speaks on Judicial "Inactivism" in Charlottesville***

The date was April 1, the topic was judicial inactivism, the speaker was former national ACLU President Nadine Strossen, and the occasion was the annual Henry J. Abraham Distinguished Lecture Series sponsored by the Thomas Jefferson Center for the Protection of Freedom of Expression at the University of Virginia Law School. An appreciative audience listened attentively to Strossen's rebuttal to last year's speaker, Supreme Court Justice Antonin Scalia, who criticized judges who practice judicial activism. Strossen argued that judges should be actively involved in protecting civil liberties, and that judges who have been willing to do that have given us our most enduring and important cases.

### ***ACLU, Delegates Focus on Rights Restoration in Gathering at the Capitol***

To raise awareness about Virginia's worst-in-the-nation felon disenfranchisement law, Delegates Rosalyn Dance and Charniele Herring teamed up with Virginians for Restoration of Voting Rights to host a workshop at the State Capitol on January 24. ACLU of Virginia Dunn Fellow Tom Fitzpatrick spoke and helped individuals with their applications for restoration of voting rights. For more information about reforming Virginia's felon disenfranchisement law, visit [www.restoreourvote.org](http://www.restoreourvote.org).

## At 94, Jean McCrosky Steps Down



Jean McCrosky

Jean was 89 when first elected to the ACLU of Virginia Board in 2006, and she'll be 94 when she steps down on May 21. Her ACLU connections, however, go back more than a half-century, to before she and now-deceased husband, Bob, were instrumental in the establishment of the ACLU of South Carolina. Jean's contributions to the ACLU of Virginia were real. She served on the Development Committee; she coordinated the use of rooms at her retirement community for numerous ACLU events; and, she introduced us to other loyal donors who were her neighbors. She also brought insights to board meetings that only a person of her years could offer, and she did it all with the good humor and spirit of someone a quarter of her age. The board celebrated Jean's life with the ACLU on March 19, when she was feted with a plaque honoring her achievements and a copy of a book on the history of the ACLU signed by the board and staff.

## Talkin' ACLU Views

Ever wonder what kind of speeches the ACLU staff gives? Here's a sampling of recent talks. If you're looking for a speaker for an event, we cover a lot of territory! For more information, contact Elizabeth Wong at [acluva\[at\]acluva.org](mailto:acluva[at]acluva.org).

*Higher Education Climate Change -Defending Academic Freedom under Cuccinelli*, Virginia AAUP State Conference, Virginia State University, Executive Director Kent Willis

*Fruit from Tree of Knowledge: The Bible in Public Schools*, First Freedom Foundation, VCU, Legal Director Rebecca Glenberg

*Imminent Threats to Reproductive Rights, State and Federal*, Richmond NOW, Women's Rights Project Director Kathy Greenier

*Reforming Virginia's Felon Disenfranchisement Law*, Virginia League of Women Voters Roundtable, Dunn Fellow Tom Fitzpatrick

*Christianity and the First Amendment*, Ashland United Methodist Church, Hot Topics Community Meeting, Kent Willis

*Targeted Litigation to Promote Civil Liberties*, Conference on Public Service, UVA, Rebecca Glenberg

## Looking for an ACLU Chapter Near You?

Our student chapters are looking for new members who are willing to help organize campus activities that promote civil liberties and civil rights. If you are interested in joining one of our existing student chapters or starting a new chapter on your campus, please contact Kathy Greenier at [acluva\[at\]acluva.org](mailto:acluva[at]acluva.org) or (804) 644-8022. Students aren't the only ones who get to have fun. Our Northern Virginia Chapter is always looking for new faces. If you live in Northern Virginia and would like to learn more about Chapter activities, email [novachapter\[at\]acluva.org](mailto:novachapter[at]acluva.org).

# From the State Capitol - 2011 Session

*Below are some of the significant civil liberties developments in this year's legislative session. The ACLU of Virginia and our grassroots supporters lobbied for or against more than 100 bills in the 2011 session. Because this newsletter goes to press prior to the April 6 veto session, there is a small chance that the status of some legislation will have changed.*

## **Senate Turns Back School Prayer Amendment**

Legislators latest attempt to merge church and state came in the form of an amendment to the Virginia Constitution that, according to the bill's patron, was intended to allow prayers over the public address systems at high school football games. HJ 593 easily passed the House, but failed in the Senate. The House was sufficiently confused to reject a self-contradictory bill (HB 1409) that appeared to both authorize unconstitutional sectarian prayers at government events and to ban them at the same time.

## **Women's Rights: Law on Protective Orders Modernized**

Demonstrating a new understanding of how relationships work in the modern world, legislators expanded access to protective orders to cover victims of dating violence, stalking, and sexual assault. Under Virginia's old law, protective orders were only available for spouses, persons involved in live-in domestic relationships, and couples who share a child.

## **Virginia Fusion Center Expansion Nixed**

A bill to expand the function of the Virginia Fusion Center, a semi-secret agency that collects data on terrorist activities in Virginia, failed to gain traction after the ACLU and other privacy advocates pointed out that the Center has routinely overstepped its boundaries by stockpiling intelligence based on exaggerated threats of terror and targeting terrorists based on racial and other stereotyping. Bills in the House and Senate would have authorized the Center to begin collecting data on activities related to ordinary crimes.

## **Last Minute "TRAP" Bill Threatens Reproductive Rights**

The General Assembly passed, and the governor has signed, SB 924, which directs the Board of Health to regulate all abortion clinics that conduct five or more first trimester abortions a month as if they were hospitals. SB 924 is a back door TRAP ("targeted regulation of abortion providers") law and is intended to create staffing and facilities requirements that make abortions too expensive. The Education and Health Committee of the Virginia Senate has routinely voted down such legislation after it passed the House of Delegates. However, this year the TRAP-type provisions came in the form of a House floor amendment that then went directly to the Senate floor. (See front page article for more details.)

## **Available Soon!**

### **2011 Virginia General Assembly Review**

*For full details on these and other bills that impact civil liberties in Virginia, contact us at (804) 644-8022 or [acluva\[at\]acluva.org](mailto:acluva[at]acluva.org)*

## **Few Anti-Immigrant Bills Pass**

Despite a resurgence of anti-immigrant bills in the 2011 session -- and despite strong support for most of them in the House of Delegates -- only two passed, and they were among the least objectionable. HB 1651 requires DMV to revoke driving permits after being notified by the federal government that drivers are illegally present. HB 1859/SB 1049 requires large contractors with the state to use a flawed federal database -- called E-Verify -- to determine the legal presence of employees. But bills that would have encouraged racial profiling, reduced educational opportunities for immigrants, and mandated inquiries into the citizenship status of public school students were thwarted by a growing and increasingly vociferous coalition of civil rights, community, and faith groups.

## **Bills to Expand Voting Opportunities Fail -- Again**

Bills to allow early voting, no-excuse absentee voting for all voters, and even a bill to simply allow no-excuse absentee voting for elderly persons all failed. The bills either started in the House and died there, or passed the Senate and were killed in the House. Fortunately, a bill requiring government-issued IDs to vote was defeated in the Senate after easily passing the House.

## **Failure to Expand Death Penalty Takes Hopeful Legislative Turn**

The "triggeman bill"—which expands the death penalty by adding to the list of persons other than the actual killer who may be prosecuted for a capital crime—passed the House and Senate during the Kaine years, but was vetoed by the governor. Last year, after Governor McDonnell announced he would sign the bill, it passed the House but failed in the Senate. This year it was only introduced in the Senate and failed in committee. Good trends are rare in the Virginia General Assembly.

## **Felon Disenfranchisement Reform Killed in House**

In a sad replay of the last ten years, a resolution to amend the state Constitution to allow for automatic restoration of rights for non-violent felons who have completed their sentences passed the Senate and failed to survive committee in the House of Delegates. Virginia and Kentucky remain the only two states in the nation that permanently disenfranchise all felons, requiring an act of the governor for voting rights to be restored.

## **Legislators Refuse to Ban Shackling of Pregnant Inmates**

Legislators refused to pass a bill to restrict the use of physical restraints on pregnant inmates when in labor, delivery, postpartum recovery, or transport to a medical facility. Such women pose no threat to prison security, yet we have no guarantees from the Department of Corrections that shackling is banned. Despite work from a broad spectrum of advocacy groups, the bill (HB 1488) did not pass the House Police, Militia, and Public Safety Committee.

# ACLU of Virginia Advocacy

## ACLU to State: Proceed with Caution in Use of Familial DNA Searches

Virginia recently became the third state in the nation to adopt a controversial new tool-- familial DNA searches-- that makes criminal suspects of individuals solely because they are related to someone who has already committed a crime. Virginia joins California and Colorado in using this technique, which allows law enforcement officials to search the state's criminal DNA databank for *near* matches to DNA from the crime scene. A near match suggests that a family member of the person in the databank should be a suspect in the crime being investigated.

The ACLU of Virginia is wary of familial DNA searches because it makes suspects of individuals simply because of their genetic similarity to someone who has committed a crime-- something akin to guilt by genetic association. We have asked state officials to maintain a strict protocol that limits the use of the technique to crimes that are the most violent and that have been impossible to solve through conventional methods.

See Associate Director Elizabeth Wong's blog on DNA testing at <http://acluva.org/5591/uncle-john's-dna/>

## Muslim and Rastafarian Inmates Released from Segregation

More than eight years have passed since the ACLU of Virginia filed a religious freedom lawsuit on behalf of Muslim and Rastafarian prisoners who were segregated because they refused to cut their hair or beards. We lost the case in 2008, after nearly five years of litigation, but the publicity it brought to the Department of Corrections' irrational policy finally paid off when DOC announced recently that it was releasing the prisoners from segregation after nearly a decade of punishment.

In our lawsuit, we argued that DOC's policy requiring prisoners to be clean shaven and have short hair violated the Religious Land Use and Institutionalized Persons Act, a federal law prohibiting religious discrimination against incarcerated persons unless their religious practices pose a security threat. Although DOC was unable to give any examples of security breeches due to long hair, and our expert testified that the federal system does not impose such restrictions, the court accepted DOC's assertion that long hair might pose a threat to prison security. (The ACLU is now investigating what may be a partial reversal of the new policy.)

## Free Speech Around the State

### *Floyd County*

#### **Students Have Right to Post Ten Commandments on Lockers**

Floyd County students were allowed to continue to display the Ten Commandments on their lockers after the ACLU of Virginia warned school officials that religious messages had the same right to be posted on lockers as other messages. The controversy arose when Floyd County students decided to show solidarity with students in neighboring Giles County (see cover article) after the Giles County School Board, at the ACLU's behest, ordered the Ten Commandments to be removed from school halls. Since Floyd High School policy allowed students to post personal messages on their lockers, the ACLU argued that the Ten Commandments were allowed too. In Giles, the ACLU threatened to sue if the Ten Commandments were not removed from school halls because the Ten Commandments were posted by school officials, a violation of the separation of church and state.

### *Town of Herndon*

#### **Herndon Day Laborers Have Right to Solicit Motorists for Work**

Following the threat of an ACLU lawsuit, the Herndon Town Council substantially improved an anti-solicitation ordinance intended to prevent Latino day laborers from soliciting motorists for work opportunities. As originally proposed, the ordinance allowed sidewalk solicitation by government-supported groups, such as firefighters and high school clubs, but not by individuals, such as day laborers. We argued that such an ordinance violates the First Amendment right of free speech by discriminating against certain speakers based on the content of their speech. The Council removed the unconstitutional provisions, but still prohibited solicitations near roads where cars could not stop legally. Later, under pressure from the ACLU and community groups, the council amended the ordinance to make it clear that individuals have a right to stand on sidewalks and solicit motorists for donations or job opportunities wherever they wish.

### *City of Newport News*

#### **Woman Has Right to Panhandle in Public Places**

After the ACLU initiated legal representation, the Newport News City Attorney voluntarily dismissed charges against a woman arrested under an unconstitutional 1961 ordinance that bans all panhandling within the city limits. Panhandling, which some courts have ruled carries a social/political message, is protected by the First Amendment when undertaken in public places. (Note: Unfortunately, our client was also charged with violating a controversial 2010 panhandling ordinance that appears to ban panhandling while standing on sidewalks or median strips. The ACLU threatened to mount a legal challenge to the ordinance when it was introduced, but city officials, including the chief of police, quickly announced that they would not use the ordinance against panhandlers unless they entered the street. Our former client was convicted of entering the street to panhandle.)

# Board of Directors Elections 2011

## 2011 Board Elections

Below are ballot statements for the 15 candidates running for election to the ACLU of Virginia Board. All ACLU of Virginia members in good standing may vote. Please see marking and mailing instructions on the ballot.

## Affirmative Action

The ACLU of Virginia Affirmative Action Policy seeks a diverse board of directors. Our goals are 50% women, 28% racial minorities, 10% Lesbian, Gay, Bisexual or Transgendered persons, and 10% persons with long-term disabilities.

## 2012 Board Nominations

ACLU members may seek nomination by submitting a statement of interest to the Nominating Committee, or automatically be placed on the ballot by submitting a statement and a petition signed by five members. Deadline: March 12, 2012

**Jayne Barnard:** I have served on the ACLU of Virginia board off-and-on for more than a dozen years. It has been a joy to work with many committed ACLU volunteers and the outstanding staff. In 2007, I was elected chair of the Legal Panel, which recommends which of the hundreds of requests we receive each year should become litigated matters, and in 2010 I was elected President. I would be honored to continue to serve on the board.

**David Drachsler:** I have spent most of my career, paid and volunteer, working for civil rights and civil liberties: Vice Chair, Va. Human Rights Council, 05-10, member 03-08; ACLUVA Bd. Member, 89-10; Chair, NoVa Chapter, 90-97; Nat'l Bd. Rep. for VA 93-94; Chair, Alex. Human Rights Comm. 86-88, member 84-88; ACLU/NCA Board 75-80, 81-84; retired U.S. Labor Dept atty; author numerous articles/opinion pieces on civil rights, civil liberties, etc; Harvard Law 68.

**Liz Gilchrist:** I have been a proud ACLU member for 31 years, and have served on the VA board since 2002, where I have been a member of the planning and the development committees, chairing the latter for three years. Currently, I represent VA on the national board. I am a "reformed" lawyer who works in the non-profit sector, and I currently serve as Deputy Executive Director of the Clean Economy Network. The issues that are of special concern to me are the excesses of the national security state, reproductive rights, and free speech.

**Lavonda Graham-Williams:** I am a criminal defense attorney with over a decade of experience advocating for the rights of the criminally accused. Many of the accused are the disadvantaged, indigent and otherwise neglected members of society, but every person has the right to be treated fairly and justly in our criminal justice system. Fighting for more systematically just treatment and the preservation of the protections afforded us by the Constitution is my mission. It is a cause I wake up looking forward to each day of my professional practice.

**Vivian Hamilton:** I served on the ACLU of West Virginia board until I moved to Virginia to join the faculty of the William & Mary School of Law. I was elected in 2008 to my first term on the ACLU of VA board. Working with ACLU staff and board committed to safeguarding civil liberties has been one of my most fulfilling experiences. The ACLU's mission can scarcely be a more important one, and I am dedicated to furthering it—through my law teaching, conference organizing, and continuing work with the dedicated members of the ACLU in VA.

**Jim Heilman:** I was born in Knoxville, raised in Pittsburgh, graduated from UVA, and live in Charlottesville. My main occupation was Albemarle County Voter Registrar (1987-99). I am currently an election consultant in third world and post-conflict countries and am also a tour guide at Monticello. I have been an ACLU member since the late 70's and have served on several related boards, such as Virginians for Justice. I would be honored to serve on the ACLU VA board to assist in furthering the ACLU's mission, particularly in the areas of LGBT rights, voter registration and elections, and voting rights restoration.

**Jeff Kerr:** I believe that civil liberties are under greater attack now than at any other time in the last quarter century, and I would like to continue serving on the board as a member of the executive committee and chair of the legal panel. I've dedicated my career to protecting children and animals as general counsel and a senior executive for several domestic and international charities and offer nearly two decades of civil rights litigation and non-profit management experience. I graduated from UVA Law (1987) and George Mason University (1984).

**John Levy:** I have served on the VA board since the late 1960s. I have been President of the board and am presently chair emeritus of the legal panel. I taught law at William & Mary Law School but am now retired. I believe that with my ACLU and law experience I can contribute by serving on the Board.

**Stephen Nash:** I have been a supporter of ACLU-VA for some years, and it has earned my respect and admiration. This admiration has only deepened as a result of my work on the board, particularly in my role as chair of the Policy Committee, and as a Legal Panel member. For many years, I have had a concern with civil rights issues. I believe and hope that the Constitution and the courts can be used to guarantee these rights. I have also actively supported Lambda Legal and other organizations that use the courts to safeguard individual rights. I would very much like to continue to make a contribution to ACLU-VA as a board member.

**Mona Siddiqui:** I have pursued a legal career for the purpose of providing public service to those that are most in need. In my current practice, I work to protect individuals against discrimination, and I love my job. I believe in the mission of ACLU and the critical role that it serves in this country. I would feel privileged to be a part of furthering its mission by continuing to serve on the board.

**Fay Slotnick:** As an ACLU supporter for many years, I began to serve on the Northern Virginia Chapter board and its jail committee after working on a resolution passed by Alexandria City Council opposing the PATRIOT Act. Trained as an attorney, I now direct the Parent Leadership Training Institute of Alexandria, where sharing information about civil liberties issues fits well within our sessions on Law and Public Policy. I can think of no more valuable way to spend my time and would like to continue to serve on the policy and development committees of ACLU-VA.

**George Smith:** On the board since 1992 and currently a vice-president, I am a retired public school teacher. I was a plaintiff in two ACLU voting rights lawsuits against Brunswick County. I have served on the executive board of both the Brunswick County NAACP and the Education Association. In 1988 and 1989, I received the Back Bone Award from the local NAACP for having "the courage to speak against injustices and take legal action to ensure equality for African-American citizens at the polling place."

**Barry Steinhardt:** My long association with the ACLU began in 8th grade when the Connecticut Civil Liberties Union successfully defended my religious freedom. More "recently" I was privileged to have a nearly 30 year career as an ACLU staffer. My last post was as Director of the ACLU's Program on Technology and Liberty. Prior to leading that new program, I served as Associate Director of the National Office and Director of the Pennsylvania and Vermont Affiliates. I am now involved in a number of volunteer activities including serving as a Senior Advisor to the London-based Privacy International.

**Joan Straumanis:** A life-long member of the ACLU, I've been privileged to serve on the boards of several chapters and one affiliate (Florida). I'm an academic with management experience as dean at three colleges and president at two. I moved to Virginia to join the staff of the National Science Foundation and retired last December. I've been impressed by the determination and successes of the Virginia ACLU at a time when state government officials have shown so little understanding of civil liberties. Kudos to the staff! I'm eager to join them in the struggle.

**Barbara Ziony:** I was a career Legal Aid lawyer and have been ACLU member all of my adult life. On the board since 1990, I have served on the legal panel and affirmative action committee, as chair of the policy committee. I also was a delegate to two national ACLU conferences. The ACLU spearheads the efforts to protect us in the exercise of our civil liberties and constitutional against those who would want to limit them. The issues it tackles deal with our most fundamental liberties and rights. I have been proud to serve as a board member of the ACLU-VA board. With your support, I hope to continue doing so.

## Ballot 2011: ACLU of Virginia Board of Directors

Please detach the ballot and mail it to the ACLU of Virginia in an envelope that includes your name and return address on the exterior. Joint memberships are entitled to two sets of votes. You may vote for as many candidates as you like. To ensure anonymity, ballots will be separated from the envelope once membership is verified. Mailed ballots must be received by May 20. Ballots may also be cast at the annual meeting on May 21.

|                       |                               |                    |                     |                        |
|-----------------------|-------------------------------|--------------------|---------------------|------------------------|
| _____ Jayne Barnard   | _____ Lavonda Graham-Williams | _____ Jeff Kerr    | _____ Mona Siddiqui | _____ Barry Steinhardt |
| _____ David Drachsler | _____ Vivian Hamilton         | _____ John Levy    | _____ Fay Slotnick  | _____ Joan Straumanis  |
| _____ Liz Gilchrist   | _____ Jim Heilman             | _____ Stephen Nash | _____ George Smith  | _____ Barbara Ziony    |

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*Newsletter of the ACLU of Virginia*

**~For Our Members~**

**Get Involved...**

**Grassroots Lobbying:** Help us defend civil liberties in the Virginia General Assembly by joining our grassroots lobbying program. We'll send you action alerts that provide you with the ACLU's position and talking points to use in communications with elected officials.

**ACLU Events:** Subscribe to ACLU of Virginia E-News (see below) and receive e-vites to upcoming events in your area.

**Learn More...**

**Virginia ACLU Reports:** Our annual report, our litigation and legal advocacy report, and our preliminary review of the 2011 General Assembly Session are available now.

**ACLU E-News:** Want to know more about what we're doing throughout the year? Sign up for E-News. Not only will you receive email updates on lawsuits, advocacy efforts, and other actions as they happen, but you'll also get e-vites to local events (as mentioned above).

**To become a grassroots lobbyist or to sign up for E-News (and e-vites), visit [www.acluva.org](http://www.acluva.org). For copies of ACLU of Virginia reports or other materials, call 804-644-8022 or email us at [acluva\[at\]acluva.org](mailto:acluva[at]acluva.org).**

***You're Invited!***

**ACLU of Virginia Annual  
Membership Meeting and Reception**

**Saturday, May 21, 2:00-4:00 p.m.**

**Richmond Friends Meetinghouse  
4500 Kensington Ave. (Entrance on Commonwealth Ave.)**

**"Emerging Threats to Reproductive  
Rights in Virginia and Beyond"**

**Elizabeth Nash**

Public Policy Associate, Guttmacher Institute

We'd like to know if you'll be attending. Call us at  
(804) 644-8022 or email us at [acluva\[at\]acluva.org](mailto:acluva[at]acluva.org).

**~Support The ACLU Foundation~**

I would like to support the public education and litigation work of the ACLU Foundation of Virginia. Please find enclosed my tax-deductible donation of \_\_\_ \$50 \_\_\_ \$100 \_\_\_ Other

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Or visit us online at [www.acluva.org](http://www.acluva.org) and click "Donate."