

# Virginia Liberties

Newsletter of the American Civil Liberties Union of Virginia Spring 2012

## Erosion of Voting Rights and Reproductive Freedom Unprecedented

*Virginia becomes eighth state with mandatory ultrasound law*

When the 2012 legislative session began, civil libertarians feared that a power shift in the Senate would enable passage of constitutionally suspect bills that have been blocked in recent years. We were right. By the end of the session close votes in the Senate had become the norm, and the General Assembly had adopted two highly contentious and completely unnecessary measures -- a mandatory ultrasound bill for women seeking an abortion and a bill requiring voters to show IDs at the polls.

After becoming the butt of jokes by political commentators and turning the Capitol grounds into the scene of multiple large-scale protests, lawmakers backed down from a bill that would have resulted in highly invasive transvaginal ultrasounds for most pregnant women seeking abortions. But the bill that passed still requires ultrasounds and will still delay abortions and add to their cost -- which was the purpose of the bill in the first place. The House easily approved the bill, but it narrowly passed the Senate 21 to 19.



*Reproductive rights protestors by the Capitol*

The voter ID bill was as contentious as the ultrasound measure and equally unnecessary. Under existing law, voters without IDs may sign a form affirming their identity then cast a regular ballot. The new law will require voters who do not have their IDs to cast provisional ballots, meaning that they will be required to follow up with the registrar the next day in order to have their ballots counted. The bill passed the House, but deadlocked in the Senate on a 20-20 vote until the tie was broken by the Lt. Governor.

Because there is no history of voter impersonation fraud in Virginia (or anywhere in the country), the bill is a solution searching for a problem that will negatively impact elderly, low-income, and minority voters. In addition, 60% of provisional ballots cast in Virginia are typically not counted.

*Stay tuned for ACLU action: We expect to file an objection to the voter ID bill with the Department of Justice and are reviewing the ultrasound bill to determine if a legal challenge is feasible.*

### Inside:

Annual Membership Meeting

Farewell Kent, Welcome Claire

Legislative Review

Board of Directors' Ballot

## Court Rejects A.G.'s Demands for Private Records

*UVA climate scientist's personal communications are protected*

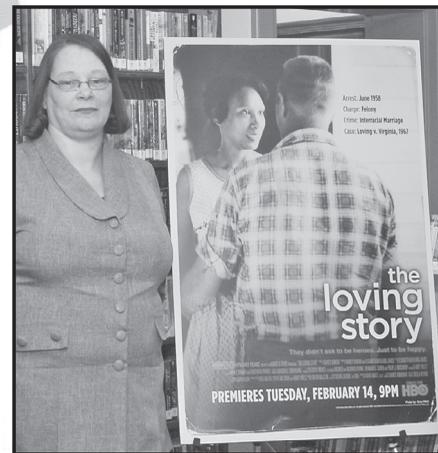
The Virginia Supreme Court has ruled that Attorney General Ken Cuccinelli may not use the state's anti-fraud law to compel the University of Virginia to turn over the private records of climate scientist and former professor Michael Mann. While drawing the same conclusion as an earlier lower court ruling, the state Supreme Court followed a different rationale, holding that the state's fraud law requiring entities to produce records applied only to persons, and that UVA was an institution, not a person. The lower court rejected the AG based on his failure to state a reason for pursuing the records. The AG, a well-known global warming skeptic, claimed to be investigating allegations of fraud committed by Mann in his applications for state grants to conduct climate research. The ACLU, the American Association of University Professors, and the Union of Concerned Scientists urged UVA to resist the AG's demands and argued in amicus briefs that the AG is threatening academic freedom by targeting a professor based on his views on climate change.

## Film Tells of Challenge to Anti-Miscegenation Law

*Emotional gathering in Caroline County for premiere*

An audience of nearly 500 gathered in Caroline County for a special premiere screening of the HBO documentary, *The Loving Story*. The film uses rarely before seen photos and videos to tell the story of Richard and Mildred Loving's challenge to Virginia's ban on interracial marriage. Represented by ACLU attorneys Bernie Cohen and Philip Hirschkop, the Lovings made a series of strategic and personal decisions that would take them to the U.S. Supreme Court and a 1967 ruling that struck down the Virginia law, as well as those in 15 other states that still prohibited interracial marriage.

The emotional gathering included Caroline County residents who knew the Lovings, the Lovings' extended family, and special guest Peggy Loving Fortune, the Lovings' daughter. A panel discussion with Ms. Fortune, Mr. Cohen, filmmakers Elisabeth Haviland James and Nancy Buirski, and ACLU of Virginia Executive Director Kent Willis followed the screening. *The Loving Story* premiered on HBO on February 14.



Peggy Loving Fortune with HBO film poster

# ACLU of Virginia Leadership Change

## It's Been an Honor...

I've been writing this column for many years. It's always the last piece for the newsletter, conceived after noticing, invariably, that something was missing -- something high on our priority list that was not quite news or begged for clarification. I've written about immigrants' rights, racial fairness in redistricting, felon disenfranchisement, privacy rights, the intersection of free exercise of religion and the establishment clause, and developments in the ever evolving and often elusive movement for LGBT rights.

I realize I could still write about these same issues without saying much that is new. This might seem discouraging, even Sisyphean, to the extent that we seem to be endlessly trying to roll the same rock to the same summit. But that's not the case.



There's an old saw at the ACLU that the battle for civil liberties never stays won. It's something the Framers recognized -- that there is an inherent and inescapable tension between the tendency of the government to restrict freedoms and our right to have them. The Framers realized

that we had to be guaranteed the power to push back against this tendency, or our freedoms would inevitably erode. Hence, the Bill of Rights.

The ACLU pushes back like no other organization in this nation. It advocates for individual freedom, but with the understanding that freedom is only meaningful if it applies equally to all persons.

Although we will always be pushing that rock up the hill against the darker side of government, we, unlike Sisyphus, can measure victories along the way, even if they are all tenuous. The battles for freedom and equality may not stay won by themselves, but as long as we're here to fight for them, we have a chance to make progress and protect it.

What cause could be nobler? None, and I have been fortunate to pursue this cause for the last 25 years with the ACLU of Virginia.

I've learned much here, but nothing more important than the humbling truth of the ACLU social order. As important as we everyday staffers think we are, the ACLU starts with its members, the essential organizational building block. The board of directors, which provides leadership and direction, is next. And finally, we, the staff, are the implementers.

It's been an honor to be one of your implementers. I now take pleasure in knowing that in leaving this job and joining the ranks of the membership, I've moved up in the ACLU hierarchy.

*Kent Willis, Executive Director*

## A Sad Goodbye, an Enthusiastic Hello!

At the end of May, Executive Director Kent Willis will step down after 25 years of exceptional leadership. During his tenure, we enlarged our footprint to include important litigation across the state; effective lobbying in the General Assembly; outreach to hundreds of organizations and communities; and a communications program that reaches our constituents through e-mails, newsletters, blogs, Facebook, Twitter and, importantly, hundreds of personal notes from Kent each year. For many Virginians, Kent Willis has been the ACLU.



Kent has worked with scores of board members and five presidents. He has been a wonderful resource, maintaining the balance between the aspirations of the board and the capacity of the staff, never losing sight of our core values and always thinking of new ways to advance civil liberties. It is not an accident that under Kent's leadership we have increased staff from two to nine, led coalitions on voting rights restoration for felons to reproductive rights, from voter empowerment in communities of color to academic freedom.

"Kent has two rare qualities," said John Vail, board president from 2005 to 2010. "First, because he always entertains the possibility that he is not right he listens closely and respectfully to the viewpoints of others. Second, he thinks hard issues through so thoroughly that he speaks about them in plain terms that mere humans can comprehend."

Of the many tributes paid to Kent, the Richmond Times-Dispatch editorialized recently: "The Virginia ACLU often has served as the tip of the spear in the battle against censorship and for civil liberties. And for nearly a quarter-century, its powerful voice has been strengthened by the leadership of Kent Willis...[His decision to leave at the top of his game] reflects well on an organization that has ably served the commonwealth despite the many brickbats that have been flung at it. Willis will leave the group bigger and stronger than he found it, for which all Virginians should be grateful."

The board and staff share that gratitude -- the thought of functioning without Kent is daunting. Happily, we have identified an exceptional person to succeed him. Claire Guthrie Gastañaga, a Richmond lawyer with an extensive background of service and organizational leadership, will take over as Executive Director on June 1.

Claire brings energy, optimism, relationships built over decades, a track record of fundraising and alliance-building, and a passion for the ACLU's core issues: racial equality, freedom of speech and religion, reproductive rights, LGBT rights, and the rights of undocumented workers. She'll hit the ground running. Welcome, Claire!

*Jayne Barnard, President*

## Meet Claire Guthrie Gastañaga



*Named in 2010 as one of the 50 Women of Influence in Virginia, Claire has worked for the last decade as a lobbyist for such organizations as Equality Virginia, the Virginia Coalition for*

*Latino Organizations and the Virginia Sexual and Domestic Violence Action Alliance. Before that, she was a key player in state government, serving as Chief of Staff and Special Counsel to the Speaker of the House of the Virginia House of Delegates and Chief Deputy Attorney General. She has served on the boards of the Richmond Gay Community Foundation, the Metropolitan Convention and Visitors Bureau, the Virginia Foundation for Women, and the Girl Scouts. She has argued cases in the U.S. and Virginia Supreme Courts.*

# ACLU of Virginia Legal Action

## Pittsylvania Ordered to Stop Opening Board Meetings with Sectarian Prayers

A federal judge issued a preliminary injunction in February prohibiting the Pittsylvania County Board of Supervisors from opening its meetings with Christian prayers. The injunction is the result of our lawsuit on behalf of a county resident who objected to the practice. The lawsuit was filed in late September after the Board of Supervisors ignored our demand letter citing U.S. Supreme Court and Fourth Circuit Court of Appeals decisions specifically prohibiting sectarian prayers at government meetings. In separate opinions, the judge also denied the County's motion to dismiss the case, as well as our motion to continue using a pseudonym for our plaintiff.

## Norfolk Man Has Right to Videotape Police during Demonstration

A general district court judge has ruled that a Norfolk man could not be convicted of disorderly conduct for videotaping a public demonstration even after police asked him to stop. Alton Robinson was standing on the sidewalk observing and filming a New Black Panther Party march when a nearby police officer saw the camera pointed at his vehicle. The officer told Robinson he needed permission to film him, at which time Robinson challenged the officer's assertions. The officer ultimately charged Robinson with refusing to identify himself and disorderly conduct. The judge found Robinson not guilty on both counts.

Robinson's case is part of a growing trend across the country of individuals being confronted and harassed for videotaping police in public. The ACLU of Virginia has defended individuals' right to photograph and videotape anything plainly visible in public spaces. For a copy of the ACLU's "Know Your Rights" resource for photographers, contact us at [acluva@acluva.org](mailto:acluva@acluva.org).

## Talkin' ACLU Views

*The ACLU of Virginia staff makes scores of speeches each year, as per the samples below. If you're looking for a speaker on nearly any topic regarding civil liberties in Virginia, contact Elizabeth Wong at [ewong@acluva.org](mailto:ewong@acluva.org).*

*Gay Marriage Debate, Federalist Society/Lesbian & Gay Association, William & Mary Law School, Rebecca Glenberg, Legal Director*

*Expanding the Free Speech Rights of Protestors, Occupy Richmond Rally, Tom Okuda Fitzpatrick, Dunn Fellow*

*Election Laws and Voter Suppression, American Constitution Society, University of Richmond, Kent Willis, Executive Director*

*Developments in Reproductive Rights, VCU Public Knowledge Forum, Richmond, Kathy Greenier, Women's Rights Director*

*Changing Virginia's Felon Disenfranchisement Law, Delta Sigma Theta, Norfolk, Tom Okuda Fitzpatrick, Dunn Fellow*

*Lawmakers and Civil Liberties, Northern Virginia Chapter Legislative Brunch, Annandale, Hope Amezcuita, Legislative Counsel*

*The Role of Free Speech in the Evolution of Civil Rights, Fredericksburg Humanist Society, Kent Willis, Executive Director*

*Reproductive Rights in the General Assembly, League of Women Voters, Richmond, Kathy Greenier, Women's Rights Director*

## In Brief...

### ***ACLU Argues against Residency Requirement for Candidates' Petition Circulators***

The ACLU filed a friend-of-the-court brief in January in support of Rick Perry and three other then-Republican presidential candidates excluded from Virginia's Republican primary ballot because they did not gather the requisite number of signatures from voters. We argued that the state violated their First Amendment rights by prohibiting them from using out-of-state petition circulators to collect the signatures required for ballot access. While the judge in the case offered no remedy, ruling that the lawsuit was filed too late, he did opine that the law was unconstitutional.

### ***ACLU Defends Woman Cited for "Walking While Black" in Spotsylvania***

After the ACLU provided legal representation, prosecutors dropped trespassing charges against Marcelle Castillo, an African-American woman who used to take regular walks in a wealthy, predominantly white neighborhood in Spotsylvania County. One night, she was confronted by several men who lived in the neighborhood, and although an officer assured her she could legally walk on the public sidewalks, she was ultimately cited for trespassing.

### ***Judge Allows Case Challenging Ten Commandments in Giles County Schools to Proceed***

A federal district court judge denied Giles County's motion to dismiss a case filed by the ACLU of Virginia and the Freedom from Religion Foundation challenging the County's display of the Ten Commandments in a public high school. The court also allowed the case to continue using pseudonyms for the plaintiffs. We argue that the display is government endorsement of religion, thereby violating the Establishment clause of the First Amendment.

### ***Wikileaks Investigation: ACLU/EFF Appeal Secrecy Ruling, Ask Court to Unseal Orders***

The ACLU and Electronic Frontier Foundation have appealed a judge's refusal to publicly docket or unseal court orders during the government's investigation of Wikileaks. These orders force social networking sites to reveal information to the government about their users without the users' knowledge, affecting their privacy and free speech rights. The judge ruled that the secrecy provisions are necessary to protect the integrity of the government's investigation. We and EFF argue that, at the very least, the public should be given notice of the existence of such orders.

# ACLU of Virginia Advocacy

## Suffolk County Backs Off Gender-Discrimination Dress Code

The Suffolk County School Board revised a proposed dress code policy after the ACLU of Virginia sent a letter warning that the proposal was unconstitutionally vague and discriminated against students based on their gender. The proposal prohibited “[a]ny clothing worn by a student that is not in keeping with a student’s gender and causes a disruption and/or distracts others from the educational process or poses a health or safety concern.”

While the school board argued that the policy was necessary to protect students from being bullied or harassed, the ACLU maintained that the policy punished students for failing to conform to gender norms, thereby blaming the victim instead of protecting nonconforming students from harassment. The ACLU informed school board members that we were prepared to mount a legal challenge to the proposal if it passed, but the school board amended the policy to remove all mention of gender.

## ACLU Tells Virginia State Police to Stop Invading Job Applicants’ Privacy

After learning that the Virginia State Police required job applicants to log in to their social media accounts and allow interviewers to comb through their private communications and profiles, the ACLU of Virginia sent a letter urging VSP to suspend the privacy-invading practice and warned that it may violate federal law.

Known as “shoulder surfing,” it is part of a growing trend in which employers demand applicants’ social networking passwords as part of the background check. The ACLU argues that it undermines the free speech and privacy rights of applicants as well as that of their online friends and violates the federal Stored Communications Act. Moreover, when conducted by a government entity, it may constitute a violation of the Fourth Amendment’s protection against unreasonable searches.

## Shout Out to Our Interns!



Jessica Johnson



Alexander MacDonald



Meredith McCoy

We’d like to thank our student interns for all their help (left to right): Jessica (William and Mary ‘11) assists Legislative Counsel Hope Amezquita with legal intakes. Alex (W&M Law ‘12) served as legal intern for the Patricia M. Arnold Women’s Rights Project working with its director Kathy Greenier. Meredith (W&M Law ‘12) was a legal intern for Dunn Fellow, Tom Okuda Fitzpatrick.

## Republican Party Removes Primary Loyalty Oath Requirement

Following the threat of an ACLU lawsuit and opposition from its own members, the Republican Party of Virginia dropped a requirement that voters in the state’s Republican presidential primary sign a pledge to support the party’s nominee in this year’s presidential election. Several Republican voters had contacted the ACLU to voice opposition to the oath and volunteered to serve as plaintiffs, if the Republican Party insisted on requiring voters to sign the pledge. While the ACLU respects the associational rights of political parties, we argued that the primary is chiefly organized by the government, which may not require voters to pledge support for a particular candidate. If the Republican Party instead chose to privately hold a convention or caucus to select its nominee, the loyalty oath would be protected by the First Amendment.

## Board of Corrections to Consider Anti-Shackling Measures

In the last newsletter, we reported that the Department of Corrections implemented measures to prevent the use of shackles on pregnant inmates during pregnancy, labor and delivery. DOC’s policy, however, applies only to state prisons, leaving women in local and regional jails without such protections. An anti-shackling bill that would have had broader protections and applied to all incarcerated women in the state was introduced in this year’s Virginia General Assembly. It failed in committee, however, never reaching the House or Senate floor. Despite the legislature’s failure to act, the ACLU and our anti-shackling allies continue to press for reforms. We will be participating in a Board of Corrections meeting in May where draft anti-shackling policy language is expected to be adopted. The full Board will vote on the policy in a subsequent meeting.

## ACLU Calls for Rules Change for Capitol Protests

The plethora of anti-choice legislation in the Virginia General Assembly this year prompted activists defending reproductive freedom to stage several protests. One such rally in early March led to the arrest of 31 peaceful protestors who had gathered on the steps of the Capitol rather than at the Bell Tower, which is located in a far corner of the Capitol grounds and is the only place protests are allowed. The photos of a military-style SWAT team armed and in full riot gear called into question law enforcement’s response, as well as the overly restrictive policies governing the use of the Capitol grounds for demonstrations.

The ACLU is calling on legislators to revise the rules governing organized protests at Capitol Square to allow peaceful protestors to gather in places closer to the Capitol and General Assembly Building where legislators and other government officials congregate.

# From the State Capitol- 2012 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 2012 session. Because this newsletter goes to press prior to the April 18 veto session, there is a small chance that the status of some legislation will have changed.

## Victories

Victories in Virginia typically come in the form of defeating bills that jeopardize civil liberties and civil rights. That remained true in 2012, although we welcome new laws mandating warrants for GPS tracking and noncompliance with the National Defense Authorization Act.

### *Failed Attacks on Reproductive Rights*

Anti-choice legislators stalled in their attempts to prohibit abortion at twenty weeks gestation (HB 1285/SB 637), after we made it clear that a state may not prohibit abortions the Supreme Court has ruled are constitutionally protected. Lawmakers also defeated a "personhood" bill (HB 1) that would have granted fertilized eggs the same rights as persons under the law. The bill was intended to lay the groundwork to outlaw abortion and contraception in Virginia if Supreme Court precedents protecting reproductive rights were overturned. Bills that eliminated abortion funding for low-income women with incapacitated fetuses (HB 62) and prohibited insurance coverage for abortion in the health care exchange (HB 464/ SB 496) also failed.

### *GPS Tracking to Require Warrant*

Following the U.S. Supreme Court's ruling in *U.S. v. Jones*, legislators passed a law requiring police to obtain warrants before using GPS tracking devices to follow suspects, including reasonable rules related to the time and conditions of such warrants. We supported the bill (HB 1298/SB 685), except for a provision allowing permanent sealing of the warrants.

### *No Proof of Citizenship to Vote*

A bill (HB 569) requiring individuals to show proof of citizenship in order to register to vote and requiring voters to present a government-issued photo ID at the polls failed. (Unfortunately, a less problematic but still onerous voter ID bill did pass. (See *Defeats and front page.*)

### *No Drug Testing for Public Assistance*

State legislatures across the nation witnessed a renewed effort to require drug testing of public assistance recipients. Fortunately, the privacy-invading measure (HB 73/SB 6) proved too expensive for Virginia lawmakers' tastes.

### *Free Speech Protected*

In a victory for free speech, bills prohibiting protests at funerals (HB 707/SB 434) were killed. As introduced, the bills' provisions prohibiting "loud or unusual levels of noise" intended to disrupt a funeral were, as we argued, judged to be unconstitutionally vague.

### *Immigrants' Rights Stand Pat*

No significant anti-immigrant legislation passed this session. Efforts to charge defendants for the cost of interpreters (HB 173/SB 184), to grant local law enforcement federal immigration law powers (HB 1001), and to expand immigration status checks (HB 958/HB 1060/HB 472/SB 460) all failed.

## **Available Soon!**

### **2012 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)*

### *Prohibition on Indefinite Detentions*

Odd bedfellows from across the political spectrum -- including us -- joined together to pass a measure that prohibits the state from assisting in the indefinite military detention of U.S. citizens under the National Defense Authorization Act.

### *Death Penalty Expansion Defeated*

Efforts to expand the death penalty (HB 389/SB 58) were narrowly thwarted this year when the Senate defeated a bill to eliminate the "triggerman rule," a provision in Virginia law that, for the most part, means only the actual perpetrator of a capital crime is eligible for the death penalty. The House of Delegates passed the bill easily, but the Senate Courts of Justice Committee prevented both the Senate and House versions of the bill from reaching the Senate floor.

## Defeats

This year was marked by the passage of many bills that in the past were approved by the House, but defeated in the Senate. With the shift of power in the Senate ushered in by the November 2011 elections, it joined the House of Delegates to support --and pass -- bills that significantly erode reproductive freedom, voting rights, and religious liberty.

### *Mandatory Ultrasound Bill Passes*

With the Governor's signature, Virginia became the eighth state in the nation to require mandatory ultrasounds prior to abortions (HB 462). The effect of the bill is to delay abortions and make them more costly. (See *front page.*)

### *Lawmakers Approve Voter ID Bill*

Lawmakers approved a law requiring voters without ID to cast provisional ballots (HB 9/SB 1). (See *front page.*)

### *More Juveniles in Adult Corrections*

Tough-on-crime legislators approved a measure that will increase the number of juvenile transfers to adult courts. The bill (HB 718) expands the discretionary authority of prosecutors to try minors as adults.

### *Adoption Discrimination Legalized*

Legislators also passed a bill (HB 189/SB 349) allowing private adoption and foster care agencies to use religious beliefs to discriminate against prospective parents. This will negatively impact LGBT parents seeking to adopt or foster children.

### *Quasi-Voucher Bill Passes*

With the Governor's backing, lawmakers approved taxpayer-support for private schools (HB 321/SB 131) by allowing tax credits for corporate donations to "scholarship foundations" that fund private schools, most of which are operated by religious institutions. Previous attempts to pass a direct government-funded school voucher bill have failed because Virginia's Constitution prohibits the use of public funds to subsidize private schools.

*Help the ACLU of Virginia  
by becoming a grassroots  
lobbyist now!!!*

[www.acluva.org](http://www.acluva.org) or [acluva\[at\]acluva.org](mailto:acluva[at]acluva.org)

# Board of Directors Elections 2012

## 2012 Board Elections

*Below are ballot statements for the nine 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, 35% racial or ethnic minorities, 10% Lesbian, Gay, Bisexual or Transgendered persons, and 10% persons with long-term disabilities.*

## 2013 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 1, 2013.*

**Patrick Anderson (Alexandria):** I have been a board member of the ACLU of Virginia since 2000. I have served on the Policy Committee, the Planning Committee, the Development Committee, the Legal Panel, and am currently the chair of the Nominating Committee. I am interested in continuing to serve on the Board because I am devoted to working for justice for those who suffer injustice. In fact, as a criminal defense attorney, my entire career revolves around protecting a person's constitutional rights. I am active in my church and the PTA at my children's school. I am married and have 2 girls who love attending ACLU events. I have several hobbies including opera, singing, baseball and Civil War history. The struggle for civil liberties is more important now than ever before, and I am proud to be a part of the ACLU of Virginia. I would appreciate your support.

**Janet Cook (Arlington):** It has been an honor to serve on the Virginia ACLU board for the last nine years. I sit on the Nominating Committee and the Policy Committee, and for the last five years I have been chair of the Development Committee, which oversees the fundraising component of the organization. In spite of the often-ugly opposition to civil liberties in Virginia, I remain passionate about our fight for our most basic freedoms. I ask for your vote for another three-year term so that I can help in the important transition to a new Executive Director and continue to participate in the struggle to assure civil liberties protections for all Virginians.

**Stew Dunn (Alexandria):** I have served on the Virginia Board since 1991 and am currently a vice-president of our affiliate and a member of the executive committee. I served for eleven years on the National Board of the ACLU of which nine years was as the representative of our affiliate. I have been on the board of the ACLU of the National Capital Area since 1981, including a term as president of that affiliate. In all of my ACLU roles, I have been and continue to be an active participant, including playing an active role in fundraising. I am dedicated to civil liberties and the ACLU. I would greatly appreciate your vote so that I may continue to devote my energies to civil liberties with particular emphasis on advancing First Amendment rights, racial justice and equality for women.

**Arthur Miller (Manassas):** I am a member and supporter of the ACLU-VA and it has earned my respect and admiration. The Constitution, as well as the court systems are designed to guarantee people their constitutional and civil rights, regardless of their race or economical status, and to provide each individual equal protection of the law. However, I know that is not always the case. People making these decisions are sometimes influenced by their personal biases and prejudices, allowing this to affect decisions that impact our lives. People believe and trust in the judicial system for this country, and believe that the system has their best interest at heart. I have been a Supervisory Special Agent for the U.S. Department of Justice for 20 years, and have 32 years of total federal and local law enforcement experience. With my extensive law enforcement background, I have acquired the experience that will allow me to input a different perspective and outlook on various situations and investigations. I will be able to provide an unbiased expert opinion as a person who has been working on the side of the justice system, enforcing the law. I will also be in a position to review actions of police misuse/abuse of power. It would be a privilege to be elected to the ACLU of Virginia Board of Directors to continue helping in the battle against inequities in the criminal justice system.

**Scott Michelman (Alexandria):** A Fairfax native and former ACLU staff attorney, I am deeply concerned by our state government's ongoing assault on the Constitution. I have dedicated my legal career to advancing civil rights and liberties, from my first law student internship at the ACLU; to my work on criminal justice, national security, and free speech issues as a legal fellow and later staff attorney at the National ACLU; to my current docket of civil liberties, government accountability, and access-to-justice cases at Public Citizen. I hope this experience will enable me to contribute meaningfully to the Board in support of the ACLU's critical mission here in Virginia.

**James Morton (Chesapeake):** The work of the ACLU is imperative for the growth of this country as it continues to fight for rights that I as a gay man do not possess in the majority of our nation while simultaneously defending other marginalized groups. As a member of William & Mary's class of 2012, I have devoted a significant portion of my education studying the intersection of government and religion to understand issues of religious liberty. Beyond my experience with a number of organizations that work towards community development, I make a point to engage in everyday activism because I believe small acts are the key to change. I would very much like to continue these interests as a member of the ACLU-VA board.

**Ed Rosenthal (Reston):** Becoming active in the Northern Virginia ACLU Chapter, where I serve on the board and host chapter meetings, is one of the best investments I've ever made. This led to my interest in the state board, to which I was elected in 2009. I've practiced law and managed a small law firm in Alexandria since 1976. I've tried cases and argued appeals leading to important results involving civil liberties issues, including illegal searches, death penalty, immigrants' rights, and charitable immunity of religious groups. I think my breadth of hands-on work in state and federal courts and my law firm managerial experience have added to my ability to contribute to the state board, and I would like to continue with that service.

**John Vail (Alexandria):** I am a career civil rights-civil liberties junkie. After 18 years as a legal aid lawyer, I now am Vice-President and Senior Litigation Counsel for the Center for Constitutional Litigation. I have been on the board since moving to Virginia in 1997 and have served as President for five years, during which time we doubled the staff. Prior to my arrival, I was President of the North Carolina ACLU. A strong board and a talented new executive director face the challenge of recruiting a new generation to the battle for civil liberties, educating them that the battle never stays won. We will assure that this next generation has meaningful opportunities for leadership. Look now at the Virginia ACLU. There are young people there who will be leading civil libertarians over the next half-century. And there are some determined geezers whose own half-century is not up yet.

**Libby Witt (Alexandria):** I have served on the Northern Virginia Chapter Board of Directors since 2005 and on the Affiliate Board since 2009. I serve on the Development Committee and am actively engaged in fundraising. For the NoVA Chapter, I conduct a monthly review of minutes of NoVA governmental bodies, including library, school, and government boards, looking for civil liberties-related activities, on which I report to both the Chapter Board and the affiliate. I am interested in continuing to serve on the state affiliate board as a means of extending my activities on behalf of the ACLU. I am most interested in immigration issues, voting rights and the death penalty.

## Ballot 2012: 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 18. Ballots may also be cast at the annual meeting on May 19.

\_\_\_\_\_ Patrick Anderson

\_\_\_\_\_ Arthur Miller

\_\_\_\_\_ Ed Rosenthal

\_\_\_\_\_ Janet Cook

\_\_\_\_\_ Scott Michelman

\_\_\_\_\_ John Vail

\_\_\_\_\_ Stew Dunn

\_\_\_\_\_ James Morton

\_\_\_\_\_ Libby Witt

# Leaving a Personal Legacy

## Join Supporter Jerry Peters by Naming the ACLU in Your Will ...and Generate a Matching Cash Gift Today



Jerry Peters is a Richmond real estate developer and an ACLU of Virginia board member. We asked him recently about his decision to join the DeSilver Legacy Society by naming the ACLU in his will. We also wanted to hear his reaction to the limited-time Legacy Challenge in which supporters who leave a planned gift (or increase the amount of their gift) can generate a 10% matching cash gift of up to \$10,000.

**When and why did you join the ACLU?** I've been a member since the 1970s -- first in Michigan, then Illinois, and now Virginia. I joined because of the wide range of compelling issues -- racial justice, LGBT rights, free speech -- the ACLU takes on.

**Why did you join the DeSilver Society?** Because making a bequest gives me the opportunity to have an impact in Virginia and the entire nation after I'm no longer able to be an annual donor or Board member. It's that important to me. I don't see it only as a gift to the ACLU. It's my legacy to my friends, family and descendants -- as important as anything tangible I could leave them.

**Since joining the DeSilver Society, do you feel differently about the ACLU?** The feeling you get when you join the DeSilver Society is surprising, like you're an important part of something bigger than yourself. It's personal, touching, and deeply rewarding. That feeling surprised me.

**As a Board member of the ACLU of Virginia, one of your primary responsibilities is to help with fundraising. How do you ask people for their support?** The great thing about fundraising for the ACLU is that I don't have to make a "pitch" -- the critical work of the ACLU is in the news all year long. I like to meet our donors, get to know them, and ask them which issues are most important to them. I can usually provide some "behind the scenes" insight about our work on those issues. I like to remind them that there are two ways they can support our work-- by making an annual gift and by putting the ACLU in their will.

**With a single sentence,  
you can defend freedom  
-- now and forever.**

Name the ACLU in your estate plans and the LuEsther T. Mertz Charitable Trust will make a cash matching contribution of up to \$10,000 to the ACLU today (while matching funds are available).

**What do you think of the new Legacy Challenge that provides a 10% matching cash gift when you put the ACLU in your will?** It's a truly amazing opportunity to help the ACLU now without paying a penny yourself, as well as to help the ACLU in the future. When I heard about it, I immediately had my will re-written.

If you'd like to make a planned gift or learn more about the Legacy Challenge, visit [www.aclu.org/legacy](http://www.aclu.org/legacy) or call toll-free 877-867-1025. To speak with someone in the Virginia office, call (804) 644-8080 or email [Elizabeth.Wong@acluva.org](mailto:Elizabeth.Wong@acluva.org).

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### Virginia Liberties

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### Mark These Dates...

#### NOVA Chapter Crabfest, June 3

Don't miss this annual ACLU tradition! Join the Northern Virginia Chapter of the ACLU on Sunday, June 3, 1-5 p.m., Fort Hunt Park, Area B, for crabs, hamburgers, hot dogs, veggie burgers, and more. Kent Willis will speak in his final appearance as ACLU of Virginia Executive Director. For details, contact [novachapter@acluva.org](mailto:novachapter@acluva.org) or (703) 360-1096.

#### "Looking into the Dark: A Lesson in Forging the Unforgivable," May 2

7:00-9:00 p.m.  
Richmond Friends Meetinghouse  
4500 Kensington Ave. (Kensington Ave. entrance)

Join the ACLU, Virginians for Alternatives to the Death Penalty, the Richmond Peace Education Center, and the Richmond Friends Meeting as we host Naseem Rakha, award-winning journalist and author of *The Crying Tree*, for a discussion on capital punishment. Contact Elizabeth Wong at 804-644-8022 or [acluva\[at\]acluva.org](mailto:acluva[at]acluva.org)

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Newsletter of the ACLU of Virginia

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**Grassroots Lobbying:** Help us defend and promote 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 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.

Stay Informed:



**ACLU-VA Blog:** Read our rants, raves, thoughts and concerns about current civil liberties issues.

**Facebook:** 'Like' us at [www.facebook.com/acluofvirginia](http://www.facebook.com/acluofvirginia)

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**Virginia ACLU Reports:** Find our annual report, coverage of the 2012 General Assembly Session, and litigation and legal advocacy report on our website, [www.acluva.org](http://www.acluva.org).

**You're Invited!**

ACLU of Virginia Annual  
Membership Meeting and Reception

Saturday, May 19, 2:00-4:00 p.m.

Richmond Friends Meetinghouse

4500 Kensington Ave. (Entrance on Commonwealth Ave.)

*The State of Civil Liberties in Virginia*

Jayne Barnard, President

Also honoring Kent Willis for 25 years of leadership and welcoming Claire Guthrie Gastañaga as the new director.

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

Name: \_\_\_\_\_

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