

### From The Executive Director

RITA SKLAR



Photo: Dixie Knight

It's been a long time I know since you've heard from us. Let's say that it's a sign of our growth. We've just been busy!

For starters, we are working with four new coalitions this year:

- ◆ **The Death Penalty Moratorium Campaign Committee** is working to get Governor Beebe to declare a moratorium on the death penalty and create a special commission to study how the death penalty is used in Arkansas. [www.deathpenaltystudyar.org](http://www.deathpenaltystudyar.org).
- ◆ **Arkansas Families First**, made up of child welfare advocates, doctors and others is fighting the proposed ballot measure—aimed at gay men and lesbians—that would prevent otherwise qualified unmarried couples, straight or gay, who live together from being foster or adoptive parents. [www.arkansasfamiliesfirst.org](http://www.arkansasfamiliesfirst.org).
- ◆ A group of business, clergy and social justice leaders has come together to fight anti-immigration legislation in 2009, and formed the **Arkansas Friendship Coalition**. [www.arfriendshipcoalition.org](http://www.arfriendshipcoalition.org). In addition, we are working with local attorneys, groups and activists like Jim Miranda, Just Communities of Northwest Arkansas and La Raza to address racial profiling and other rights violations by local law enforcement and ICE (Immigration and Customs Enforcement).
- ◆ We are also working with the **Cradle to Prison Pipeline**, part of a national effort to educate the public and policy makers about the factors that put a disproportionate number of minorities on a fast track to prison from the day they're born, and to help activists work for change. National website: [www.childrensdefense.org](http://www.childrensdefense.org)

#### GET INVOLVED!

- Sign a petition asking the governor for a moratorium on the death penalty. Help gather more signatures!
- Help keep the anti-gay ballot initiative from passing in November by hosting a party at your house.
- Find out more about immigrants rights problems in Arkansas.

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### New Staff Attorney Holly Dickson

Holly Dickson has been staff attorney for the ACLU of Arkansas since June of 2006.



Photo: Dixie Knight

A native of Batesville, Holly studied political science, sociology, and criminal justice at Arkansas State University at Beebe and the University of Arkansas at Little Rock before earning her J.D. with honors from the University of Arkansas at Little Rock's Bowen School of Law in 1998.

Prior to joining the ACLU, Holly was in private practice in Little Rock, and successfully litigated numerous civil rights and employment cases. She salutes her mentor, Paul James, for introducing her to the practice of civil rights law and the positive impact it has had for herself and those she represents.

Holly and her husband Matthew have a 14-year-old son, Andrew. She credits the support of family and friends as a current and lifelong source of strength and encouragement, which helps her stand up for those whose rights have been violated. She is pleased to be working with the smart men and women that together make up the ACLU and ACLU of Arkansas.





(Director, continued from page 1)

➤ *Attend the Cradle to Prison Pipeline Summit in April '09.*

We have just not been the same since our new staff attorney Holly Dickson hit the ground running two years ago. She's got the fire in the belly. Whether it's attending the city council meeting in Helena-West Helena, or going into the curfew zone to meet the folks affected by the curfew, or calling the local superintendent to cease the teaching of a religious curriculum in a public school, Holly stands ready to make sure nobody's rights are trampled on.

Holly has helped us finally expand our work into the northwest corner of the state, where racial profiling and harassment of Latinos is ubiquitous. In addition to the coalition focused on legislation alone, we are working with local activists on a broader based effort to protect the rights of all people on Arkansas soil. We're hoping to get a grant to hire a bilingual organizer to work in that area of the state to advocate on behalf of immigrants and investigate allegations of racial profiling. To have staff outside Little Rock would be a first!

In other words, we're doing the job you expect your ACLU to do, and which we do with your support. Thank you as always for allowing us to get the job done.

Don't forget: a few calls or emails to lawmakers from constituents can make ALL the difference, and our new website helps you do it. Show them you're watching!



## Announcements

### Membership meeting September 9, 2009

ACLU Office, 904 West 2nd Street, Little Rock

*Agenda: Amend the by-laws so that the annual membership meeting can be any time in the fall, and not just in October as the by-laws currently state.*

*More dates to remember....*

**September 9: Last day to submit nominations for the board by petition of 10 members in good standing.**

**October ?:** **ACLU Banquet and Debate on the 2nd Amendment** (watch for invitations in the mail for date, place and time)

**November 6: Arkansas Coalition to Abolish the Death Penalty Annual Meeting**, place and time TBA, Little Rock

**April 30-May 2, 2009: Cradle to Prison Pipeline Summit**, Little Rock

### **The American Civil Liberties Union of Arkansas**

is a membership organization (the "Union" or "ACLU") engaging mostly in lobbying and membership activities. (Membership dues are not tax-deductible.)

### **The Arkansas Civil Liberties Union Foundation**

is a charitable organization (the "Foundation" or "ACLUF") engaging in litigation and education. (Donations to this entity are are tax-deductible.)

*Contributions to the Foundation do not make you a member of the ACLU (Union). To join the Union, you pay membership dues. Only members of the ACLU can serve on or vote for the ACLU Board.*



### Officers

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|------------------|----------------|
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| George Wise      | Vice President |
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| Jeremiah Gardner | Treasurer      |

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### THE GOOD FIGHT

#### PUBLISHER

Arkansas Civil Liberties Union  
Foundation

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## On The Docket

☺ Won, ☹ Lost, ? Pending, ⓘ Investigating

### FOURTH AMENDMENT & DUE PROCESS

#### 📍 Police State Tactics in Helena-West Helena: Adult Curfew Imposed

Under the auspices of an adult and juvenile 24-hour curfew instituted by Helena-West Helena Mayor James Valley, the police are detaining, questioning and sending back into their homes anyone they choose. The situation has made national news. We are preparing to challenge this apparent suspension of the Fourth Amendment.

#### 📍 Abuse of Immigrants and Minority Detainees: Benton County Jail

We have received reports regarding physical abuse of detainees in the Benton County jail. Working with local attorneys, advocacy groups and others, we continue to investigate these allegations.

#### ☺ Corporal Punishment for Juvenile Probationers

William Hall, a juvenile probation officer for the 1st Judicial Circuit, was using corporal punishment as a form of discipline, sometimes threatening parents with sending their children to a detention facility if they did not agree to let him do so. He used both a leather strap and a paddle, both of which were on display at times to intimidate juveniles.

We contacted 1st Circuit Judge Baird Kinney who instructed Mr. Hall to cease the conduct immediately and sent us written assurances that the practice is over.

### FREE SPEECH

#### ☺ University President Bans Showing Sondheim Musical, "Assassins"

After pressure from the ACLU, Steven Sondheim, and others, Arkansas Tech President Robert Brown lifted the ban he had imposed on the Theater Department showing the Sondheim-Weidman musical, "Assassins." He said he had cancelled the play, "out of respect for the families of victims" of shootings at other campuses, and because of the play's "portrayal of graphically violent scenes."

Ironically, the subject of the play is the problem of violence in America. A ban on student journalists reporting on the controversy was also lifted.

#### ☺? Watson Chapel School District and Student Free Speech

Watson Chapel school district has an unreasonable student dress code—impossible to adhere to and arbitrarily enforced. Parents did not know how to dress their children for school. One student was suspended for distributing a flyer opposing the policy. Things were bad.

Students and parents planned a protest whereby students would wear black armbands to school one day. The school heard of the plan and threatened to suspend any student who wore armbands. Despite a warning from us that it would violate the First Amendment to take this action, officials disciplined the students anyway. We filed suit shortly thereafter.

The day of the trial school officials conceded they had suspended the students for protesting the policy, and the Court ruled that they had violated the First Amendment. The Court also held that the literature distribution policy was unconstitutional. Unfortunately, the court upheld the dress code. The district has appealed

the ruling on the armbands, despite their earlier admission. The case has been argued before the 8th Circuit, and we await a decision.

### CHURCH/STATE

The number of times we have intervened at schools where religious material was being handed out or taught, or prayer encouraged by school officials, is too high to enumerate. Here are a few examples.

#### ☺ Teaching Creationism in Springdale Public School

A Springdale World History teacher/coach was teaching history with an 8-week course on creationism, complete with written materials with questions like, "True or False: The Fall of Adam and Eve was the Original Sin." After a receiving a letter from us, the school officials expressed astonishment that this was going on, and had been for years, and assured us that this practice has ceased.

#### ☺ "Defending Your Faith" for Teacher's Continuing Ed Credit

We learned that one of the educational cooperatives providing continuing education for licensed Arkansas teachers had a course listing entitled, "Defending Your Faith (Answers in Genesis)," which was described as, "a conference to defend the historical accuracy of the book of Genesis in regard to the Origin of Life and Geological Age of the Earth." At least one teacher wanted to take the course.

We wrote to the coop and the Arkansas Department of Education to address the obvious First Amend-

*(See Docket on page 5)*



## Legislative Report—Summary of 2007 and Head's Up for 2009



We watched over forty bills in 2007. Here's a few of them:

### **Gay and lesbian parenting ban – Win.**

**Senate Bill 959** would have banned gay people, even relatives, and most unmarried heterosexual couples who live together, from adopting or serving as foster parents. Heterosexuals who were related to the child were excluded from the ban. It was yet another attempt to undo our victory in *Howard*.

This bill would have prevented godparents or other close non-relatives groups from caring for a child if the parents could no longer do so. After days of contentious debate, the bill died in the House.

*The Family Council is currently trying to get a measure on the November ballot to do the same thing.*

### **Prescription-drug monitoring - Win.**

**Senate Bill 20** would have required pharmacists to report to the Department of Health and Human Services all prescriptions written for Schedule II-IV drugs (which includes Ritalin, used to treat ADD, and Cymbalta, an anti-depressant), along with personal information on the patient and doctor. The bill was heavily amended to allay some of our concerns, but we sought an out-and-out defeat and succeeded.

### **Student prayer - Win.**

**House Bill 2445** would have prohibited school officials and employers from interfering with student-led prayers at school, and during school events. Students already have the right to pray at school or at school events at any time in a non-

disruptive manner; but when students "lead" prayers at events in a way normally reserved only for school officials it amounts to school sponsorship of religion and is unconstitutional. We helped get the sponsor to pull the bill.

### **Voter ID — Win.**

**House Bill 2120** would have required voters to show a federal or state photo identification card in order to vote. Many people, particularly the poor, the elderly, people with disabilities, and minority groups do not have a driver's license or other means of obtaining a state issued photo ID. It has been shown that when this requirement is in place fewer people vote. It died in the House.

### **Undocumented Immigrants**

**Worker Database: House Bill 1024 - Mixed victory.** This bill prohibited the state from doing business with companies that knowingly hire undocumented workers. (It's already illegal). It also committed the state to using a worker tracking program, "the Basic Pilot Program," a proposed national database that has proved incomplete and rife with mistakes. The goal is to ultimately enter *every worker in the country*—including citizens—into a database which will be matched up with data from the Department of Homeland Security and Immigration and Customs Enforcement (ICE) to determine their immigration status and work eligibility. *Under the federal plan, everyone applying for a job will have to be screened.*

Not only do we object to government databases holding mass

amounts of personal data, but we object on the grounds that immigration status can change daily: the likelihood of such data being entered and maintained properly and on time makes such a program untenable.

We got several amendments added, including removing the requirement that the state use the Basic Pilot Program. It passed.

**State Services—Win. House Bill 2781** would have required the state to track state services like prenatal care provided to undocumented immigrants. The Health department relayed it's concern that people with a communicative disease, for instance, might be discouraged from coming for treatment. It died.

**Food and Shelter—Win. House Bill 2779**, the "Taxpayer and Citizens' Protection Act," would have made it a crime for anyone—even a church or charity—to shelter, feed or clothe an undocumented immigrant, including those who came here illegally but now have legal status. It was approved in the House but the ACLU rallied its allies to testify at a surprise, last-minute Committee meeting on the next to the last day of the legislative session, where it was defeated.

### **Reproductive Rights: "Protecting Women from their Doctors"**

**Senate Bill 871 - Win.** It sought to require a sign at all abortion facilities stating that no one can force a woman to have an abortion. The intent was only to make doctors appear predatory. Knowing that sometimes family members do pressure women

*(Continued on page 5)*



(Legislative Report, continued from page 4)

to have abortions, every abortion provider already makes sure that women obtain abortions only of their own free will.

The bill died in the Senate.

**House Bill 2768 - Loss.** Like the above bill, this required women be given the same notice as part of the state's "informed consent" law. It passed, but we believe it poses no major burdens for doctors or women—just an unnecessary one. "Cyberbullying" - Mostly a Win.

We were able to get the worst out of **House Bill 1072**, aimed at prohibiting "cyberbullying," defined as sending harassing messages electronically. This bill unconstitutionally stifled student expression, even when calling from off campus. Under the bill, school officials could have found almost any text message, e-mail or blog to be "disruptive" to the school environment, and thus punishable. It passed; but after our many amendments it should be harmless—if officials abide by the policy.

\*\*\*

We supported legislation (**Senate Bill 847**) to make information about emergency contraceptives available at emergency rooms to assault victims. It passed, but contains a "conscience clause" to allow E.R. workers to opt out of providing the information on religious or other grounds. *Importantly, the hospital is not required to provide another employee to relay the information the woman needs.*

We supported an effort to "opt out" of the federal legislation aimed at requiring national ID cards. Both chambers approved two non-binding resolutions.

### What to expect in 2009:

- More anti-immigrant legislation: the Constitution applies to all "persons," not just citizens.
- More bills aimed at restricting women's access to abortion. ☩

We need YOUR help at the Capitol.

Be a keyboard activist!

**GET Up-To-Date  
LEGISLATIVE ALERTS  
And NEWS**

**acluarkansas.org**

### Northwest Arkansas Chapter News

The 20th Annual Banquet of the Northwest Arkansas Chapter was held in April at the Fayetteville Senior Center. 70 ACLU members and guests feasted on BBQ and fixings. A short business meeting elected Jim Miranda and Ann Heffernan to three year terms on the board of directors.

**Judge Wendell Griffen** gave a rousing speech touching on many civil liberties issues. He received a standing ovation.

A special effort was made to invite students at no cost to them. Fifteen young people attended.

#### Officers for 2008-2009

President – Ann Heffernan  
Vice President – Charles Kester  
Secretary – Henry Griffith  
Treasurer – Frank Head

Board members: Cathy Boyd, Tom Kennedy, Jake Lamkins, Jim Miranda ☩

(Docket, continued from page 3)

ment problem. The teacher will not receive credit for the course.

### GAY RIGHTS

☩ **Howard v. CWARB: Gay and Lesbian Foster Parents-THE END!**

In a unanimous decision the Arkansas Supreme Court upheld a district court's ruling overturning the 1998 DHS rule prohibiting foster children from being placed in homes where an adult gay man or lesbian resided. The Court agreed that there was clearly *no rational basis* for the rule, so it must be based on personal bias. *The case is over, but the fight continues at the legislature, and now at the ballot box with a proposed constitutional amendment.*

☩ **Same Sex Dates to the Prom**

A student at Williford High School reported that she could not take a same sex date to the high school prom, but after receiving a letter from us, the Principal rescinded the rule. ☩

### Board Elections

Long-time board member Ernie Dumas has decided not to run again.

The Nominating Committee has nominated the following people for a term ending in 2011:

**John Burnett**, Little Rock; **Adam Butler**, Little Rock; **Kathryn Fitzhugh**, Little Rock; **Jeremiah Gardner**, Little Rock; **Ann Heffernan**, Fayetteville; **Mary Janet "Bean" Murray**, Little Rock; **Jada Walker**, Little Rock; and **George Wise**, Little Rock.

Ballots will go out soon. ☩



Here's my tax-deductible gift to the arkansas civil liberties union foundation (ACLUF)

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