

The Mountain Torch

The Newsletter of the American Civil Liberties Union of West Virginia

Spring 2004



John McOwen, who was to become the first ACLU-WV president, meets with the future 35th U.S. president in Huntington.

State ACLU Mourns its First President

John J. McOwen, the first president of the ACLU of West Virginia, died December 25, 2003. He was 79.

In 1971, McOwen was elected president of the newly established ACLU affiliate in West Virginia. He served two 2-year terms. McOwen was also an ACLU cooperating attorney and aided the organization on a number of its cases.

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ACLU-WV Hires First Staff Attorney

The ACLU of West Virginia is proud to announce the hiring of its first staff attorney, Terri Baur. Terri is a native of Charleston, West Virginia. She graduated Phi Beta Kappa from the University of Florida with a B.A. in English. She also received an M.A. and Ph.D. in Sociology from the University of Colorado. Terri enjoyed a long career in human services before earning her J.D. degree from California Western School of Law in 1997.

Since graduation, Terri was a volunteer immigrant rights attorney for a year with the San Diego Volunteer Lawyer Program where she was recognized for her Pro Bono Legal Services. Between 1998 and 2001, she served as a staff attorney for that organization where she provided legal assistance to prisoners and other indigent civil rights litigants. For the last three years, Terri was Executive Director of the State of California Developmental Disabilities Area Board XIII where she advocated for the civil rights of persons with developmental disabilities in the San Diego area.

"As a member of the ACLU, Terri is passionate about civil liberties issues. She describes this position as her 'dream job,'" said Andrew Schneider, Executive Director of the ACLU of West Virginia. "We are fortunate to have someone of her caliber and enthusiasm join our team."

The hiring of the ACLU-WV's first staff attorney was made possible by a generous grant from the Affiliate Support Department of the National Office and members/donors like you. Thank you!



Terri Baur

ACLU-WV Welcomes Newly Elected Board Members

The ACLU of West Virginia is pleased to announce the newly elected members to the Board of Directors for the 2004 - 2007 term.

Amara Chaudhry is one of two freshmen joining the Board. A recent graduate of Washington & Lee University Law School, she currently is an assistant public defender in Kanawha County. Amara is a founding member and former officer of the Charleston chapter of the ACLU-WV and drafted the chapter's bylaws. She has also done volunteer attorney work for the organization including assisting with legal intake and drafting the legal docket for the ACLU-WV's web page. Her commitment to civil liberties grew out of personal experience. "I first learned about the tyranny of the majority over the rights of the minority as a non-white, non-Protestant, child of immigrants in a small Appalachian town in Virginia," Amara

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The Wall That Protects Religion From Government Interference

By Andrew Schneider
Executive Director



For many West Virginians, the most defining characteristic of the ACLU is its profile on church-state issues. It is also the least understood. Thomas Jefferson wrote in his letter to the Danbury Baptists that a "wall of separation between church and state" was necessary to keep religion free from the heavy hand of government control.

Those who believe that this principle is used against religion could not be more mistaken. Ironically, when Jefferson used the "wall of separation" metaphor, he was simply echoing the sentiments of the evangelical Baptists of the time. The Baptists (who were in the minority then) were complaining about the lack of religious liberty in Connecticut, one of the few states that retained a religious establishment for a few decades after the First Amendment was ratified. Like Jefferson, they supported separating church and state as a mechanism for denying state-sponsored religion. Thanks in part to their agitation, Connecticut disestablished the Congregational churches in 1818.

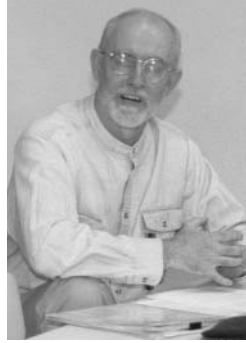
Despite the fact that we are an increasingly pluralistic and religiously diverse society, some politicians still try to use the state to impose their religion on the rest of us. Recently, Joe Manchin, Democratic candidate for governor, said he would sign a bill "in a heartbeat" requiring West Virginia's public schools to post the Ten Commandments. The question is whose Ten Commandments? The one belonging to the Jews, the Catholics or the Protestants? One realizes in that question that even among those three major religions, such a proposal is divisive, it diminishes religious freedom, and speaks volumes why we need a tall fortified wall.

PRESIDENT'S CORNER -- MARCH 2003

A New Day for the ACLU of West Virginia

By Chuck Smith

The beginning of 2004 marked a new juncture in the evolution of the ACLU of West Virginia. We start this year with a larger staff, new office space, an impressive legal docket, and an ever-increasing membership. We anticipate a year of uncompromising defense of the Bill of Rights.



Terri Baur, our first staff attorney, began her work with us in early February. Terri has reviewed our legal docket and taken over management and assessment of the many complaint letters we receive every month. She has also been meeting our cooperating attorneys. Over the next few months she will begin recruiting additional cooperating attorneys. We also contracted with Jennifer Meinig to be our full-time lobbyist during the 2004 session of the state legislature. Jennifer is continuing

the work that our executive director, Andrew Schneider, started last year. We are building a bipartisan group of legislators that we can call on to protect and advance civil liberties interests in legislation.

In early January, thanks to assistance from Monica Neal, Donna Neal, Joshua Goins, Jason Huber, Jim Baur, Cameron McKinney, Chuck Pettry, Jon Matthews, and Jack Magan, we moved into our new office space in downtown Charleston. Our office at Covenant House was bursting at the seams and no longer met the needs of our growing program. On behalf of our affiliate I want to express gratitude to the board and staff of Covenant House for accommodating our needs during the transition between offices.

This year the ACLU will hold a general membership conference, July 6-8 in San Francisco, California. On July 4 we celebrate the birth of American freedom; on the following days, members of the ACLU will meet to redouble our efforts to protect it. The board and staff are working so that some West Virginians, especially young

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Officers, Board Members, and Staff of the American Civil Liberties Union of West Virginia

Officers

Chuck Smith
Bill Denman
Cameron McKinney
Ruth Brinker
Ian Gibson-Smith

President
Vice President - Membership
Vice President - Development
Secretary
Treasurer

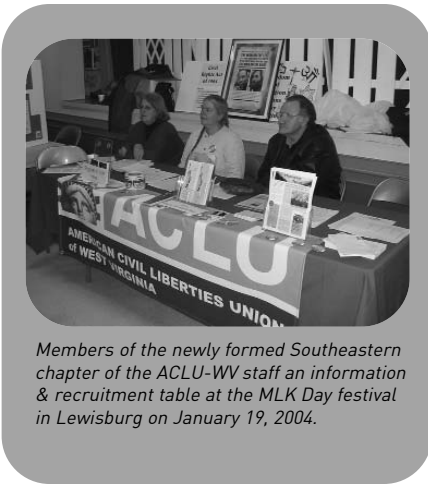
Board Members

Sonya Armstrong, Heidi Arnao, Bob Bastress, Kevin Burgess, Margaret Chapman, Amara Chaudhry, Vicki Clair, Naomi Cohen, Roger Forman, Bob Grindley, Josh Goins, Jason Huber, Tom Kinraide, Elizabeth Kurczynski, Jon Matthews, Ardith Michaux, Jeremiah Samples, Twanna Steele, and Andy Waddell

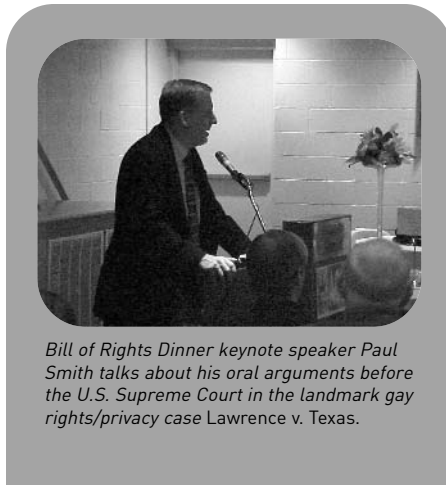
Staff

Executive Director
Staff Attorney
Office Manager

Andrew Schneider
Terri Baur
Monica Neal



Members of the newly formed Southeastern chapter of the ACLU-WV staff at an information & recruitment table at the MLK Day festival in Lewisburg on January 19, 2004.



Bill of Rights Dinner keynote speaker Paul Smith talks about his oral arguments before the U.S. Supreme Court in the landmark gay rights/privacy case Lawrence v. Texas.



ACLU-WV contract lobbyist Jennifer Meinig with keynote speaker Paul Smith at the 2003 Bill of Rights Dinner held on November 8, 2003.



Students from the WVU, WVU law school & West Virginia state ACLU chapters sit together at the 2003 Bill of Rights Dinner.

MONICA & ANDREW ARE EXPECTING...

The newest addition to the ACLU family - Terri Baur!

Please join us for a welcome reception and fundraiser for the ACLU of West Virginia's first staff attorney

Monday, March 29, 2004,
5:30 p.m. to 7:30 p.m.
at the ACLU of West Virginia's new headquarters,
205 Capitol St., Suite 201, Charleston

Food and Refreshments will be served

Minimum contribution is \$20 and is tax-deductible

Please RSVP by Thursday, March 25th to wvclu@aol.com or call (304) 345-9262 or mail a check, payable to ACLU-WV Foundation P.O. Box 3952 Charleston, WV 25339

West Virginia residents may obtain a summary of the registration and financial documents from the Secretary of State, State Capitol, Charleston, WV 25305. Registration does not imply endorsement.

Newly Elected Board Members

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said. As a result, she has been instilled with a passion for "fighting discrimination in all its forms."

Naomi Cohen is the other freshman joining the Board. A longtime member of the ACLU, she is a founding member and officer of the Southeastern chapter of the ACLU-WV. The ACLU runs in her family's blood. Her daughter Arielle was an ACLU-WV Board member in 2002 until she left to study law at NYU. Naomi received her law degree from NYU School of Law in 1968. Her legal career began as an attorney with Mercer & Summers County Office of Economic Opportunity followed by a stint with the Appalachian Research & Defense Fund (APPALRED). From 1972 to 1975, Naomi was in private law practice where she did draft resister cases (Vietnam War) and Black Lung benefits cases. She is currently a residential and commercial building contractor doing construction projects in the Greenbrier Valley.

Ian Gibson-Smith is returning to the Board for his first full term after having finished out the remainder of Jack Magan's term. He is a business owner and activist who resides in the Eastern Panhandle. As an out gay man living with HIV, Ian has long been involved in the struggle for civil liberties and human rights, having sat on the boards of such organizations as the Whitman-Walker Clinic and the AIDS Network. He has been involved with organizations as diverse as ACT UP, Queer Nation, HRC, NGLTF, Mautner, Uncommon Legacy, and CATF. He has also advised and worked with many political campaigns and movements with the particular focus on women's issues and LGBT youth.

Cameron McKinney is returning to the Board for his second term. He joined the ACLU-WV Board in 2000. Raised in the coalfields of Wyoming County, he is a 1996 graduate of West Virginia University's College of Law. Upon graduation, he practiced law in Pineville, West Virginia and in 1998 began working for the State Attorney General's office where he became a consumer protection law specialist. He began his current practice with the Grubb Law

Group in 2001. Cameron currently holds the Board office of Vice President for Development, in which capacity he guided the Board through its most successful fundraising campaign ever last year. Cameron is also an ACLU cooperating attorney who was one of the attorneys to work on the ACLU's racial profiling lawsuit against the Charleston police department.

Chuck Smith, a tireless and dedicated veteran to the cause, is returning to the Board for his third term. Active in the ACLU since 1992, he has been a member of the Board of the West Virginia affiliate since 1998, president of the Board since 2002, a member of the national board since 2001, and a delegate to the 1999, 2001, and 2003 ACLU Biennial Conferences. For years, Chuck has been a community organizer working for civil rights in West Virginia. Since 1994, as a professor at West Virginia State College, he has taught and published in the area of public law - especially about issues of religious liberty. He is also a leader in the gay civil rights movement.

***First President of the
ACLU dies***
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In addition, he was a longtime Democratic Party activist and served on the Cabell County Democratic Committee. In 1970, McOwen ran for the U.S. Senate in the Democratic primary against Robert C. Byrd in the days when Sen. Byrd was more the object of scorn of civil libertarians rather than the object of praise (when we honored him at the 2003 ACLU-WV Bill of Rights Dinner). Byrd defeated him in that election.

The ACLU of West Virginia is saddened by John McOwen's recent death. He is survived by his wife Sheila (Vice President of the Huntington chapter of the ACLU-WV) five children, 10 grandchildren, and 1,500 card-carrying members statewide ... and counting. We extend our sympathy and support to the family and friends of this dedicated civil libertarian.

President's Corner
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adults, will be able to attend the meeting.

The ACLU continues its unprecedented growth. The number of new members joining the ACLU in 1999 was 58,981; in 2000, 59,607; in 2001, 74,027; in 2002, 93,544; and in 2003 145,635. That growth is reflected in West Virginia. In 2003, 620 West Virginians joined; 289 of them in response to the national office's advertising and direct mail campaigns and we

recruited 331 ourselves.

The coming year presents new opportunities for growth in our affiliate. Our members and supporters provide the foundation for our future growth. Welcome to all of our new members. The board of directors, our staff, and I thank you for the support you have already given us. We especially appreciate our dedicated, longtime members whose support and encouragement have allowed the ACLU-WV to protect the civil liberties of all West Virginians over the past 33 years.

Let's Stand Up for Freedom!

The ACLU is inviting both committed members and new friends to the 2004 ACLU Membership Conference, scheduled for July 6-8 in San Francisco.

Our civil liberties are being challenged as never before, and it's up to us to make sure we don't lose these precious freedoms. Special conference rates apply for young adults (ages 18-25) and those who register before April 30. For registration info, visit the ACLU web site at www.aclu.org/2004MemberConf.



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