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NEWS+OPINION » WILL MOREDOCK

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The ACLU is back on the job in South Carolina

Much Work to Be Done

BY **WILL MOREDOCK**

South Carolina has had a long and prickly relationship with the American Civil Liberties Union. Founded in 1920, the ACLU was in its infancy when it represented John Scopes in the famous "monkey trial," challenging the Tennessee legislature's power to ban the teaching of evolution in public schools, and leaving a bad taste in the mouth of all cultural conservatives.

More recently, the ACLU has been fighting to keep prayers, crèches, statements of faith, and the Ten Commandments out of public schools and off public property. It was the ACLU that represented a Wiccan in her battle with the town of Great Falls over prayer at its town council meetings, and it was the ACLU that backed Shannon Faulkner's fight to open The Citadel to women.

The ACLU has long been the whipping boy of politicians and preachers in this state. One of the worst slurs you could sling at someone was accusing him or her of being an ACLU member. When Democratic presidential candidate Michael Dukakis boasted in 1988 that he was a "card-carrying member of the ACLU," George H.W. Bush beat him over the head with it in South Carolina and the South, ultimately carrying the entire region for the GOP.

I'm sure there was gnashing of teeth when the state office of the ACLU opened in Charleston last summer after a hiatus of several years. More recently it hired its first attorney and named Victoria Middleton the new executive director.

Middleton brings a different perspective to her job. For one thing, she is not an attorney. Her background is in literature and diplomacy. A product of Bryn Mawr and the University of California-Berkeley, Middleton wrote her dissertation on women's political novels, then walked away from a tenured teaching position to take a job with the State Department.

For 21 years she worked on three continents with the Bureau of Democracy, Human

Rights and Labor, advancing U.S. interests and cooperation in the Philippines, India, Estonia, Finland, and the Czech Republic.

"Public education and advocacy are a big part of our job," Middleton told me in a recent interview. "Sometimes just a letter or a phone call will clarify things. When someone realizes they are breaking the law and they have that law explained to them, that is all that is required. Litigation is only one of our tools."

Middleton has enjoyed the support of the Charleston School of Law in recruiting volunteers and has partnered with the League of Women Voters and S.C. Common Cause on specific projects. And there are several issues that are getting ACLU attention right now: fighting the state legislation that would allow law enforcement to take a DNA sample from anyone who was arrested on any criminal charge, before they are convicted; fairness issues, including racial profiling and the disproportionate number of minorities in the state criminal justice system; First Amendment issues, including church-and-state conflicts; and issues of government-imposed morality, including gay rights, abstinence-only education, and reproductive freedom.

A critical problem facing the state today is overcrowding in jails and prisons. Not only is it monstrously expensive to taxpayers, but we long ago ran out of space to put the most dangerous criminals in society, while we continue to fill prisons with nonviolent drug offenders. One result is the wave of violent crime we have seen in the Lowcountry in recent weeks, much of it committed by what law enforcement officials call "career criminals." If there is a "revolving door" on jails and prisons, as police say, it is because we don't have the capacity to lock up everyone who should be there.

The state office of ACLU has partnered with the League of Women Voters to address this crisis with alternative punishment, counseling, and education.

"Incarceration is more expensive than education," Middleton says. But so far the General Assembly has shown no interest in the kind of criminal justice reform this state needs to protect the public. The old battle cry, "lock 'em up and throw away the key" is just too sweet for most politicians to part with.

That's just one of the cultural barriers Middleton will have to contend with, but no one should underestimate her.

"I served our country 21 years overseas," she said. "I have worked in communist and post-communist countries, and I can tell you that we are lucky to have a constitution such as ours. We don't want people trying to change it."

To learn more about S.C. ACLU, go to www.aclusouthcarolina.org.

See Will Moredock's blog at www.charlestoncitypaper.com/blogs/thegoodfight.

Tags: American Civil Liberties Union