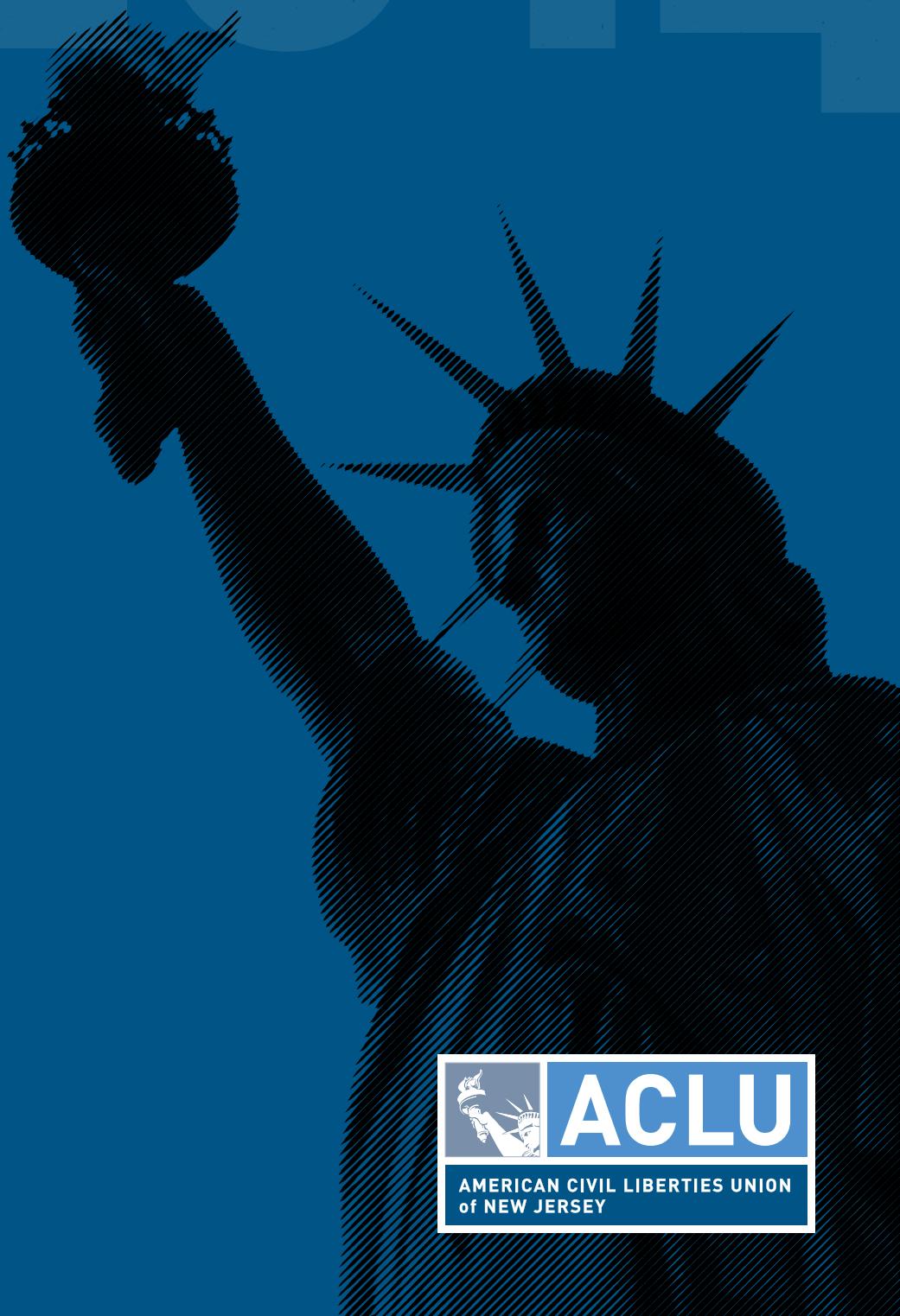


2014

ANNUAL REPORT **2014**



	<b>ACLU</b>
AMERICAN CIVIL LIBERTIES UNION of NEW JERSEY	

**“...we launched a new campaign, Newark Communities for Accountable Policing, that’s bringing together diverse communities to create permanent changes in Newark policing that will outlast any one federal monitor.”**

## A YEAR OF BI REFLECTIONS FROM A

**B**y the time a civil rights victory comes to fruition, the tail end of the fight represents only a fraction of the work it took to get there. When such a victory comes — marriage equality in October of 2013, the Department of Justice announcing federal oversight of the Newark Police in July of 2014 — we pause for a moment to celebrate the accomplishment. And then we get back to work on the next leg of the long march toward justice.

This year, the American Civil Liberties Union of New Jersey — and the city of Newark — reached an enormous milestone when the Department of Justice announced that, after decades of police abuses, the federal government would intervene to reform the Newark Police Department. It’s the culmination of 50 years of struggle. It’s also the beginning of a new chapter: one that offers an unprecedented opportunity to establish justice in a city where it too often goes missing.

The repair of the department will not be a single, quick, monolithic transformation,



A 1964 protest calling for the creation of a Civilian Complaint Review Board in Newark



# 10 BIG VICTORIES

ACLU-NJ EXECUTIVE DIRECTOR UDI OFER

but the result of concerted efforts shared by thousands of individuals that will require ambitious thinking to transform the status quo. That's why we launched a new campaign, Newark Communities for Accountable Policing, that brings together diverse communities to create permanent changes in Newark policing that will outlast any one federal monitor. This new campaign is the next step in a movement that began more than 50 years ago when Newarkers first called for independent civilian oversight of the police department.

Our milestone year of victories did not end in Newark. We took up the charge to revamp our state's broken bail system, which will result in thousands of people no longer being locked up in jail simply because they are poor; we led the fight to eliminate public school policies that discriminated against immigrant families trying to give their children access to an education; we took on the military for discriminating against transgender veterans who served our country but now face

unnecessary obstacles in obtaining basic services; and we won a landmark decision in the New Jersey Supreme Court that will prevent rap lyrics and other forms of artistic expression from being wrongfully used as evidence of a crime.

The pages that follow are a testament to the efforts of the relatively small yet enormously dedicated staff of the ACLU-NJ. However, just as important, they attest to the incredible generosity and dedication of thousands of supporters like you that enable us to take up the defense and the furtherance of our rights and freedoms as a moral imperative. The victories highlighted here belong to you.

Thank you for all that you do.

Yours in justice,



Udi Ofer  
*Executive Director*  
ACLU-NJ

# CHALLENGING A DYSFUNCTIONAL CRIMINAL JUSTICE SYSTEM

Justice 50 Years in the Making:

## Reforming the Long-Broken Newark Police

**F**inally. Newark communities and the ACLU-NJ first called for the federal government to rein in the Newark police in the 1960s. Four years ago, the ACLU-NJ repeated that call in a petition to the Department of Justice, documenting 418 reports of misconduct. Nine months later, a federal investigation began.

This year, the Department of Justice and the Newark Police Department took the first steps to create real, lasting, top-to-bottom reforms. The Justice Department plans to appoint a federal monitor charged

with dismantling a widespread pattern and practice of civil rights and civil liberties abuses by the state's largest municipal police force.

And yet, without meaningful reforms like independent civilian oversight of the police, even the strongest consent decree will fall short of what the people of Newark need and deserve. The ACLU-NJ is leading the charge for real civilian oversight through the creation of a Civilian Complaint Review Board with independent investigatory and disciplinary authority.

Along with community members, labor unions, grassroots organizations, and LGBTQ and civil rights groups, the ACLU-NJ stands on the steps of Newark City Hall on July 24, two days after the Department of Justice announced a federal monitor would oversee the Newark Police Department, to demand policing reforms.

PHOTO CREDIT: AMANDA BROWN



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## FINDINGS OF THE DOJ'S REPORT

In its findings concluding a multi-year civil rights investigation of the Newark police, the DOJ echoed what the ACLU-NJ has been saying for years.

- Up to 75 percent of stop-and-frisks in Newark have no constitutional justification
- While blacks are 54 percent of Newark's population, they constitute 85 percent of all pedestrian stops
- Police officers regularly use excessive force in violation of the constitution
- Police officers have retaliated against Newarkers for engaging in First Amendment-protected activities, such as protesting police actions
- The internal affairs and supervisory systems are broken
- Officers have stolen personal property from Newarkers on a regular basis

The promise of reform and specter of federal oversight are not enough.

This year, together with partners from the civil rights, black, Latino, faith, labor, and LGBTQ communities, the ACLU-NJ launched a citywide effort to build a respectful, accountable and transparent Newark Police Department: Newark Communities for Accountable Policing (N-CAP). N-CAP will be working within Newark's neighborhoods to build a culture of respect, and strong independent oversight of the Newark Police. Its steering committee includes 1199 SEIU Healthcare Workers East, the American Civil Liberties Union of New Jersey, Garden State Equality, Ironbound Community Corporation, NAACP New Jersey State Conference, New Jersey Communities United, the Newark LGBTQ Community Center, and the People's Organization for Progress.

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## SHINING A LIGHT ON STOP-AND-FRISK

For years, stop-and-frisk was perceived as a New York City issue, not a Newark one.

That changed when the ACLU-NJ published the first-ever study of stop-and-frisk practices in Newark this year. The report, as the first analysis of any

New Jersey city's use of stop-and-frisk, reset the conversation about police practices in Newark. Newark police use stop-and-frisk at a high frequency and disproportionately stop black Newarkers. Three out of four people stopped are innocent.

The ACLU-NJ report was cited in the Justice Department's investigation of the Newark Police and in news stories across the nation. The ACLU-NJ continues to regularly publish analysis of Newark's stop-and-frisk practices on its website, [www.aclu-nj.org/stop](http://www.aclu-nj.org/stop)

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## THE MILITARIZATION OF BERGEN COUNTY

Suburban Bergen County bears little resemblance to Baghdad or Kabul. Yet Bergen County Sheriff Michael Saudino requested two mine-resistant, ambush-protected vehicles fresh back from Iraq and Afghanistan for the county's vehicle



fleet. The ACLU-NJ on July 31 sent a letter to Saudino demanding the Sheriff's Department withdraw its request from the Department of Defense. Nearly 150 ACLU-NJ activists in the county contacted the Sheriff and Board of Freeholders. On Aug. 28, Sheriff Saudino relented and said he would delay the county's acquisition.

The controversy in Bergen County reflects a larger, nationwide tug-of-war between militarized law enforcement and community-focused policing. The ACLU's 2014 report "War Comes Home" chronicled the threats a "warrior mentality" among domestic law enforcement poses to civil liberties.

## Historic Bail Reform

The New Jersey bail system has been broken for decades. The ACLU-NJ, working closely with the Drug Policy Alliance and the NAACP, helped lead the charge to bring about comprehensive reforms to the fundamentally flawed system.

Under these historic reforms, within a few years New Jersey will no longer see thousands of people, primarily from low income communities of color, languish in jail for months, or even years, awaiting trial simply because they cannot afford a few thousand dollars in bail. There is now an end in sight for these debtors' prisons. We will also see, for the first time in the history of our state, meaningful speedy trial protections in New Jersey.

ACLU-NJ Senior Staff Attorney Alexander Shalom served on the landmark panel convened by New Jersey Chief Justice Stuart Rabner, the Joint Committee for Criminal Justice, which created the report that served as a model for the new law.

The hard work was rewarded when voters, by an overwhelming margin, approved Ballot Question 1 in November 2014 to ensure New Jersey would see true bail reform.

**“I do not believe that anybody in this room on either side of the aisle ever thought they would see the ACLU standing with me on something that I support. Yet here we are today. Miracles do happen.”**

— NEW JERSEY GOVERNOR CHRIS CHRISTIE,  
JULY 31, 2014

### STOPPING SOLITARY CONFINEMENT, A FORM OF TORTURE

Most experts consider solitary confinement to be a form of torture, one especially harmful to children and individuals with mental illness. As part of a national movement to radically curtail punitive solitary confinement, the ACLU-NJ has endeavored to end a dangerous, cruel form of discipline that embodies what the Eighth Amendment stands against.

P.D., a pretrial detainee at Middlesex County Jail, suffers from severe mental illness. For months, he endured the torture of solitary confinement in a small cell for up to 23 hours a day with virtually no human contact. The ACLU-NJ filed a lawsuit on his behalf challenging the deprivation of due process and his confinement as unconstitutional cruel and unusual punishment.

The ACLU-NJ also has a petition before the New Jersey Juvenile Justice Commission to eliminate solitary confinement as a form of punishment of juveniles. Current policies allow up to five days of solitary confinement and 10 days in total in a 30-day period. We are fighting to end this inhumane practice.

The ACLU-NJ successfully settled a suit against Passaic County Jail, launching a series of reforms. However, even jails undergoing reforms have trouble providing adequate medical care.

PHOTO CREDIT: STEVE LATIMER

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## ENDING *DE FACTO* LIFE SENTENCES WITHOUT PAROLE FOR JUVENILES

When it comes to criminal justice, kids are different, as the U.S. Supreme Court has ruled. Juveniles cannot be sentenced to death, nor to life imprisonment without the possibility of parole. However, they can still serve *de facto* life sentences, and the ACLU-NJ hopes to change that.

James Comer was convicted of felony murder for his role in a weekend of armed robberies that resulted in a murder. Although not alleged to be the shooter and then 17 with no prior convictions, he received the harshest penalty of the group: 75 years in prison. He will be eligible for parole at age 86, well past the expected lifespan of a man in his circumstances. On June 12, the ACLU-NJ filed a challenge to his sentence, arguing that he deserves the chance to show that the crimes he committed as a child should not necessarily condemn him to die in prison.

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## A WOMAN IN JAIL STRIPPED OF REPRODUCTIVE RIGHTS GETS HELP FROM ACLU-NJ

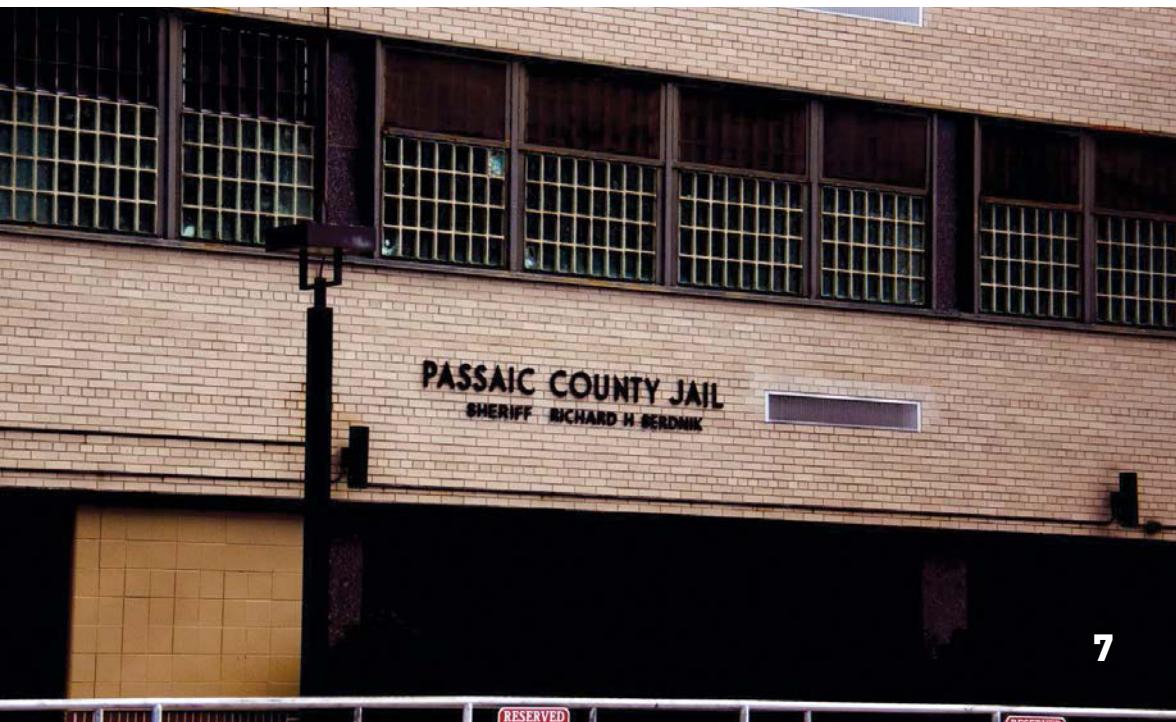
Jane Doe found out about two weeks after entering a New Jersey county jail that she was pregnant — the result of a rape.

Right away she let the staff know that she wished to have an abortion. Incarcerated people do not lose their reproductive freedom when they enter state custody, but hers was

jeopardized when medical personnel stalled. When she met with her defense attorney weeks later, the lawyer understood the gravity of the situation and contacted the ACLU-NJ. The organization scrambled to ensure that she could have an abortion before the window during which it would be legal closed. Once things settled, the ACLU-NJ sent a letter demanding that the jail prevent future violations of reproductive rights, warning of litigation should a similar situation happen again. In addition to the denial of Doe's reproductive freedom, a medical staffer divulged the pregnancy to a relative of Doe's without her consent, a breach of her privacy.

## A STORY FROM THE BAIL REFORM MOVEMENT

In Passaic County Jail, where an ACLU-NJ lawsuit led to an ongoing overhaul, one prisoner in his 60s has struggled to receive cancer treatment. The provision of appropriate medical care in jails and prisons is a nationwide problem, even with reforms. If this prisoner could have made bail, he could have managed his own medical care. However, his age and specific circumstances left him with no one on the outside who could loan him a few thousand dollars for a bail bond. Thanks to the change in law, people in his circumstances will have a fair shot at preparing for trial without the added strain of waiting behind bars.



## Transgender Veterans Battle Against Discrimination

### TRANSGENDER VETERANS CANNOT GET NAMES CHANGED ON VITAL MILITARY IDENTIFICATION DOCUMENT

During more than 30 years serving in the infantry and as a drill sergeant, Jennifer jumped out of helicopters and parachuted into enemy-controlled areas. She gathered intelligence and saw combat in both Iraq and Afghanistan.

Despite her distinguished record, Jennifer faces an altogether different struggle post-service. Each time she fills out paperwork involving her service, from tax forms to job applications that give hiring preference to veterans, she risks exposing her transgender status.

The key document regarding Jennifer's military record — called a "DD-214" form — refers to a previous name and a different identity. The Department of Defense currently refuses to change a veteran's DD-214 because the agency considers it a historical document. However, proposed fixes could easily allow the DOD to maintain a record of the service under the previous name while protecting that service member's right to keep the status of their gender identity private.

When veterans go back to school under the G.I. bill, seek a property tax break, apply for a U.S. Department of Veterans Affairs home loan, or apply for a job that gives hiring preference to veterans, they must present a DD-214 to prove their veteran status.

After a distinguished military career, Jennifer now fights a different battle: getting her name changed on a key military identification document.

PHOTO CREDIT: AMANDA BROWN



“You faced the enemies of the United States,” Jennifer said, while recounting the fear she feels each time she has to present her DD-214 to a new employer. “What a shame that you have to hide that service because you’re afraid of someone’s perception of you.”

The ACLU-NJ is representing Jennifer and another transgender veteran, Nicolas, in petitioning the Department of Defense to change its DD-214 policy, as well as their records, to reflect their true identity. They are two of the estimated 134,000 transgender veterans affected by this policy.

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### NEW JERSEY’S INVASIVE REQUIREMENTS TO CHANGE GENDER MARKERS ON A BIRTH CERTIFICATE

New Jersey imposes unnecessary administrative hurdles for people who simply wish to live as themselves. The

ACLU-NJ, along with a coalition of civil rights groups, has been fighting to dismantle them.

The law allowing people to amend their birth certificates to change the gender marker was written in 1984, a lifetime ago in terms of both the field of medicine and LGBT rights. Making this change in documentation currently requires proof of surgery — a discriminatory and intrusive demand that substitutes the state’s judgment for a doctor’s. The ACLU-NJ, working with Garden State Equality, LGBT rights groups, and grassroots activists, persuaded the legislature to pass a bill correcting this antiquated rule. Gov. Chris Christie vetoed the legislation, citing dubious security risks. The ACLU-NJ and partner organizations have regrouped to push for enactment of these important changes and are working to show the governor the harms of his position to the lives of transgender New Jerseyans.



# PROTECTING THE RIGHTS OF IMMIGRANTS

## A “Closed to Some” Sign at School

In March 2014, the ACLU-NJ heard disturbing news: a school district in Morris County would not allow children of undocumented immigrants to enroll in public school. The Butler School District required state-issued photo identification for parents to enroll children, discriminating against parents who cannot legally obtain ID as a whole and one group of parents in particular: undocumented immigrants.

More than thirty years have passed since the U.S. Supreme Court ruled in *Plyler v. Doe* that all children living in the United States, regardless of immigration status, have an equal right to a free public education. Yet too many schools fail to respect that legal mandate.

When challenged, most school districts quickly recognize the Supreme Court precedent. Butler refused to budge, and the ACLU-NJ sued. It was not until the parties were in front of a Superior Court judge that Butler agreed to change the policy.

The experience raised an important question: If Butler skirted state and constitutional law, how many other New Jersey school districts unconstitutionally bar children of undocumented parents? More than one hundred, the ACLU-NJ discovered. We sent a letter to each one, explaining that the organization would litigate if the policies did not change.

Most of the school districts immediately changed their policies, but not all. In response, the ACLU-NJ sued the seven districts with the most egregious restrictions, all in one day. Within a week of filing the lawsuits, all seven repealed their discriminatory policies.

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### A WIN FOR TUITION EQUALITY, BUT FIGHT FOR FAIRNESS CONTINUES

In January 2014, Gov. Christie signed New Jersey’s DREAM Act into law, allowing undocumented New Jersey high school graduates — most of whom know no other home besides New Jersey — to receive in-state status from the state’s public colleges and universities for tuition purposes, a major victory for civil rights in the state. However, he vetoed a section of the law allowing the same students to be eligible to apply for need-based state financial aid. The ACLU-NJ and the New Jersey DREAM Act Coalition, whose advocacy in securing in-state tuition for undocumented New Jersey high school graduates earned them the ACLU-NJ’s first annual “Torchbearer Award,” continued to push the legislature for this basic fairness.

The New Jersey DREAM Act Coalition, pictured here along with Jersey City Council President Rolando Lavarro, received the ACLU-NJ’s inaugural “Torchbearer Award” for passionate, effective activism to advance civil rights. PHOTO CREDIT: AMANDA BROWN



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## PUTTING A FREEZE ON ICE HOLDS

Federal Immigration and Customs Enforcement (ICE) officials routinely ask local jails, including those in New Jersey, to keep detainees in custody for several days beyond their release date for possible immigration violations. Now, thanks to ACLU-NJ efforts, several local jails, newly aware of their right to refuse, have opted out of these voluntary requests, called “ICE holds.”

New Jersey jails received nearly 6,000 such requests between October 2011 and August 2013, issued on the whim of immigration agents and without legal justification. Local law enforcement’s

voluntary cooperation with immigration authorities inserts a wedge between immigrant communities and the police, reducing civil rights and public safety.

In New Jersey, the ACLU-NJ urged all 21 counties to end the practice of automatically honoring ICE detainees. Very quickly, several counties — Union County first, followed by Burlington — instituted new policies ending the practice of honoring ICE holds as a matter of course. They have joined Newark, which has one of the strongest policies on rejecting ICE holds in the nation, and Princeton. Middlesex and Ocean counties have also stopped honoring immigration detainer requests for those charged with only certain offenses.

**“New Jersey jails received nearly 6,000 such (“ICE hold”) requests between October 2011 and August 2013.”**



# DEFENDING THE FIRST AMENDMENT

## Poetic Justice for Vonte Skinner

We wouldn't presume that Bob Marley shot a sheriff just because he authored the song "I Shot the Sheriff" or that Edgar Allan Poe buried a man beneath the floor because he wrote the "The Tell-Tale Heart," noted New Jersey Supreme Court Justice Jaynee LaVecchia in a unanimous opinion upholding the free speech rights of criminal defendants. Like those storytellers, aspiring rap artist Vonte Skinner wrote first-person narratives containing references to violence. He recently won his fight to ensure they are not used as evidence against him.

The ACLU-NJ submitted an amicus brief in Skinner's appeal on a murder charge, arguing that the lyrics that police had found in a search of his car could not be used as evidence of his participation in the crime. We argued that without further evidence, these lyrics, which were written before the crime occurred, were irrelevant to the crime he was charged with. On August 4, the New Jersey Supreme Court ruled in favor of free expression, limiting the use of artistic material in criminal trials.

### Vonte Skinner's Lyrics on Trial

*That a rap artist wrote his lyrics in the first person is no more reason to ascribe to him the acts and conduct described in the lyrics than to ascribe Gulliver's beliefs to Swift or Nick Carraway's beliefs to Fitzgerald. And that a rap artist wrote lyrics seemingly embracing the world of violence is no more reason to ascribe him a motive and intent to commit violent acts*

*than to saddle Dostoyevsky with Raskolnikov's motives or to indict Johnny Cash for having 'shot a man in Reno just to watch him die.' The fact is that artistic expressions like those of Swift, Fitzgerald, Dostoyevsky, and Cash have never been used by prosecutors to ascribe 'motive and intent' to criminal defendants, but those of rap artists have been.*

— ACLU-NJ amicus brief in *State v. Skinner*, authored by cooperating attorney Ezra Rosenberg

Bruno, one of the ACLU-NJ's newest friends and son of ACLU-NJ Fellow Lynda Garcia, celebrates the First Amendment. PHOTO CREDIT: LYNDA GARCIA



## STUDENT CANNOT BE SUSPENDED FOR FLYING CONFEDERATE FLAG ON TRUCK

If anything can test the limits of the First Amendment, the Confederate flag is among the top of the list, a symbol of the pre-Civil War South that to most civil rights advocates represents a painful history. When one student flew the flag from his truck in his Hamilton, NJ, school parking lot, the First Amendment prevailed, thanks to action by the ACLU-NJ.

Administrators from Steinert High School had warned Greg Vied, then a senior, that if he had not removed the flag by the time he returned to campus from serving an unrelated one-day suspension, he would face additional discipline. The ACLU-NJ responded by explaining that students have a right to express their views, regardless of their content, as long as they don't create a legitimate "material and substantial" disruption within the school. Because the school could not prove that Vied's flag would interfere with the learning environment, Vied was free to fly it.

## MATTHEW GRAHAM'S CONSTITUTIONAL RIGHT TO WEAR RELIGIOUS HEAD COVERING IN COURT VINDICATED

Matthew Graham went to court to challenge a minor misdemeanor charge. He left with an order of contempt, which carried a \$50 fine. The reason? The judge did not believe him when he said his religious beliefs instructed him to cover his head in court.

To challenge the finding of contempt, Graham needed a transcript. However, as an indigent person, he would need a fee waiver. A second judge rejected this request, not because he did not believe Graham was indigent, but rather, because he agreed with the contempt charge.

The ACLU-NJ filed a series of blistering challenges to the denial of Graham's due process rights and religious liberty. Based on the ACLU-NJ's arguments, the Appellate Division ordered a fair review of Graham's indigency status and ultimately reversed the contempt charge, vindicating Graham's rights.



# SECURING RIGHTS FOR STUDENTS AND YOUTH

## A Milkshake Leads to the Repeal of a Town Curfew

Shaina's ordeal started on a September day in 2012 and ended on a September day in 2014. Then 16, the college student walked across the street from the end of the long driveway leading to her home to get a Burger King milkshake. She walked back with a fresh citation for breaking the town's curfew, which forbade anyone under the age of 18 from traveling unaccompanied between 10 p.m. and 5:30 a.m., with few exceptions. The ACLU-NJ represented Shaina's mother, Linda Richardson, in challenging the

unconstitutional curfew. On Sept. 8, 2014, the Borough of Wanaque repealed its overly restrictive ordinance as the result of a settlement with the ACLU-NJ.

Now, teenagers like Shaina can attend to a milkshake craving — or come home from a friend's house, or walk the dog — without fear in Wanaque, New Jersey.

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### FIRSTHAND LESSONS FROM THE SCHOOL-TO-PRISON PIPELINE

The volunteers arrived at Newark high schools before the start of the school day, sometimes as

Shaina Harris, 16 at the time, was charged with violating the Borough of Wanaque's curfew ordinance. Harris was issued a citation after visiting a Burger King across the street from her home with her parents' permission.

PHOTO CREDIT: AMANDA BROWN



early as 5 a.m., to ask students about the state of their civil rights and liberties.

“Has a law enforcement officer ever frisked you in school?” and “With what level of respect do police and security officers treat students in your school?” were just two of the questions the ACLU-NJ and Newark Student Union (NSU) asked.

The ACLU-NJ teamed up with the NSU,

an organization of Newark students dedicated to improving the quality of their education, to survey hundreds of students at 13 of Newark’s public high schools. The ACLU-NJ plans to use the responses from Newark students to guide its work to educate students about their rights and challenge the school-to-prison-pipeline in Newark and in other cities around the state.

## A STUDENT’S GRATITUDE FOR THE ACLU-NJ

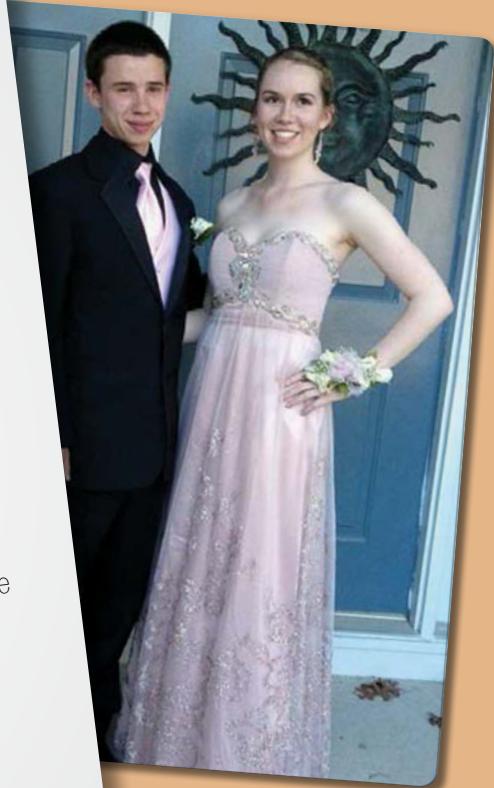
Sunny Harris sent the following letter to ACLU-NJ Deputy Legal Director Jeanne LoCicero for emboldening her opposition to a proposed policy that would have allowed the school to breathalyze students as a condition for attending prom. It is printed here with her permission.

Dear Ms. LoCicero,

My name is Sunny Harris. I’m Kelly Harris’ daughter. I would like to extend my sincerest thanks to you. I highly appreciate what you have done for not only me but the entire student body of the Egg Harbor Township High School regarding the breathalyzing before prom. The breathalyzing actually came up in a class discussion where students realized just how important it is to stand up for our rights. It is vital, especially in our generation where privacy is becoming more of an issue, for us to stick up for our rights. Without your hard work I would have not had the opportunity to enjoy such a wonderful night.

Thank you again.

Sincerely,  
Sunny A. Harris



Sunny Harris, right, pictured with her prom date Nicky, thanked the ACLU-NJ for informing her of her rights regarding breathalyzer tests before the dance.

PHOTO CREDIT: KELLY AND SUNNY HARRIS

# DEMANDING TRANSPARENCY FROM GOVERNMENT

## Updating OPRA Laws and Applying Them to the Port Authority

**T**he ACLU-NJ seized on the spotlight that Bridgegate placed on transparency to ramp up our efforts to reform the state's two main transparency laws — the Open Public Records Act and the Open Public Meetings Act. In addition, we fought to impose mandatory transparency requirements on the Port Authority of New York and New Jersey.

Bridgegate shed light on the stunning lack of transparency at the Port Authority. The New York legislature has passed bills mandating transparency at the PANYNJ, but to go into effect, New Jersey must pass parallel legislation. The ACLU-NJ lobbied in Trenton to apply the broad transparency protections of the Open Public Records Act and Open Public Meetings Act to the Port Authority, helping craft parallel bills to New York's.

These bills seek a significant overhaul of the Port Authority, mandating public

hearings before any toll increases, opening up meetings to members of the public, requiring employees to report any suspicion of corruption, and instituting a rule that senior leadership must appear before the legislature at its request, among hundreds of other provisions large and small. While the Port Authority has instituted its own transparency regulations, those regulations are not mandated by statute and can be changed or discarded.

While supporting the Port Authority overhaul package, the ACLU-NJ cautioned that the bill applying the Open Public Meetings Act to the agency lacks an enforcement mechanism. This shortcoming would allow the Port Authority to escape full accountability for failure to abide by the new laws. We pushed firmly for follow-up legislation that adds teeth to the current bill.

**“The absence of mandatory, statutory transparency requirements comparable to those that govern all state and local government entities must not be permitted to continue, especially in the wake of disclosures of actions of PANYNJ employees and officials over the past year.”**

— TESTIMONY OF ACLU-NJ LEGAL DIRECTOR EDWARD BAROCAS BEFORE THE SENATE STATE GOVERNMENT COMMITTEE

The George Washington Bridge became a potent symbol of the need for government transparency when the Port Authority of New York and New Jersey and state government stonewalled requests for information after the closure of traffic lanes leading to the bridge. PHOTO CREDIT: ALLEN MOCK

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## CHRISTIE ADMINISTRATION DOES AN ABOUT-FACE ON ACTIVIST'S AUDIT POST-BRIDGEGATE

Every year, Harry Scheeler, an open government activist from Cape May County, asks New Jersey government agencies for records of all requests for records they have received. He conducts an audit of sorts, and the government agencies generally comply.

And then Bridgegate happened.

Agencies that had previously turned over records to Scheeler claimed exemptions from the Open Public Records Act. This year, he submitted additional records requests related to Bridgegate, which were also rejected. Scheeler knew to contact the ACLU-NJ, which sued on his behalf. Bruce S. Rosen, a partner at McKusker, Anselmi, Rosen, and Carvelli, as well as an ACLU-NJ trustee, wrote the brief and argued the case as cooperating attorney.

As a result of the ACLU-NJ's lawsuit, Superior Court Judge Mary Jacobson demanded the Christie Administration turn over the documents. Her decision meant victory for Harry Scheeler, the ACLU-NJ, and transparency.

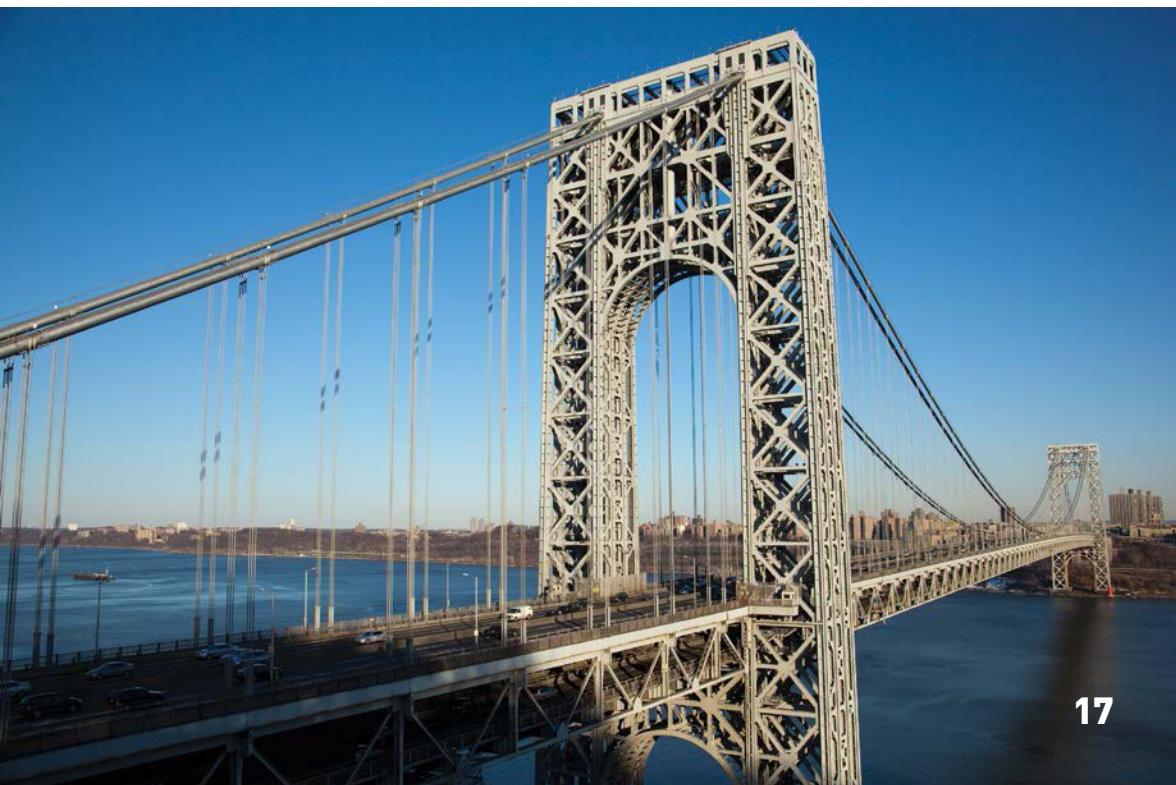
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## AGENCIES CANNOT REDACT PUBLIC INFORMATION SIMPLY BECAUSE IT WASN'T SPECIFICALLY REQUESTED

A 2012 request for records regarding the state's use of automatic license plate readers (ALPRs) — technology that scans license plate data to check it against law enforcement databases — took the ACLU-NJ down a nearly two-year legal rabbit hole that ended in a victory for openness in May of this year.

The state sent the requested records promptly, but with a new problem. Information on ALPRs shared space in a public record with information on other technology the state had procured. Rather than simply turn over the entire public document, the state redacted the information in the record pertaining to other kinds of technology — even though nothing in the Open Public Records Act allows state agencies to exempt this kind of information.

The ACLU-NJ argued in Superior Court that the state must prove that the law specifically allows a redaction. Unfortunately, the Superior Court issued a decision that erroneously allowed the redaction. The Appellate Division thought otherwise and sided with the ACLU-NJ, requiring the arbitrarily redacted portions to be released to the public.



# Fighting Against Predatory Lending and its Aftermath

The foreclosure crisis has devastated the national economy and the lives of millions of families across the country. Black and Latino communities, who disproportionately faced the brunt of predatory lending, have also disproportionately faced the brunt of this crisis.

New Jersey, which has the highest foreclosure inventory nationwide, tops the list of hot spots where a significant percentage of families are still underwater, meaning their mortgages are worth more than their homes, placing them at high risk of foreclosure. In Newark, 54 percent of homes are underwater, followed by Elizabeth with 53 percent, and Paterson with 49 percent of homes.

A chorus of authoritative voices across the political spectrum has called for mortgage principal reduction as a solution to address this problem and the broader foreclosure crisis.

However, many homeowners are unable to negotiate an adjustment of any type because their mortgages are held in private-label securitization trusts, which, by their nature, make loan modification extremely difficult.

The ACLU-NJ has been at the forefront in New Jersey and nationally to assist families stuck with these toxic predatory loans. We have helped Irvington and Newark explore the use of every tool at their disposal, including eminent domain, to help families stay in their homes.

A municipality can use eminent domain, for example, to build a railroad that contributes to the greater public good even if obstacles stand in the way. In the same way, a municipality should be able to use the tool of eminent domain to achieve

the greater public good of reducing the principal on toxic loans.

We have guided municipalities in crafting plans that let them first buy these underwater mortgages at fair market value and then re-sell to the homeowner with non-predatory terms, stemming the plague of abandoned communities and blighted neighborhoods in the wake of the housing crash.

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## SHEDDING LIGHT ON THE GOVERNMENT'S ROLE IN FORECLOSURES

The struggle to seek justice for homeowners has also been a quest for information. The Federal Housing Finance Agency, which regulates banks such as Fannie

“**Possession of the basic necessities in life is a precondition of the enjoyment and exercise of all constitutionally guaranteed rights and liberties.**”

— ACLU-NJ POLICY ON ECONOMIC RIGHTS

Mae and Freddie Mac, has openly blocked municipalities from using eminent domain to restructure loans, threatening legal action against any city that employs the tactic and denial of credit to its residents. Community groups filed Freedom of Information Act

requests to learn the rationale behind the FHFA's stance and to understand the agency's relationship with the financial services industry. The ACLU-NJ took legal action as part of a national team, which included the Center for Popular Democracy and the ACLU of Northern California, when the FHFA ignored the request, and the FHFA was forced to turn over the requested documents.

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### VICTORIES IN MUNICIPAL PAID SICK DAYS CAMPAIGNS

Everybody knows why going to work when you're sick is a bad idea — but having to do it for fear of losing your job is an even worse one. Across New Jersey, millions of workers are not entitled to paid sick days.

Through press conferences, coalition meetings, sign-on letters, and lobbying, the ACLU-NJ — in partnership with our talented, passionate allies from the New Jersey Time to Care Coalition — supported successful efforts to enact laws guaranteeing paid sick days to both public- and private-sector workers in Jersey City and Newark, New Jersey's two largest cities. In the November election, both Montclair and Trenton approved ballot measures to give all workers paid sick days, which the ACLU-NJ had urged voters there to support. The ability to care for yourself or your family without fear of losing your economic security is a

basic civil right, and one the ACLU-NJ will continue to push for across New Jersey.

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### RAISING NEW JERSEY'S MINIMUM WAGE

Nearly one-third of New Jersey residents live in poverty, according to a 2014 report by Legal Services of New Jersey. Among black New Jerseyans, that number increases to 47 percent, and among Latinos, it's 55 percent. There is an economic crisis in New Jersey.

While much of the ACLU-NJ's work focuses on civil rights and liberties violations faced by poor people, the ACLU-NJ's support for the 2013 ballot initiative in New Jersey to raise the state minimum wage cut straight to the core. The ACLU-NJ believes that without a fair wage, the basic necessities of life will be out of reach for most people, and many of the rights and freedoms in the Constitution will remain inaccessible.

The ACLU-NJ endorsed Question 2 on the Nov. 2013 ballot to raise New Jersey's minimum wage from \$7.25 per hour — the lowest allowable under federal law — to \$8.25 per hour with annual increases. The increase is expected to affect 429,000 working New Jerseyans, primarily women and people of color. While the increase will not eliminate the poverty conditions faced by so many New Jerseyans, it is an important step forward for economic justice in our state. The question passed with 61 percent of the vote.

Standing in front of her home, Lindra Williams of Irvington supports a proposal for her city to use eminent domain to reduce the principal on toxic, underwater home loans. PHOTO CREDIT: AMANDA BROWN



# ADVANCING RIGHTS AND FREEDOMS THROUGH PUBLIC POLICY

## Highlights from the Public Policy Department

In 2013, the ACLU-NJ launched its public policy department. In the year since its inception, it has become a powerhouse not only in Trenton, but in communities throughout New Jersey. The highlights here represent only a few of the policy program's accomplishments and only hint at the tremendous victories in the public arena to come.

### A WIN FOR WORKING MOMS-TO-BE

The ACLU-NJ supported legislation that adds pregnancy as a protected category under New Jersey's Law Against Discrimination. Signed by Governor Christie in January 2014, this law requires

### POLICY DEPARTMENT BY THE NUMBERS

**28,323**

The number of subscribers to the ACLU-NJ's email action list as of June 2014

**4,547**

The increase in subscribers to the ACLU-NJ's regular email updates from 2013 to 2014

**78**

Number of bills in the New Jersey Legislature on which the ACLU-NJ advocated, through Sept. 2014

**23**

Number of times the ACLU-NJ testified before the New Jersey legislature through Sept. 2014

Candidates for NJ's 12<sup>th</sup> Congressional District debated pressing issues of civil rights and liberties in a forum held by the ACLU-NJ.

PHOTO CREDIT: AMANDA BROWN



New Jersey employers to make reasonable accommodations for pregnant workers without any adverse consequences.

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### FINALLY BANNING THE BOX

After years of hard work by civil rights advocates, the Opportunity to Compete Act was finally signed into law in August 2014. The law requires companies to wait until after they interview job applicants before asking about a criminal record. This measure will provide a second chance for many New Jerseyans — particularly New Jerseyans of color — who wish to contribute to their families and communities but face discrimination in employment due to past criminal convictions.

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### ACLU-NJ HOLDS CONGRESSIONAL DEBATE

For years, Congressman Rush Holt served New Jersey's 12th Congressional District as one of the strongest voices for civil rights and civil liberties. When he announced he would not seek another term, the ACLU-NJ saw an imperative to

make sure the next holder of the seat could live up to his legacy. On May 1, 2014, the ACLU-NJ held its first congressional candidates' debate at the Unitarian Universalist Congregation of Princeton. All primary election candidates — both Democratic and Republican — attended the nonpartisan event, answering questions in front of nearly 250 people about their stances on LGBT rights, Edward Snowden, and the injustices of the War on Drugs, among other pressing issues.

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### ACLU-NJ GRADES GOV. CHRIS CHRISTIE'S FIRST TERM

Odds are good it did not hang on the refrigerator. The ACLU-NJ graded New Jersey Gov. Chris Christie's first term in civil rights and civil liberties, and the Governor earned a D+ — passing, but just barely. The bright spots: freedom of religion and voting rights. The darkest: separation of church and state, transparency, economic justice and separation in powers, for which he received failing grades. Read the report card in its entirety at [www.aclu-nj.org/gradechristie](http://www.aclu-nj.org/gradechristie)



# PROFILE IN LIBERTY

## RAJ TAHIL

### ENCAPSULATING WHAT THE ACLU-NJ STANDS FOR BY CELEBRATING CITIZENSHIP THROUGH ACLU-NJ MEMBERSHIP

Raj Tahil first heard about the ACLU in the late 1970s, in a college class about American history during a discussion of the American labor movement.

“I’ve always considered the ACLU at the forefront of preserving the freedoms we all enjoy,” Tahil said.

After Sept. 11, 2001, he gained a fresh appreciation for the organization’s defense of civil liberties against unwarranted NSA wiretapping and secret government torture sites. But Tahil, who heads a Fairfield-based company that manufactures gel capsules for veterinary medicine, hadn’t yet become a member.

In 2011, he became a naturalized U.S. citizen, and in 2012, he voted for the first time in U.S. elections. After he became a citizen, he recalled, he heard something about the ACLU’s recent work. He said to himself:

“It’s time I join.”

Raj Tahil didn’t just mail in a membership form. To show his gratitude for the ACLU’s role in securing liberty, and to celebrate his new American citizenship, he gave the organization a gift of \$1,000.

Tahil was born in India, and before coming to the U.S. to attend the Massachusetts Institute of Technology, he had lived in Australia, England, and Canada.

“Reading history, and American political history, you realize how special it is for the people to make their own laws,” Tahil said. “I think the Bill of Rights is just incredible. This was the first country to have those rights so clearly articulated.”

“Government is essential — the challenge is to have good government,” Tahil said. “We all believe that for good government we need a system of checks and balances. I see the ACLU as a vital part of that system. It plays a key role.”

Raj Tahil had admired the ACLU’s work for decades but never became a member. He joined the organization and first donated to commemorate becoming a U.S. citizen.

PHOTO CREDIT: RON HOLTZ



# AWARDS & HONORS

## A Means for Visionaries to Make Their Vision Real

### THE OPEN SOCIETY FOUNDATIONS' NEW EXECUTIVES FUND

In 2013, the Open Society Foundations, one of the most influential philanthropic organizations in the world, created a fund to help new nonprofit executives carry out their individual visions. The organization chose ACLU-NJ Executive Director Udi Ofer for the program's inaugural 10-member cohort from around the world. The award, part of OSF's Presidential Grants Program, gave Ofer a \$100,000 grant to implement projects of his own choosing. Ofer decided to use the funding to challenge stop-and-frisk practices in Newark and to build a movement to reform police practices in New Jersey's largest city.

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## Recognition of a State-Level Push for Transparency

### THE AMERICAN LIBRARY ASSOCIATION'S EILEEN COOKE AWARD

The American Library Association, a longtime ACLU ally, honored the ACLU-NJ's Open Government Project with the Eileen Cooke Award, a national award recognizing state-based grassroots advocacy that furthers freedom of information. In a ceremony held at the Newseum in Washington, D.C., ACLU-NJ Executive Director Udi Ofer accepted the award on behalf of the organization on March 14, Freedom of Information Day. The Cooke Award, named for the longtime head of the ALA's Washington Office, is the state and local version of the ALA's James Madison Award, which honors the pursuit of transparency on a national level.



ACLU-NJ Executive Director Udi Ofer accepts the American Library Association's Eileen Cooke Award on March 14, Freedom of Information Day, at a Washington, D.C., ceremony held in the Newseum.

PHOTO CREDIT: AMERICAN LIBRARY ASSOCIATION

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## A Model of Service for Public-Minded Students

### RIDER UNIVERSITY LAW & JUSTICE PROGRAM

At the end of October in 2013, just days after New Jersey performed its first same-sex weddings, ACLU-NJ Executive Director Udi Ofer delivered Rider University's 18th Annual Distinguished Contributions to Law & Justice Award Lecture, "50 Years After the Dream: The Struggle for Equality Continues." The Law and Justice Program at Rider University, in Lawrenceville, gives the award each year to a person or organization it believes embodies values the school hopes students pursuing law-related careers will emulate. Ofer joined the ranks of Former New Jersey Chief Justice Deborah Poritz and Amnesty International USA as a role model of commitment to public service.

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# LEGAL SUCCESSES AND STATISTICS

FROM SEPT 1, 2013, THROUGH AUGUST 31, 2014:

## TOTAL CASES ON DOCKET: 67

Direct 36, Amicus 31  
State 57, Federal 10

## Cases Opened: 38

Direct 21, Amicus 17  
State 30, Federal 8

## Cases Closed: 31

Won 27, Lost 4  
Direct 18, Amicus 13  
State 30, Federal 1

## Cases both opened and closed during period: 17

## Continuing cases opened before Sept 1, 2013: 16

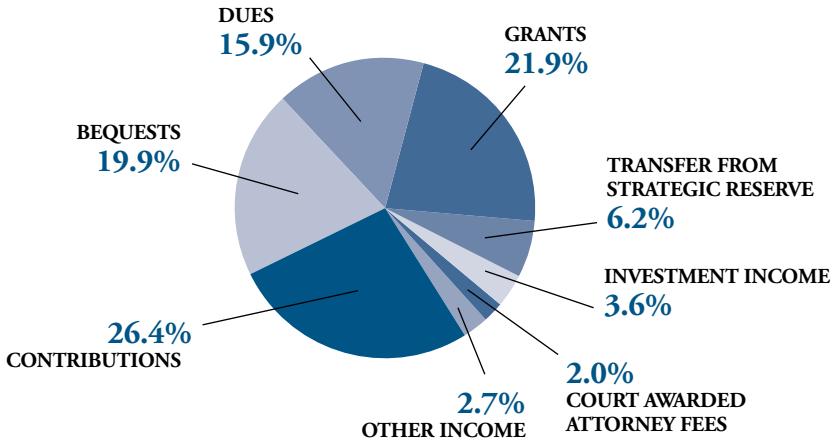
Direct 9, Amicus 7  
State 15, Federal 1

# FINANCIAL RESOURCES

## Income & Expenses 2013-14

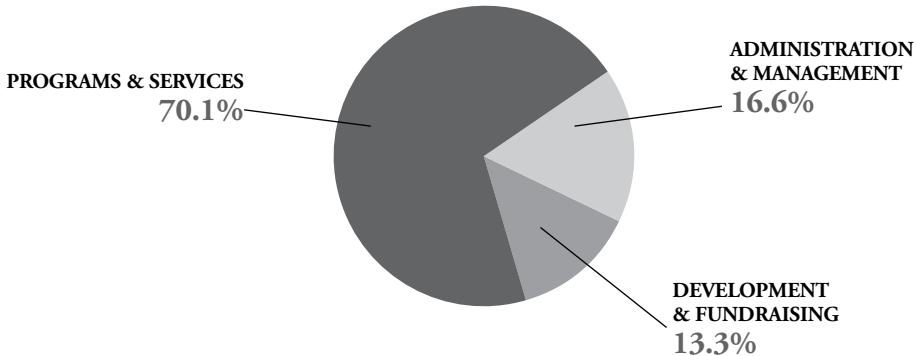
### INCOME

Contributions .....	\$527,632
Grants .....	\$429,927
Bequests .....	\$397,553
Dues .....	\$319,302
Transfer from Strategic Reserves.....	\$124,360
Investment Income .....	\$71,786
Other Income .....	\$53,362
Court Awarded Attorney Fees.....	\$40,973
<b>Total Income .....</b>	<b>\$1,998,328</b>



### EXPENSES

Programs & Services .....	\$1,400,236
Administration & Management .....	\$332,216
Development & Fundraising .....	\$265,876
<b>Total Expenses .....</b>	<b>\$1,998,328</b>



Consolidated Audited Statement for ACLU-NJ and ACLU-NJ Foundation, Fiscal Year 2014 (April 1, 2013-March 31, 2014)

# SOCIAL MEDIA

Connecting with the ACLU-NJ online has made even bigger victories possible!



A REPORT BY THE AMERICAN CIVIL LIBERTIES UNION OF NEW JERSEY

## NEW JERSEY REPORT CARD

NAME: *Gov. Chris Christie*

TERM: *January 2010 – January 2014*

**FIRST-TERM GRADES**

SUBJECT	GRADE
<i>Freedom of Expression</i>	<i>C-</i>
<i>Freedom of Religion</i>	<i>B</i>
<i>Separation of Church and State</i>	<i>F</i>
<i>Voting Rights</i>	<i>B-</i>
<i>Women's Rights</i>	<i>C</i>
<i>Immigrants' Rights</i>	<i>C+</i>
<i>Privacy</i>	<i>C-</i>
<i>LGBT Rights</i>	<i>D</i>
<i>Criminal Justice &amp; Drug Policy</i>	<i>C</i>
<i>Transparency</i>	<i>F</i>
<i>Separation of Powers</i>	<i>F</i>
<i>Economic Justice</i>	<i>F</i>

 #GradeChristie

AVERAGE: *D+*



ACLU of New Jersey @ACLUNJ · Jun 9

See Gov. #Christie's report card from @ACLUNJ:

[aclu-nj.org/gradechristie](http://aclu-nj.org/gradechristie) #gradechristie [pic.twitter.com/i3DbEY4nzd](https://pic.twitter.com/i3DbEY4nzd)

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ACLU NJ @ACLUNJ

@MikeSamFootball Kudos @nfl for work to make discrimination-free workplaces. See letter addressing @ACLUNJ concerns pic.twitter.com/zD3qwFXnUZ

04:38 PM - 17 Mar 14

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Governor Christie @GovChristie

@ACLUNJ is standing with me on this? Miracles do happen! youtube.com/watch?v=AGXxKX... #letsdothis

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Gov. Christie: ACLU is Standing With Me On This? Miracles Do Happen Governor Christie: I do not believe that anybody in this room on either side of the aisle ever thought they would see the ACLU standing with me on something ...

aclunj 5w



14 likes  
aclunj Congrats to Team Supremes for winning #Newark Pride's Game show! Only the best swag for this group of royalty.

aclunj rallying for #justiceformike orerigarnner and against rtrality in #newark.



Alia@aick, @SenGreenstein, @wicker: #12CDrightsdebate



RETWEETS 7 FAVORITE 1

aclunj 6w



12 likes  
aclunj #TBT To this spring where @aclunj staff, interns, and the Newark Student Union surveyed Newark high schoolers on how safe they feel while going to school.



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