

ANNUAL
REPORT
2020



A TURNING POINT FOR NEW JERSEY



ACLU
New Jersey



2020 — A TURNING POINT FOR:

Civil Rights, Racial Equity, and Social Justice



I'm incredibly proud of the work we've done together.

In the last year, the COVID-19 pandemic has exposed how deep the existing fissures in our society go, and it has exacerbated inequities that have long been with us. Against that backdrop, we entered a moment of reckoning with policing and racial justice, and we withstood an election that tested the limits of our democracy.

In the final days of the Trump administration, we watched a violent, white supremacist mob attempt to reverse the outcome of a democratic election. It was among our nation's darkest days.

Despite the crises and their devastation, the ACLU of New Jersey and our supporters have played a role in powerful movements that altered the course of America. Across the country, we united to protest police killings of Black people, protect democracy, and demand racial justice, including here in New Jersey.

In our state, the ACLU of New Jersey has been at the forefront of historic achievements in 2020:

- Protecting people from COVID-19 in prisons through legal advocacy and legislation that led to the release of over 3,000 people, and through ambitious litigation, securing the release of hundreds more in jails and immigration detention.
- Overwhelmingly winning a ballot initiative to legalize cannabis for reasons of racial justice by historic margins with 67 percent of the vote, and passing cannabis legislation with potential to set a new standard for equity and justice.
- Defending New Jersey's Immigrant Trust Directive against the Trump administration in court.

You'll read about some of these victories in this report, but for so much of our hard work, those achievements go unseen. The impact we've had, through the dedication of our staff, our board, and supporters, is impossible to recount in full.

The Trump administration may have ended, but the work of civil rights, racial equity, and social justice continues. As we know, undoing Trump is not enough. We must make manifest a bold vision of justice and systemic equality for the future.

The ACLU will continue to play the vital role we've fulfilled for 101 years: holding administrations accountable and pushing them to expand civil rights.

In New Jersey, we'll continue our progress demanding racial justice, ending mass incarceration, holding police accountable, protecting democracy, defending immigrants' rights, and expanding reproductive health care access for all. You'll be a key part of that work.

And together, we will continue the march toward a more perfect union.

Onward,

A handwritten signature in black ink, appearing to read 'Amol Sinha', written in a cursive style.

AMOL SINHA
Executive Director

A TURNING POINT FOR:

Providing a National Model to Reduce Mass Incarceration and Save Lives from COVID-19

New Jersey stood at the forefront of a nationwide movement to confront mass incarceration, with a law that saved lives from COVID-19.

The Public Health Emergency Credit law set a national model for reducing the spread of COVID-19 in prisons, which have been epicenters of the virus. The law also prompted the largest moment of decarceration in New Jersey history — it made it possible for more than 3,000 people, and counting, to come home since Nov. 4.

The law, which reduces prison sentences by up to eight months for people set to be released soon, has contributed to a massive reduction in our prison population.

Alongside dedicated partners at Salvation and Social Justice and New Jersey Prison Justice Watch, we advocated fiercely — sometimes around-the-clock — in the Legislature to pass the bill.

More than anyone, the people inside — and their families on the outside — led the fight.

With my health issues, I think about enjoying each moment that I can take a breath, because I just don't know if it will be my last day on earth.

There is so much I want to accomplish if I am ever able to get out alive.

To see the sheer panic on the faces of the other inmates and the Corrections Officers — we all discuss whether or not we will all die. It is destroying everyone mentally who works and lives inside the facility.

I ask of you, I beg of you, please help me get safely home just a few months early. I want to start my life again and bring so much good to those in my life and community. Please do not let me die when I was not sentenced to death.

BRIAN CLEMENTS

*Formerly incarcerated person
who came home in October*

My 16-year-old son, Brian's godson, started a lawn care business, like his uncle had. When Brian turned 59 on Aug. 7, he sent a card with one message: "I just want my godfather to come home so we can work together."

There isn't much I wouldn't do to make sure my brother is released, and the same is true of his friends and family.

SCOTT CLEMENTS

*Brother of Brian Clements,
who came home in October*

People often have this misconception that people in prison are hardened individuals, as if COVID-19 is any less terminal to us. Coming to jail, you learn to survive on hope. Hope that one day you will go home and have a future. To think you will die in prison is a paralyzing kind of fear. So I guess that's what we're asking for — we're asking for a chance to live.

NICOLE GUYETTE

*Previously a resident of a halfway
house, who came home on Nov. 4*

This law unfortunately came too late to save my son Rory, who died of COVID-19 just weeks before he was to come home. But, it can save other mothers, fathers, sisters, brothers, and countless loved ones the heartbreak I have been through from knowing my child's death could have been prevented. I thank the Legislature and Gov. Murphy for paying tribute to my beautiful son's life by making sure fewer lives are lost to this virus.

BERNICE FERGUSON

*Mother of Rory Price, who contracted
COVID-19 in prison and died just
weeks before his release date*

A TURNING POINT FOR:

Pioneering Legal Strategies that Saved Lives During the COVID-19 Pandemic

As COVID-19 began to put countless lives at risk in New Jersey, we knew it would create a civil rights crisis unlike any we'd seen before.

The pandemic further rent apart a system of mass incarceration that has long been fractured. New Jersey attained a shameful distinction in the first months of the pandemic: more people had died from COVID-19 in New Jersey prisons than any other state's prison system.

The ACLU-NJ relied on innovative legal strategies throughout 2020 to dramatically reduce New Jersey's prison population, making social distancing more attainable and protecting those who are medically vulnerable.

March:

New Jersey Chief Justice Stuart Rabner signed an order negotiated by the ACLU-NJ, the Office of the Public Defender, and other stakeholders to allow for the temporary release of almost 700 people incarcerated in county jails during the COVID-19 crisis — preventing unnecessary incarceration or interactions with the justice system.

March, April, and May:

The ACLU-NJ and a team of partners filed 14 emergency lawsuits seeking the immediate release of 19 medically vulnerable people from immigration detention. ICE agreed in less than a day to release the petitioners in the first suit, and a judge ordered the preliminary release of five more people in the second. By the start of 2021, all of our clients were out of detention, and the government had agreed to temporary extensions of the court-ordered releases.

May and June:

The ACLU-NJ and the Office of Public Defender went before the New Jersey Supreme Court in May seeking a process to enable the release of people in prisons in light of the pandemic. In June, the court ruled to create a fairer, more efficient process by allowing incarcerated people to advocate for their own release during the COVID-19 public health crisis.

These pioneering legal strategies were part of the ACLU-NJ's larger integrated advocacy strategy during the pandemic, which drove a first-of-its-kind Public Health Emergency Credit bill across the finish line. These combined efforts led to thousands leaving New Jersey prisons, jails, and detention centers, saving countless lives in the process.

A TURNING POINT FOR:

Prioritizing Racial Justice in Historic Legalization of Marijuana

New Jersey made history Nov. 3 when voters approved a constitutional amendment to legalize cannabis, with the highest margin of any state: 67 percent of voters said yes.

The successful cannabis ballot question — which was put into law with a forward-looking implementation plan in February 2021 — was the result of years of fierce campaigning, led by the ACLU-NJ and our partners, with a laser focus on racial and social justice. NJ CAN 2020, a political committee organized and led by the ACLU-NJ, worked through the pandemic to get the ballot question over the finish line.

New Jersey’s new laws legalizing and decriminalizing cannabis for adult use can break new ground for racial and social justice:

- They promise real, historic community investment: 100 percent of an excise fee on cannabis growers, and 59.5 percent of sales tax revenue from cannabis, will go to fund community-based supports aimed at greater social justice.
- They end criminal and civil penalties for an amount that makes sense: New Jersey will no longer arrest people for cannabis possession up to 6 ounces — making it harder for officers to use possession as a pretext for aggressive, and racially disparate, policing. It also takes a public health and community approach to youth use of cannabis and alcohol, moving away from an overly punitive status quo.
- They task a regulatory commission with responsibility for implementing the new marketplace. The ACLU-NJ will push the commission to go as far as possible to create an equitable and inclusive industry, and we will hold all its members accountable.



It’s paramount that the new marketplace must not replicate previous injustices.

Next steps: Strengthening the role of Black and brown communities, ensuring community investment that builds a truly inclusive industry, and lifting restrictive limits on how many people can start marijuana businesses.

A TURNING POINT FOR:

Reimagining Policing and Holding Law Enforcement Accountable

The 2020 killings of George Floyd and Breonna Taylor brought renewed attention nationwide to what we have long known: people of color, particularly Black people, unjustly bear the brunt of police violence.

We need to end a culture of policing that too often victimizes Black people — a culture rooted in racial injustice.

Limiting police power and holding law enforcement accountable have always been core to the ACLU-NJ's work. This year, those calls became even more urgent.

ACLU-NJ Lays Out First Major Steps of Reforming Policing

The ACLU-NJ put a spotlight on three priorities as first steps to tackle deep inequities in policing at the height of protests in the summer:

- Making policing transparent — especially records of misconduct.
- Empowering communities to provide genuine oversight of police.
- Ending qualified immunity — the legal principle that makes it nearly impossible to hold police legally accountable for misconduct.

ACLU of New Jersey @ACLUNJ

We're united in solidarity with communities across the country that are reeling from murders of black people by police.

We will not rest until there's an end to racist policing. We will not rest until Black people can be free from the violence of white supremacy in our society.

We are united in solidarity with Minneapolis, Louisville and all the communities reeling from the murders of Black people by police.

We will not rest until there is an end to racist policing.

We will not rest until there is real justice for George Floyd, Breonna Taylor and all who came before them and, unfortunately, will likely come after them.

ACLU NJ

1:11 PM · Jun 1, 2020 · Twitter Web App

16 Retweets 32 Likes

ACLU of New Jersey @ACLUNJ

A peaceful demonstration in 2019, mainly of Black people, resulted in arrests.

A violent coup by white people led to almost no consequences.

This is white supremacy. And it's why our lawsuit – filed this week – to defend two BLM leaders is so important.

ACLU sues Paterson over arrests of BLM leaders in 2019 Jameek Lowery pro...
The ACLU filed a lawsuit claiming Paterson police violated the free speech rights of two Black Lives Matter activists by arresting them during a 2019 ...
northjersey.com

5:24 PM · Jan 8, 2021 · Twitter Web App

50 Retweets 5 Quote Tweets 126 Likes

In the courts, in the Legislature, and with our community partners, the ACLU-NJ confronted racial and social injustices on all fronts. Here's a small sampling of that work.

Defending Black Lives Matter Leaders Who Were Arrested Without Warning at a Peaceful Protest

In 2019, after Jameek Lowery died while in the custody of the Paterson Police, Black Lives Matter leaders Hawk Newsome and Zellie Thomas attended a peaceful protest to call for accountability. Without warning, Newsome and Thomas were handcuffed and arrested — singled out for being organizers with Black Lives Matter.

Newsome and Thomas waited nearly two years for the end of their trial on their municipal charges before being found not guilty in December 2020. Only then were they in a position to challenge the constitutionality of their arrests. In January 2021, the ACLU-NJ filed suit to defend their rights.



ACLU-NJ Went to Court to Defend Transparency of Police Misconduct Records Against Powerful Police Unions

New Jersey Attorney General Gurbir Grewal issued important directives for law enforcement over the summer, reflecting ACLU-NJ recommendations: chiefly, that the identity of officers subjected to major discipline must be public information.

In response to a challenge from police unions — which consistently go to battle to roll back attempts at accountability, transparency, and community oversight — the ACLU-NJ represented 27 organizations in a friend-of-the-court brief supporting transparency. The Appellate Division of the New Jersey Superior Court upheld the directives, and the New Jersey Supreme Court decides whether they will stand.

A New Use-of-Force Policy Informed by ACLU-NJ Recommendations

New Jersey established a statewide use-of-force policy in December that stands as one of the boldest in the nation, one that will save lives — after years of campaigning and advocacy from the ACLU-NJ.

The new guidelines, issued by New Jersey Attorney General Gurbir Grewal, require officers to treat force as the last resort and demand officers intercede to stop unnecessary force by other officers, among other measures, including transparency.

The guidelines are not permanent, meaning another administration could undo them. That's why the ACLU-NJ is working to pass legislation to overhaul policing in the Garden State.

A TURNING POINT FOR:

Supreme Court Advocacy

The ACLU-NJ holds the distinction of appearing at the New Jersey Supreme Court more often than anyone, apart from the government itself. The pandemic hasn't slowed us down.

Within a span of less than three months in 2020, seven members of our legal team — from legal fellows to legal director — delivered arguments before the court, on the new frontier of Zoom. By year end, ACLU-NJ attorneys had appeared in more than one-third of the cases before the New Jersey Supreme Court. Out of 76 cases, the ACLU-NJ argued 26.

Joe Johnson, law fellow, argued *State v. Luis Maisonet* on Sept. 15

AT ISSUE: Refusing to allow someone to change lawyers without an inquiry about the reasons why, and its potential for disruption, denies the right to counsel.

Elyla Huertas, staff attorney, argued *State v. Herby V. Desir* on Oct. 13

AT ISSUE: The scheduling decisions of a court violated a defendant's right to a fair trial. A defendant filed a motion and was denied the opportunity for discovery, the formal process in which sides exchange information. The court used the rationale that, because it had already scheduled and ruled on his original motion before he could ask for a discovery hearing, he was not entitled to discovery at all. Their error became his denied due process.

Molly Linhorst, law fellow, argued *State v. Hakum Brown* and *State v. Rodney Brown* on Oct. 14

AT ISSUE: A change to the law increasing punishment for violating a supervision requirement should not affect the punishment for someone convicted years before that change.

Tess Borden, staff attorney, argued *In the Matter of the Expungement of T.O.* on Oct. 26

AT ISSUE: Someone who has had their charges pardoned by the governor should be eligible for expungement of those charges despite laws that generally prevent the expungement of more than one conviction.

Karen Thompson, senior staff attorney, argued *State v. Gabriel Garcia* on Nov. 9

AT ISSUE: Refusing to take witnesses' statements at the crime scene and exclusion of video evidence showing those witnesses tried to speak to police violate the right to a fair trial.

Jeanne LoCicero, legal director, argued *Delaney v. Township of Ocean* on Nov. 10

AT ISSUE: Police departments cannot impose stricter requirements on pregnant workers than they do on others eligible for light duty, because the Pregnant Workers Fairness Act protects pregnant New Jerseyans more than federal law does.

Alexander Shalom, senior supervising attorney and director of Supreme Court advocacy, argued *State v. Rios* on Nov. 30

AT ISSUE: Holding someone in pretrial detention solely based on the perception that they would not appear in court because they might be removed from the country by federal immigration authorities violates the Constitution and the purpose of New Jersey's Criminal Justice Reform Act.

A TURNING POINT FOR:

U.S. History and the ACLU

Ruth Bader Ginsburg's Legacy and the Fight for Reproductive Freedom

Ruth Bader Ginsburg — founder of the ACLU Women's Rights Project and pioneering Supreme Court justice — was a force. She changed America.

Though we lost a titan of our collective history with her passing, the ACLU-NJ continues the enduring fight for equality that defines us.

In October, after months of coordinated coalition work, New Jersey saw the introduction of the Reproductive Freedom Act, to protect and expand access to reproductive health care, including abortion, for all New Jerseyans regardless of income level, immigration status, or gender identity.

Knowing that the balance of power on the U.S. Supreme Court now stands firmly against reproductive freedom, it is essential for states to take the lead through changes in the law. New Jersey's Reproductive Freedom Act was the first bill of its kind to be introduced around the country since the balance of the court shifted.

The Reproductive Freedom Act can protect all New Jerseyans by prohibiting government intrusion, halting medically unnecessary regulations, and removing financial barriers, through requirements for all insurers to cover reproductive health care and the expansion of coverage without regard to immigration status.



Our right to reproductive health care should **never** depend on our **income, immigration status, gender identity, or what type of insurance we have.**

ACLU
NJ

2020: A TURNING POINT BY THE NUMBERS

1,155,526 emails sent to individual
ACLU-NJ supporters



55,816 emails sent to elected
officials and agencies

3,000+ people released from prison under
the Public Health Emergency Credit bill

26 ACLU-NJ
arguments
before the NJ
Supreme Court



34%
ACLU-NJ attorneys appeared
in 34% of cases heard by the
NJ Supreme Court in 2020



staff members
comprising the
ACLU-NJ team

Financials

Income & Expenses 2020

| INCOME | Total |
|------------------------------------------|--------------------|
| Contributions | \$2,259,912 |
| Membership | \$1,413,661 |
| Investment income | \$138,827 |
| Unrealized gains on investments | \$0 |
| Legal case awards | \$48,198 |
| Other | \$9,203 |
| Fundraising event | -\$17,650 |
| Total | \$3,852,151 |
| | |
| EXPENSES | Total |
| Program | \$2,383,064 |
| Management & general | \$736,332 |
| Fundraising | \$350,882 |
| Total | \$3,470,278 |
| Net, before investment valuations | \$381,873 |

ACLU-NJ Staff

Paloma Aguas, *Communications Associate*
Farrin Anello, *Senior Staff Attorney*
Rhea Beck, *Legal Department Manager*
Tess Borden, *Staff Attorney*
Julia Bradley, *Law Fellow*
Priyanka Dhar, *Administrative Assistant*
Diane Du Brule, *Development Director*
Sarah Fajardo, *Policy Director*
Tomijean Fernandez, *Advisor
for Strategic Growth*
Katie Haas, *Law Fellow*
Elyla Huertas, *Staff Attorney*
Joe Johnson, *Law Fellow*
Ami Kachalia, *Campaign Strategist*
Tracey Kelley, *Executive Assistant*
Molly Linhorst, *Justice Catalyst Fellow*
Jeanne LoCicero, *Legal Director*
Andrea Long, *Donor Relations Manager*

Eric McKinley, *Office & Technology Manager*
Jennifer Monge, *Office Assistant*
Jonathan Nendze, *Office Assistant*
Daniela Nieves, *BOLD Fellow*
Kate Oh, *Digital Communications Associate*
Axel Owen, *NJ CAN 2020 Campaign Manager*
Allison Peltzman, *Communications Director*
Ky'Eisha Penn, *Law Fellow*
Lillian Rivera, *Legal
Administrative Assistant*
Alicia Rogers, *Program Assistant*
Alexander Shalom, *Senior
Supervising Attorney & Director
of Supreme Court Advocacy*
Amol Sinha, *Executive Director*
Alejandra Sorto, *Campaign Strategist*
Karen Thompson, *Senior Staff Attorney*
Shira Wisotsky, *Immigrant
Rights Law Fellow*

Board of Trustees

Marc Beebe, *President*
CJ Griffin, *Vice President*
Jay D. Gartman, *Treasurer*
Heather Taylor, *Secretary*
S. Nadia Hussain, *National
Board Representative*
Gary Nissenbaum, *At-Large*
Joseph B. Parsons, *At-Large*
Ed Barocas
Peggy Brooks
Frank Corrado

Debra E. Guston
Alexis Karteron
Joey Novick
John M. O'Connor
Jacob S. Perskie
Marnita Robertson
Afsheen Shamsi
Amardeep Singh
Justice Gary Stein
Jeff Wild

Interns & Volunteers

Mia Dohrmann
Alexandra Dominguez
Jerry Green
Richard Loberfeld
Lilly Hecht
Dillon Reisman
Stacey Strand
Roger Tejada
Jonathan (Ned) Terrace
Guy Yedwab

A TURNING POINT FOR:

Democracy



**Closing words from ACLU-NJ Board of Trustees President
Marc Beebe**

Democracy was tested this year at all levels, from campaign disinformation to the white supremacist insurrection at the Capitol.

We know that our rights are fragile and that the fight for justice is as urgent as it ever has been in the 101-year-history of the ACLU.

We also know our rights have a fierce defense. We saw that when ACLU-NJ attorneys protected the right to vote during New Jersey's first-ever mail-in election, through a case ensuring people who requested a ballot but never received one could vote. The ACLU-NJ teamed up with advocates throughout the state for a swift response to Election Day issues, after months of supplying voters with information for going to the polls.

New Jersey showed the power of the ballot box itself, with the overwhelming passage of the ballot initiative to legalize cannabis, coming after a multi-year campaign from the ACLU-NJ and our partners in advocacy.

Democracy matters beyond Election Day. It renews itself through civic participation, through protest, through speech. We know that restrictions on speech all too often arise to stem movements for social justice, as we've seen in cases brought on behalf of protesters this year. And we know that people of color far too often bear the brunt. The job of the ACLU is to challenge that overreach — to allow people not to just have rights, but to exercise them.

It takes constant work to protect the pillars of our democracy — work we're only able to achieve with your continued support.

In pursuit of that work, we move into 2021 with renewed commitment to protecting and expanding our most fundamental civil rights and liberties — for all of us. But above all, we will fight for people whose rights are at greatest risk, and we will fight for them to fully exercise all of their freedoms.

With gratitude,

MARC BEEBE
President, ACLU-NJ Board of Trustees



Non-Profit Org.
U.S. Postage
PAID
Newark, NJ
Permit No. 6593

ACLU

New Jersey

P.O. Box 32159
Newark, NJ 07102

Address Service Requested

American Civil Liberties Union of New Jersey
P.O. Box 32159, Newark, NJ 07102
ph: 973-642-2084 | email: info@aclu-nj.org

www.aclu-nj.org

Twitter: [@aclunj](https://twitter.com/aclunj) | Facebook: www.facebook.com/aclunj

ISSN: 0009-7934

