The ACLU of New Jersey defends our rights vigilantly — sometimes at a moment’s notice, sometimes from multiple angles and sometimes before the assaults on our rights take place. One thing is for certain: we do not leave the fate of liberty to chance.

This year, the Motor Vehicle Commission (MVC) tried to institute an invasive new driver’s license program without any public input from the people most adversely affected. The MVC almost got away with it, until the ACLU-NJ intervened and stopped it. We also went to court after Newark Mayor Cory Booker’s office refused to release public records to a parents’ group about how the $100 million pledge Facebook Chief Executive Mark Zuckerberg made to Newark schools would be distributed. And when the attorney general passed new rules aimed at keeping information about the State Police out of public view, the ACLU-NJ was there as well.

Although we celebrated many victories in our defense of liberties this year, we have more work to do. Cracks in the foundation of liberty can form in the smallest corners, whether in New Jersey or across America. And in every part of the country, people who believe in the Constitution give their time, their talent and their resources to defend our founding principles. The ACLU has stood strong defending liberty for more than 90 years for one reason: you, its members, supporters, and believers in liberty.

From my office in Cape May County, I see the impact one individual can make. As a cooperating attorney for the ACLU-NJ, I represent people who are brave enough to stand up and fight for their constitutional rights. Take Anne Spollen, an Ocean County mother who turned to us after her honor roll son was suspended for having an allergy pill in his backpack. This year, the Pinelands Regional School District finally agreed to erase the suspension from her son’s record and changed its zero-tolerance drug policy so that students can receive the due process they deserve, as guaranteed under the law.

In this year’s report, you will find the stories of others who, like Spollen, sensed injustice and were willing to fight for what is right. You will find that our public education program has grown more dynamic, expanding deeper into the world of social media and multimedia. And you will find that our legal docket remains robust, with more than 65 cases in state and federal courts in the last year.
The ACLU did not start out as an institution — through decades of grueling work and endless commitment, it grew into one. As long as Americans face barriers to living their lives freely, the ACLU will fight to guarantee the Constitution’s founding promises. And as long as the ACLU exists, committed, talented, intelligent people — official leaders and behind-the-scenes supporters — will provide the foundation for defeating the inevitable attacks on liberty, no matter the form they may take.

Although no one can predict where the next threat will come from, or which new technologies might strengthen our liberties or jeopardize them, you can count on us to be prepared.
As a child, A.Z. spent much of her free time writing, hoping one day to become a journalist. She moved one step closer to that dream when she was accepted to numerous universities with journalism programs. But when A.Z., kept anonymous to protect her privacy, applied for a Tuition Aid Grant from the State of New Jersey, she was rejected. Although A.Z. was born and raised in the United States, the state refused her grant application because her parents were “not legal New Jersey residents.” The New Jersey Higher Education Student Assistance Authority had determined A.Z.’s eligibility for aid based on the status of her mother, an undocumented immigrant, rather than on A.Z.’s American citizenship. Without state aid, she could not afford to attend a four-year university. Instead, she attended a community college with no journalism major and juggled a full-time job to pay for school. The ACLU-NJ appealed the state’s decision and won.

“I am an American and I don’t think I should be treated differently just because of where my parents came from.”

— A.Z.
NEW JERSEY DRIVERS WERE SIDESWIPE BY AN INVASIVE NEW STATE LICENSING PROGRAM THAT ALMOST WENT INTO EFFECT WITHOUT ANY INPUT FROM THE PUBLIC.

Like all New Jersey residents, Donald Birch has to renew his driver’s license every four years. But a new state licensing program, TRU-ID, may make it impossible for him to do so. TRU-ID calls for residents applying for licenses to provide birth certificates, Social Security cards and other sensitive documents that were not mandatory under the previous licensing program. Some of those documents, though, are hard to come by. The Motor Vehicle Commission (MVC) told Birch it would not accept his birth certificate, because it does not contain a middle name. Birch never received a middle name at birth but chose his own later, during his confirmation in the Catholic Church. The MVC, however, stated in writing it would not accept any documents from the church bearing his middle name as proof of identity. The ACLU-NJ sued, explaining the state violated state law by approving TRU-ID without seeking public input and, convinced a judge to halt the program on May 4, just days before its scheduled rollout.

“How is a 70-year-old man supposed to prove who he is when the MVC refuses the documentation that proves who he is? It is a burden financially to get these documents and it’s frustrating when one is told that they can’t use a birth certificate they have used for 70 years.”

— EDNA BIRCH, WIFE OF DONALD BIRCH
Andrew Andrade and his girlfriend agreed early on in their relationship to split responsibilities evenly. So when Andrade’s girlfriend needed Plan B emergency contraception, she asked if Andrade could pick up the medicine to accommodate her work schedule. But when Andrade tried to buy Plan B from his local Rite Aid pharmacy, he was refused because he is a male. Andrade knew the pharmacy had violated his rights and turned to the ACLU-NJ. The ACLU-NJ contacted the national pharmacy chain to demand an apology and better training for employees. Two days later, the pharmacy apologized to Andrade.

“"The manager said he would not sell Plan B to me because I was a male. I thought that was ridiculous.””

— ANDREW ANDRADE
Discrimination
Occupy Trenton protesters saw their first Amendment Rights trampled by the state, which seized their signs, laptops and personal property.

In October 2011, as the Occupy movement gained steam nationwide, a group of protesters descended on Veterans Park in Trenton to start their own protest. The group brought laptops, coolers, signs and other items that previous groups had used in the park, which is run by the state Department of Military and Veterans Affairs. The park did not have any rules governing its use at the start of the protest. However, on Oct. 13, 2011, the state issued a letter restricting camping or items for picnicking from the park. One day later, the State Police seized all of the protesters’ property, including coolers containing medicine. The ACLU-NJ went to court on Occupy Trenton’s behalf and won a restraining order preventing the state from enforcing most of the newly created restrictions, which were introduced without following the proper procedures required by the law. The court also ordered the state to return all of the protesters’ property.
“By seizing and confiscating Occupy Trenton’s political signs and other media equipment...defendants have unlawfully interfered with plaintiff’s right to free speech and expression.”

— OCCUPY TRENTON V. RAYMOND L. ZAWACKI
COMPLAINT FILED ON OCT. 27, 2011
A NEWARK PARENTS’ GROUP ASKED FOR MORE INFORMATION ABOUT THEIR CHILDREN’S EDUCATION BUT THEY WERE DENIED.

Like many Newark residents, Willie Rowe and Laura Baker were excited when Facebook Chief Executive Mark Zuckerberg pledged $100 million to help Newark schools. As grandparents of children in Newark schools, the two had a keen interest in staying informed about how the money would be spent. But when they requested public records, including emails about the donation, Newark Mayor Cory Booker’s office denied the request. Although Gov. Chris Christie asked Mayor Booker to craft a plan for Newark schools with the money, Booker initially denied having any documents about the donation. The city then stated Mayor Booker did not act in his official mayoral capacity in accepting the donation and therefore even if any records existed, they were not available to the public. After the ACLU-NJ filed suit against Newark, city attorneys admitted in court that emails about the donation do exist.
“As parents and grandparents, we simply want to fully understand the impact of this gift on our children and get a better grasp on this aspect of their education.”

— LAURA BAKER, SECONDARY PARENT COUNCIL
For decades, the Passaic County Jail was notorious for its inhumane and dangerous conditions. Although the jail was built for 840 people, the population was closer to 1,800 at times. Prisoners were served undercooked food contaminated with rodent droppings within feet of fellow prisoners who were using the toilet. They were subjected to brutality with no accountability. Health care needs were ignored and the fire detection system was not functioning. In 2008, the ACLU-NJ and Seton Hall University School of Law’s Center for Social Justice (CSJ) challenged the constitutionality of the conditions with a class action lawsuit on behalf of the prisoners. In May 2012, the county entered into a court-approved settlement, agreeing to rectify overcrowding, environmental dangers, fire hazards and inadequate medical care. Most importantly, the county agreed to enlist an independent monitor to oversee the remedies to their completion.
“This settlement marks the start of a new era at the jail. For years, detainees, jail employees, lawyers and judges have complained about the overcrowding and unsafe conditions at the jail. We hope that the agreement results in lasting improvements for our clients.”

— JENNY-BROOKE CONDON, ASSOCIATE PROFESSOR AT SETON HALL UNIVERSITY SCHOOL OF LAW’S CENTER FOR SOCIAL JUSTICE
JUNE 28, 2011
DNA WITHOUT DUE PROCESS
The ACLU-NJ testified against a bill allowing New Jersey law enforcement to collect the DNA of anyone arrested for certain violent crimes, even if not convicted, a gross violation of privacy and due process.

JULY 19, 2011
‘BRAZILIAN VOICE’ FREE TO SPEAK
A U.S. Appeals Court approved a settlement for Newark journalist Roberto Lima based on his wrongful arrest in 2007 and ordered an award of attorneys’ fees. Newark Police detained Lima after he refused to turn over all of the newspaper’s original and copies of photographs of a crime scene to police.

JULY 25, 2011
A “FOX” IN THE STATEHOUSE?
Hours after the ACLU-NJ filed a lawsuit seeking records of meetings between Gov. Chris Christie and Fox News Chief Executive Roger Ailes, Gov. Christie handed over the information that he had initially denied to Gawker reporter John Cook: a calendar entry documenting that the governor had a private meeting with the media mogul.

OCTOBER 11, 2011
OPEN MEETINGS FOR OPEN SPACES
The town of West Orange apologized to ACLU-NJ client and resident Frances Holland, who was turned away from a meeting of the town’s Open Space and Recreation Committee. In addition to the apology, she received the minutes of the meeting from which she was wrongfully excluded.

FEBRUARY 16, 2012
A SAD DAY FOR LOVE
The ACLU-NJ testified in Trenton in favor of legislation giving same-sex couples the freedom to marry in New Jersey. Although the legislation passed, the governor vetoed the bill. The ACLU-NJ continues the battle for equality in the legislature and the courts.

FEBRUARY 22, 2012
PRAYING WHILE MUSLIM: A NEW ERA OF RELIGIOUS PROFILING
After learning New York Police Department officers spied on mosques in New Jersey cities, the ACLU-NJ requested records to determine the extent of the state’s involvement. The ACLU-NJ and ACLU affiliates across the country had sued the FBI in May 2011 for information that ultimately revealed federal mapping of criminal behaviors based on racial and ethnic demographics.

MARCH 20, 2012
DASH TO THE FINISH FOR NEWARK POLICE CAMERAS
The Newark Police Department installed dashboard cameras in 52 vehicles, years after the ACLU-NJ called for the department to install them. The cameras hold officers accountable and protect them from false accusations.

APRIL 2, 2012
MIXED TRACK RECORD ON CELLPHONE TRACKING
Joining a national ACLU effort to understand the extent of cellphone tracking in law enforcement, the ACLU-NJ surveyed the data practices of the state’s 50 largest municipal police departments. Only Bloomfield, Hoboken, Irvington, Perth Amboy and West New York said they had never used cellphone location data.

APRIL 24, 2012
CHANGING THE STANDARD FOR TRYING KIDS AS ADULTS
Kids will be kids — except when courts try them as adults. The ACLU-NJ successfully convinced the New Jersey Supreme Court to prevent judges from merely rubber-stamping prosecutors’ requests to try juveniles as adults.
MAY 8, 2012
ZERO TOLERANCE NOT TOLERATED
A student known as P.P., suspended in eighth grade for having an over-the-counter allergy tablet at the bottom of his backpack, finally had his record expunged in his last semester of high school. The ACLU-NJ’s lawsuit on P.P.’s behalf convinced Pinelands Regional High School to change its draconian “zero-tolerance” policy, which offered no due process to students.

JUNE 13, 2012
HOMEOWNERS’ SPEECH RIGHTS DON’T STOP AT THE FRONT DOOR
The New Jersey Supreme Court settled a debate that has simmered in New Jersey for a decade: Can homeowners associations preempt free speech? Fortunately for Wasim Khan of the Mazdabrook community in Parsippany — as well as the thousands of New Jerseyans governed by homeowners associations — the answer is no. The prohibition against all signs (besides “for sale”) violated Khan’s right to free speech.

JUNE 28, 2012
A FIGHT TO LEARN ABOUT THE DEPARTMENT OF EDUCATION
The Education Law Center sought two sets of records from the New Jersey Department of Education (DOE): letters between DOE officials and two philanthropic groups in one request, and contracts between the DOE and the Eli Broad Foundation concerning two state employees also receiving private fellowships. The ACLU-NJ filed a lawsuit on the ELC’s behalf for the records when the DOE requested six extensions for the first request and outright denied the second.

JULY 2, 2012
A BLUE WALL OF SILENCE
The ACLU-NJ filed a brief challenging the New Jersey Attorney General’s new rules adopted in December 2011 barring public access to basic State Police records such as standard operating procedures, training manuals and trooper promotion policies.

JULY 3, 2012
LIBERTY IN YOUR POCKET? THERE’S AN APP FOR THAT.
Almost 30,000 people downloaded the ACLU-NJ’s Police Tape, an app that discreetly records and securely uploads video and audio of police interactions. A stop-motion animation video featuring Lady Liberty using the app during a run-in with police hit 75,000 views a week after its release.

JULY 9, 2012
A SECOND CHANCE
Ronald Kollman Jr. went on to live an exemplary life after serving time and probation for a low-level drug offense. Even though he attended college, held down a job and volunteered, a trial court denied Kollman’s request for expungement of his record based on the perceived severity of his original crime. With the ACLU-NJ’s help, the New Jersey Supreme Court reversed the denial and ruled the trial court had abused its discretion.

JULY 20, 2012
THERE’S MORE THAN MEETS THE EYE
New Jersey Supreme Court issued new instructions to give to juries, stating they must take into account factors such as stress levels, distance or poor lighting when evaluating an eyewitness’s ability to make an accurate identification during trials. The ACLU-NJ advocated for these changes, which are the first in the nation to prevent misidentifications.
PUTTING THE PUBLIC INTEREST IN PUBLIC OUTREACH

Outside of the courtroom and legislature, the ACLU-NJ demonstrated its support of freedom and liberty at summer festivals, pride events and cultural celebrations throughout the state. The ACLU-NJ distributed information about our work in all 21 counties this year. We also hit the streets of Newark, distributing 20,000 cards in English, Spanish and Portuguese with information about reporting police misconduct to the Department of Justice. And in response to assaults on voting rights nationwide, the ACLU-NJ has made educating voters a priority by distributing more than 25,000 pamphlets to inform voters about their rights at the ballot box.

SPEAKING OF THE ACLU-NJ

Legal experts from the ACLU-NJ’s staff and board of trustees are called upon regularly to speak to organizations, churches and schools. In March, ACLU-NJ Policy Counsel Alexander Shalom presented best practices for internal affairs to 75 members of the New Jersey Internal Affairs Association.

ACLU-NJ representatives spoke to a dozen high school and college classrooms on topics ranging from marriage equality to the Occupy Wall Street movement, and traveled from Warren County to Cape May County to audiences in religious and civic community groups.

Interested in booking a speaker? Visit www.aclu-nj.org/speaker
ACLU-NJ <3’S YOU #ACLUNJSOCIALMEDIA

Want to get the most up-to-date information about our cases? Interested in having a discussion with others about civil liberties? The ACLU-NJ has been tweeting, posting and pinning our civil liberties presence in social media. Followers and fans on Facebook, Twitter and Pinterest topped 4,000 in July and grow every day.

A “POLICE TAPE” LINE EVERYONE CAN CROSS

A negative police interaction can leave permanent scars, but too often it doesn’t leave a record. That’s where the ACLU-NJ’s new smartphone application, Police Tape, comes in. Citizens can discreetly record interactions with police onto their phones and upload the recordings securely online, where the ACLU-NJ can review them for civil liberties violations. Within a month of its release in July nearly 30,000 people had downloaded the free app, developed by OpenWatch. A stop-motion video, featuring Lady Liberty during a police stop, had 100,000 views within one month.

To view the video and learn how to download the app, visit www.aclu-nj.org/policetape

EXTERNAL SCREENINGS OF INTERNAL AFFAIRS VIDEO

The ACLU-NJ produced a five-minute video, Internal Affairs: Protecting the Integrity of the Badge, for law enforcement training sessions. The video explains best practices through interviews with leaders in policing from different parts of the state. Before the video was officially released, the Essex County Prosecutor’s Office and New Jersey Internal Affairs Association arranged special screenings to train their officers.

To view the video, visit www.aclu-nj.org/iavideo

ACLU-NJ SHEDS LIGHT ON KEEPING GOVERNMENT TRANSPARENT

This year, the ACLU-NJ published pamphlets to help citizens navigate the Open Public Records Act and Open Public Meetings Act. The guides arm citizens with information for holding government accountable: how much the government can charge for records, which records are public and what steps to take if the public can’t participate in public meetings.

To read both pamphlets, visit www.aclu-nj.org/publications
Gov. Chris Christie earned mixed grades in the ACLU-NJ’s midterm report card for his civil liberties record. He earned lowest marks in reproductive freedom: he cut $7.5 million for family planning from the budget and withdrew an application for matching federal family planning funds. He did better in the area of religious freedom, earning a B for decrying anti-Muslim bigotry, and a B- in LGBT rights for voicing support for LGBT couples — despite punting on the issue of freedom to marry by proposing a referendum.

The ACLU-NJ also gave the governor a C in police practices for taking both steps forward and steps back regarding internal affairs policies and an F in free speech for supporting New Jersey Transit’s decision to fire an employee based on constitutionally protected expression.

To view the entire report card, visit www.aclu-nj.org/christiereportcard

The ACLU-NJ capped its 50th anniversary celebration by publishing On the Frontlines of Freedom, by veteran journalist Mary Jo Patterson. The book chronicles the rich and colorful history of the organization against the backdrop of changing social and political tides in New Jersey and America.

To read excerpts and order your copy, visit www.aclu-nj.org/book

After convincing the Department of Justice to investigate the Newark Police Department through a petition with information culled from public records, the ACLU-NJ sought to share its tools with ordinary citizens to hold their own police accountable. The police toolkit teaches citizens how to file open records requests, analyze crime statistics and find information about settlements related to police misconduct.

To download your copy of the toolkit, visit www.aclu-nj.org/policepractices
Philanthropic Leaders: Jim Leitner & Tracy Higgins

Whenever Jim Leitner read the news clippings his father regularly sent him about the ACLU’s recent cases, he thought, “These people are doing really important work.” But it never occurred to him to become a supporter until he was walking down the street a couple of years ago and crossed paths with a student who was recruiting members for the ACLU. That day, he handed the worker two checks, for $1,000 each — one for himself, and one for his wife, Tracy Higgins — undoubtedly making the worker’s day in the process.

Now Jim gets his ACLU news by going directly to the organization’s website most mornings, a habit he adopted after his encounter on the street. “When I look through the website, I always find something interesting and important to think about, whether it concerns reproductive rights, prisoner rights, voting rights, the list goes on. The ACLU is actively working on a wide range of critical issues, speaking truth to power every day.”

Becoming ACLU supporters was a natural fit for Jim and Tracy, who live in Montclair. Tracy is a law professor at Fordham University and the founder and co-director of the Leitner Center for International Law and Justice, which is named for the Leitner family. Jim is the founder and principal of a global hedge fund, Falcon Management. As international human rights advocates, the couple has supported projects around the world that promote respect for basic rights.

“In many places we have worked, trying to change law or policy on the national level may not be that effective because changes do not always filter through to the local level,” said Jim. “Access to justice can be quite limited.” Although acknowledging that problems accessing justice remain in the United States, especially among the poor, Jim notes that the well-organized legal system makes the ACLU’s litigation strategy a highly effective means of safeguarding our civil and political rights. He calls giving money to the ACLU “an exceedingly good investment.”

For Tracy, “The ACLU’s championing of the weak and sometimes unpopular is something that is enormously important, though often thankless.” She adds, “As a law professor, I feel that the talented attorneys who work for the organization represent the very best of my profession. I am happy that we are able to participate in their work by offering financial support.”

The ACLU-NJ is honored to count Jim Leitner and Tracy Higgins among our most generous donors, having committed to a $1 million pledge in 2011. We look forward to partnering with them to defend civil liberties in New Jersey and across the nation for years to come.
Philanthropic Leaders: Jim Leitner & Tracy Higgins
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Pictured, from left: Interns Nathan Morin and Ross Brower.
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DOCKET FROM SEPT. 1, 2011 UNTIL SEPT. 1, 2012:

Total cases on docket: 67
Cases opened: 30
Cases closed: 31
Number of cases that were both opened and then closed within timeframe: 10
Cases continuing on docket that were opened prior to Sept. 2011: 16

FOR CLOSED CASES:

Wins: ................................................................. 25
Losses: .............................................................. 6

FOR ALL CASES ON DOCKET:

Direct: .............................................................. 31
Amicus: ............................................................ 36
State: .............................................................. 58
Federal: ............................................................ 9
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The ACLU-NJ and the following volunteers contributed to the annual report, an issue of the Civil Liberties Reporter: Peggy Brooks, Jay Gartman and Sylvia A. Stengle.

Photo credits: The photo of Jim Leitner and Tracy Higgins was taken by Corey Sipkin. The photo of the interns was taken by Eliza Straim. The photo of Andrew Andrade was taken by Jeff Zelevansky. The remaining photos, except for the ones used in the timeline, were taken by Amanda Brown.

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INCOME
Contributions ................................................................. $875,118
Bequests .................................................................................. $232,979
Dues .......................................................................................... $321,773
Court Awarded Attorney Fees .............................................. $308,321
Grants ....................................................................................... $200,000
Investment Income ................................................................. $110,889
Other Income ........................................................................... $29,836
Total Income ........................................................................ $2,078,916

EXPENSES
Programs & Services ........................................................ $1,153,679
Administration & Management ........................................... $277,538
Development & Fundraising ................................................ $247,053
Total Expenses ................................................................ .... $1,678,270

Change in Net Assets: $400,646

Consolidated Audited Statement for ACLU-NJ and ACLU-NJ Foundation, Fiscal Year 2012 (April 1, 2011-March 31, 2012)