ACLU-NJ Challenges Lord’s Prayer at Point Pleasant Beach Meetings

The ACLU-NJ sued to stop Point Pleasant Beach from reciting the Lord’s Prayer at town meetings. ACLU-NJ decided to take action after learning that the town was reciting the Lord’s Prayer at the beginning of each town meeting, which it found to be a violation of the First Amendment.

Out of 261 complaints of serious misconduct filed in 2006, only one was investigated by the New Jersey Attorney General's Office. The ACLU-NJ filed a lawsuit against the Newark Police Department, alleging that officers had engaged in serious misconduct, including use of excessive force.

ACLU-NJ Calls for Justice in Newark Police

The ACLU-NJ has asked the New Jersey Attorney General to investigate the Newark Police Department, which has a history of serious misconduct, including use of excessive force.

At Long Last, Legislature Lowers Fees for Records

The New Jersey Legislature has lowered fees for copies of government records, which will bring transparency to the state's government operations.

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- The 407 accusations of misconduct that led the ACLU-NJ to seek federal intervention for the Newark Police Department. PAGE 1
Nearly 200 convictions were tossed after cops admitted planting drugs on innocent people.

Joel Barnes lost 14 months of his life serving jail time for a crime he didn’t commit. Now, with the help of the ACLU-NJ, he’s turning the tables on the corrupt Camden cops who put him there.

Camden police officers arrested Barnes in 2008 after planting drugs on him, but the wrongful conviction was one of 185 thrown out this year by the Camden County Prosecutor’s Office after officers admitted their crimes in federal court.

The ACLU-NJ and the national ACLU are demanding justice for Barnes, accountability for the cops, and systemic changes to prevent similar crimes from happening in the future.

“Planting evidence on innocent people in order to send them to prison is one of the most serious forms of police misconduct, and police who engage in such behavior must be held accountable,” said ACLU-NJ Legal Director Edward Barocas.

Barnes’s troubles started in August 2008. He was visiting a friend when officers entered the home without a warrant. They detained Barnes and demanded to know where in the house they would find drugs.

Barnes answered truthfully: he didn’t know. One of the officers, Antonio Figueroa, produced a bag containing drugs and said, “Tell us where the shit’s at and we’ll make this disappear.” Figueroa then claimed the drugs belonged to Barnes, whom he arrested for possession with intent to distribute, a charge that can result in a 20-year sentence.

Barocas, joined by the ACLU Criminal Law Reform Project, filed Barnes’s suit in U.S. District Court in July. Defendants include the state Attorney General’s Office and the Camden County Prosecutor’s Office because the state was overseeing the police department at the time.

It’s commonplace for police departments around the country to reward officers who make high numbers of arrests on low-level drug charges with incentives such as overtime pay or promotions, explained ACLU-NJ Legal Director Edward Barocas.

Police officers detained Joel Barnes and demanded to know where in his friend’s house they would find drugs. Barnes answered truthfully: he didn’t know.

Criminal Law Reform Project Director Jay Rotty.

With two prior convictions – for possession with intent to distribute and for simple drug possession – Barnes feared a jury wouldn’t believe his version, so he accepted a plea deal last year.

“The police had all the power, and I had none, even though I didn’t do anything wrong,” said Barnes, now 28. “It’s not just police officers were the ones breaking the law and abusing the people they’re supposed to protect.”
A Petition for Justice in the Newark Police

The situation is akin to what we faced with the New Jersey State Police. Initially averse to the federal oversight established by a 1999 consent decree over racial profiling, the State Police ultimately came to embrace independent oversight over the 10 years it was monitored. The advanced training, new technologies and sophisticated systems to identify potential misconduct have raised professionalism and morale. State Police Superintendent Rick Fuentes exalts the changes.

The federal government did not come to Newark’s aid following the 1967 unrest, and its citizens have suffered the consequences: abuse, humiliation, injury and even death. We can only hope that the Justice Department will see things differently, and that the mayor and police director will, in time, welcome a powerful partner that can redouble their efforts at reform.

The sooner the process begins, the sooner Newark’s citizens and civil servants alike can experience a higher standard of law and order — and safety — in their city.

Everyone’s Got a Right to Be a Critic

ACLU-NJ fights request to unmask anonymous e-mailer’s identity.

The anonymous e-mail hit the inboxes of parents of students at Our Lady of the Magnificat School in Kinnelon on Feb. 4. Using a pseudonym, the e-mail’s author blamed poor management for declining enrollment at the Morris County parochial school.

A few months later, Our Lady of Magnificat Church, which operates the school, went to court claiming the e-mail slandered the school and damaged its reputation. When a Superior Court judge in Morristown ordered Internet service provider Cablevision to disclose the e-mail’s author, the author contacted Public Citizen and the ACLU-NJ.

In August, the two groups filed a brief arguing that the church’s request violated the e-mail author’s First Amendment rights. The court papers, filed with the assistance of Paramus attorney Richard L. Ravin of Hartman & Winnicki, ask the judge to vacate the order to Cablevision.

“...the Constitution allows everyone to express an opinion on matters that concern them without worrying about undue retaliation,” said ACLU-NJ Deputy Legal Director Jeanne LoCicero. “No one has the right to intimidate people into silence by threatening to unmask their anonymity.”

The courts have held that an allegation of slander or libel alone is not enough to justify unmasking the identity of an anonymous critic. The court, in this case the church, must first file a defamation lawsuit that presents a strong case against the anonymous speaker. By seeking the identity of the anonymous e-mailer through an exchange of information between the parties rather than a lawsuit, the church attempted to sidestep the legal process.

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A U.S. District Court Judge ruled the military’s ‘Don’t Ask, Don’t Tell’ policy unconstitutional in September for its discrimination against gay, lesbian and bisexual service members.

enforcement administration combined with Booker’s sincere interest in reform have not been enough.

McCarty faces colossal challenges. He inherited a culture of cronymism; insufficient human and technological resources; laws and ordinances that impinge on police operations; and union contracts and civil service rules that limit his authority on personnel matters.

Over the past four years, the ACLU-NJ has pushed mightily for change — promoting specific reforms, educating the public about citizens’ rights and filing lawsuits. We have urged the city to implement the reforms to reshape it. But progress has been glacial. Having exhausted virtually all other avenues, we have turned to the Department of Justice. The tools, expertise and authority needed to assess the department, create a blueprint for change and track the progress every step of the way can only come from outside.

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The ACLU-NJ mourns the loss of Robert Marks, one of the founding members of the New Jersey affiliate and a longtime member of the ACLU-NJ Board of Trustees. Marks died on Sept. 27.

Growing up in Troy, N.Y., Marks took an interest in social issues, especially free speech.

After serving in World War II and graduating from Harvard Law School, Marks moved to New York City and volunteered for the national ACLU, reading and summarizing cases.

When he moved to New Jersey, Marks met Emil and Edith Oxfeld at a dinner party, where they discussed the need for an ACLU affiliate in the state. A few months later, in June 1960, the ACLU-NJ was formed. In those early days, Oxfeld’s law office in Newark served as the affiliate’s de facto headquarters, where Marks screened calls and directed cases to attorneys.

Marks served on the ACLU-NJ Board from 1960 to the early 1980s. In the late 1970s, he joined the board of the Newark Beth Israel Medical Center, eventually serving for 16 years as its chairman. From the 1970s to the 1990s he was the president of Measures, a supplier of specialty measures for the food, drug and chemical industries.

Marks is survived by his wife of 63 years, Paulina; three children; and four grandchildren.

Florida Court Allows for Gay Couples to Adopt

MIAMI — A Florida appeals court on Sept. 22 struck down a state law barring gay couples from adopting children. In 2004, ACLU client Martin Gill and his partner took in two young brothers, both victims of neglect, as foster children. But when Gill sought to adopt them in 2006, he met every criterion but one: the required sexual orientation.

When Gill first explained the legal battle years ago to the boys, then four and eight, the older child immediately recognized the most important fact: they were fighting for their rights as a family. The older son then filled several pages with his signature, thrilled that he would share his father’s last name. Now the state government will recognize his new name, too.

South Dakota Affiliate Sues for Information on Women Pressured to Induce Labor

PIERRE, S.D. — The ACLU of South Dakota filed a Freedom of Information Act lawsuit on Sept. 27 against Indian Health Services (IHS), a federal agency, to learn details of pregnant women living on the Cheyenne River Sioux Reservation allegedly being pressured into inducing labor.

The reservation, the fourth largest in the United States, lacks obstetric care, forcing women to travel 90 miles to the closest IHS facility, in Pierre, the state capital. Once there, women have said they were ordered by facility staff to allow doctors to induce labor without any discussion of risks, benefits or alternatives.

The ACLU also requested information about a long-promised obstetric care facility planned for the reservation since 2002. The facility has hardly progressed despite Congress’ appropriation of stimulus funds last year for the facility.

Air Force Nurse Reinstated, Despite Having “Told”

SEATTLE — Major Margaret Witt, a decorated U.S. Air Force flight nurse, won a federal case that challenged her dismissal under the military’s “Don’t Ask, Don’t Tell” policy barring members of the military from openly declaring their sexual orientation as lesbian, gay or bisexual. The court ordered the U.S. Air Force to reinstate her after a six-day trial, which resulted in a ruling from U.S. District Court Judge Robert Leighten that that Major Witt’s sexual orientation does not undermine unit morale or cohesion. ACLU of Washington attorneys have represented Major Witt since her case began in 2006.

Robert Marks, a founding member of the ACLU-NJ who served on the board for more than 20 years, passed away Sept. 27 at the age of 90.

Robert Marks

In memory of Puneet Bhandari
Narendra C. Bhandari

In memory of Mildred Becker
Esther M. Bearg

In honor of Anja and Ray Miller’s 50th Wedding Anniversary
Everett Belkin Williams
Bella August

In memory of Robert Marks
Edith Oxfeld
Ruth C. Schwartz
Shirley Churgin
Ed & Nicki Kessler

In memory of Lawrence White
Margarette Moyer
Vivian Stoopack
Deborah A. Hoffmann
Lillian Bortnick
Newman M. Bortnick

Tributes are contributions made to honor or remember special friends, family, colleagues and occasions.

www.aclu-nj.org/donate

A Jersey City health club encourages guests to come as they are after the September decision overturning ‘Don’t Ask, Don’t Tell.’

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