



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 & 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>



AVERAGE: D+

First-term Gov. Christie report card

The ACLU-NJ first examined Gov. Chris Christie's record on civil liberties and civil rights in 2012, midway through his first term in office. At the time, the governor earned mostly low marks for his administration's poor handling of many critical civil liberties issues, such as reproductive freedom and free speech. He received positive marks for standing up against bullying of persons in the LGBT community and for respecting freedom of religion.

Two years later, Gov. Christie's first term is behind him and the ACLU-NJ has taken another look at the governor's performance in civil rights and civil liberties subjects. The ACLU-NJ examined 12 areas and graded the governor based on his and his administration's public statements, actions, and inaction on important policy decisions. This report examines his first term as governor, which ended in January 2014.

Overall, Gov. Christie's grades are disappointing. His administration performed decently in some areas, earning a B in respecting freedom of religion and a B- in voting rights, but his average grade was a D+. He failed outright in four categories — separation of church and state, transparency, separation of powers, and economic justice.

Some of Gov. Christie's most frustrating moments came when he failed to back up bold words about civil rights and liberties with substantive action — appearing to look the part of a civil liberties champion, rather than act it. Rhetoric without any substantive action helps no one but Gov. Christie.

His record on LGBT and immigrants' rights speaks to this tendency. Although he has stated that he opposes discrimination against LGBT families, he fought against same-sex marriages in court and in the legislature until it was clear he would not win. And while he supported giving undocumented immigrants a chance at a higher education by signing the NJ Dream Act, he removed an important provision that would have fully opened the doors of opportunity by allowing them to apply for state financial aid.

The governor's approach to the failed war on drugs is another example of his lip service to civil liberties. Gov. Christie made a bold statement about ending the war on drugs, but he failed to back up his words with any forceful action.

We hope the governor spends the rest of his second term in office promoting and respecting the rights of all New Jerseyans by prioritizing reforms and initiatives that promote civil liberties and civil rights. The lower grades between the midterm and final report card leave us, however, with little optimism.

Protecting Speech for Some, but not Others

In August 2013, Gov. Christie signed a law¹ barring employers from demanding prospective employees' login information for social networking sites as a condition of employment. Access to login information would have created a chilling effect by giving employers unfettered access to their private activities on their social media accounts.

Gov. Christie's support of free speech for employees did not however extend to New Jersey Transit employee Derek Fenton,² who was fired for burning the pages of a Quran at a rally outside of work hours in 2010. Gov. Christie supported the agency's decision to fire Fenton, who eventually won his job back after the ACLU-NJ sued.³

And when it came to the rights of Occupy Trenton, a group protesting social and economic inequality in 2012, Gov. Christie explained that he understood the motivation behind the protests,⁴ yet he stood silent when state officials unlawfully dispersed Occupy Trenton from Veterans Park and illegally seized their personal property. A state judge eventually ruled in favor of Occupy Trenton's free speech rights.⁵

Attempts to Censor Free Speech

After the 2012 Sandy Hook Elementary School shootings, Gov. Christie floated the idea of banning retailers from selling video games with "adult ratings" to minors without parental permission.⁶ The proposal would not have gone far, as the U.S. Supreme Court had already ruled that video games are a form of protected free speech. Ultimately, Gov. Christie pushed for and signed a bill (S2715)⁷ without the civil liberties pitfalls, mandating the Department of Education to distribute pamphlets in schools with strategies to limit exposure to media violence.

In the run-up to New Jersey hosting the Super Bowl, Gov. Christie signed legislation (A3352) aimed at curbing advertisements for human trafficking. The bill was so broad that it would have restricted constitutionally protected speech. A federal court prevented that part of the law from taking effect, ruling that it violated the Constitution.⁸

¹ A2878, Session 215 of the New Jersey Legislature, 2012, http://www.njleg.state.nj.us/2012/Bills/A3000/2878_R4.pdf

² Megherian, Chris, "Gov. Christie says he didn't object to firing of Quran-burning NJ Transit Worker," The Star-Ledger, Feb. 15, 2011, http://www.nj.com/news/index.ssf/2011/02/gov_christie_says_he_didnt_obj.html

³ *Derek Fenton v. New Jersey Transit Corporation*. U.S. District Court. April 21, 2011. ACLU-NJ Legal Docket. <http://www.aclu-nj.org/legaldocket/derekfentonvnewjerseytrans/>

⁴ "Governor Christie on Occupy Wall Street Protests: I Understand Why They Are Frustrated," YouTube, Kearfott (Iowa) Town Hall, Oct. 17, 2012, <https://www.youtube.com/watch?v=kOSb81ox9rk>

⁵ *Occupy Trenton v. Zawacki*. Superior Court Mercer County. Feb. 6, 2011. ACLU-NJ Legal Docket. <http://www.aclu-nj.org/legaldocket/occupy-trenton-v-zawacki/>

⁶ "Christie: Parental consent should be required to sell violent video games to minors," CBS News, April 25, 2013, <http://newyork.cbslocal.com/2013/04/25/christie-parental-consent-should-be-required-to-sell-violent-video-games-to-minors/>

⁷ Friedman, Matt, "Christie signs 10 gun bills, but leaves controversial measures on his desk," The Star-Ledger, Aug. 8, 2013, http://www.nj.com/politics/index.ssf/2013/08/christie_signs_a_number_gun_bills_but_leaves_controversial_measures_on_his_desk.html

⁸ Zahorsky, Rachel, "Court strikes down state law aimed to combat sex slave trade," ABA Journal, Aug. 9, 2013, http://www.abajournal.com/news/article/court_strikes_down_state_law_aimed_to_combat_sex_slave_trade/

SUBJECT: Freedom of Religion

GRADE: B

Standing up for Religious Beliefs

Gov. Christie has always stood out for his respect for religious diversity. Notably, he appointed a Muslim lawyer to serve as a Superior Court Judge and refused to back down when critics made xenophobic attacks.⁹ He also spoke out against the vilification of Muslims when people protested against plans to build a Muslim community center and mosque near Ground Zero in Manhattan.¹⁰

Additionally, in response to revelations about the NYPD surveilling Muslim New Jerseyans, he signed legislation (A2948)¹¹ requiring out-of-state law enforcement agencies to notify state authorities of their actions before conducting surveillance in New Jersey. However, when the state Attorney General issued a report in May 2012 examining warrantless NYPD surveillance of Muslims in New Jersey, the Christie administration concluded that the NYPD had done nothing wrong.¹²

SUBJECT: Separation of Church and State **GRADE:** F

Spending Tax Dollars on Religious Schools

The ACLU-NJ found Gov. Christie's support of religious institutions through money from a state bond extremely troubling. Two institutions — Beth Medrash Govoha and Princeton Theological Seminary — were slated to receive millions in state funding, even though their missions and courses are religious. The Christie administration recommended \$10.6 million for Beth Medrash Govoha, a yeshiva, and \$645,323 for Princeton Theological Seminary, a Presbyterian Christian seminary. The ACLU-NJ has challenged this funding in court.¹³

Gov. Christie has also strongly supported private school vouchers, which use taxpayer money to send public school children to private schools, including religious ones. Fortunately, the legislature rejected the Opportunity Scholarship Act, which Gov. Christie strongly championed, and eliminated money for a similar program he had put in his budget.¹⁴ The program would have given tax breaks to companies that provide funding for student scholarships to private schools, including religious ones (and would have removed that amount of funding from public schools).

⁹ Fleisher, Lisa, "Christie Blasts Critics of New Judge," Wall Street Journal, July 17, 2011, <http://online.wsj.com/news/articles/SB10001424053111903999904576470680561590162>

¹⁰ Haberman, Maggie, "Chris Christie warns GOP on mosque," Politico, Aug. 16, 2010, <http://www.politico.com/news/stories/0810/41141.html>

¹¹ Baxter, Chris, "Christie signs bill requiring out-of-state police agencies to report secret surveillance to N.J. officials," The Star-Ledger, Sept. 9, 2013, http://www.nj.com/politics/index.ssf/2013/09/christie_signs_bill_requiring_out-of-state_police_agencies_to_report_secret_surveillance_to_nj_offic.html

¹² Sherman, Ted, "NYPD did no wrong in secretly surveilling N.J. Muslims, Attorney General reports," The Star-Ledger, May 24, 2012, http://www.nj.com/news/index.ssf/2012/05/nypd_did_no_wrong_in_secretly.html

¹³ Heyboer, Kelly, "ACLU files lawsuit to block two NJ religious colleges from higher education bond money," The Star-Ledger, June 24, 2013, http://www.nj.com/news/index.ssf/2013/06/aclu_files_lawsuit_to_block_two_nj_religious_colleges_from_higher_education_bond_money.html

¹⁴ Renshaw, Jarrett, "Christie's voucher program not part of budget," The Star-Ledger, June 20, 2013, http://www.nj.com/politics/index.ssf/2013/06/gov_christies_school_voucher_program_not_part_of_budget.html

Protecting the Right to Vote Post-Sandy

The Christie administration reacted swiftly in administering the 2012 elections that took place one week after Superstorm Sandy. Under the leadership of Secretary of State and Lieutenant Governor Kim Guadagno and Division of Elections Director Robert Giles, the administration made sure eligible voters could receive ballots through email. Although voters encountered more difficulties than they normally would have, New Jersey officials worked hard to make sure Superstorm Sandy did not wash out people's votes that day.¹⁵

A More Accessible, Responsive Voting Apparatus

The Christie administration has worked closely with voting rights advocates, convening regular meetings that focus on improving elections. It has also responded quickly to reports of voting inaccessibility on Election Day at polling places and when registering voters at state offices. Although Gov. Christie has not supported early voting, the administration took part in a bipartisan commission on the subject.

Vetoing Early Voting

Unfortunately, the efforts to preserve voters' rights after Sandy did not translate into permanent enhancements to voting rights. Gov. Christie vetoed a measure (S2364) that would have made voting easier by allowing in-person voting for a two-week period before an election, rather than squeezing all voting into one 14-hour workday.¹⁶ Six months after Gov. Christie's veto, a nonpartisan commission convened by President Obama recommended early voting as one way to improve efficiency nationwide.¹⁷

Election Day Registration

The ACLU-NJ has sued the Christie administration on the issue of Election Day registration. The New Jersey Board of Elections has the technology and capacity to allow voters to register on Election Day, but it has fought efforts to enact same-day registration.¹⁸ This hurts voters who have moved between New Jersey counties or cannot reach their usual polling site, such as was the case with Superstorm Sandy.

¹⁵ Moore, Martha T., "New Jersey: Post-Sandy voting by e-mail will be secure," USA Today, Nov. 5, 2012, <http://www.usatoday.com/story/onpolitics/2012/11/05/new-jersey-internet-voting-sandy-election/1684007/>

¹⁶ Portnoy, Jenna, "Christie vetoes early voting bill, angering Democrats," The Star-Ledger, May 9, 2013, http://www.nj.com/politics/index.ssf/2013/05/christie_vetoes_early_voting_b.html

¹⁷ Izadi, Elahe, "Presidential Commission Recommends Expanding Early Voting, Online Voter Registration," National Journal, Jan. 22, 2014, <http://www.nationaljournal.com/white-house/presidential-commission-recommends-expanding-early-voting-online-voter-registration-20140122>

¹⁸ Rizzo, Salvador, "Advocacy groups, students argue N.J. should allow voter registration on Election Day," The Star-Ledger, April 20, 2011, http://www.nj.com/news/index.ssf/2011/04/advocates_challenge_nj_voter_r.html

In the Doctor's Office

Every year, Gov. Christie has had an opportunity to stand up for women's health, and every year — actually, twice in 2010 — he has turned it down, most notably by rejecting a \$7.5 million item in the budget for women's health at family planning centers.¹⁹ The absence of this funding has forced at least six clinics to close or fire staff, and it prevents women from obtaining low-cost, critical health screenings such as pap smears and breast exams. Exacerbating the situation, Gov. Christie has also rejected federal funding that matches New Jersey's expenditure on family planning.

In January 2014, Gov. Christie signed legislation (A2022) requiring insurance companies to cover breast exams and other testing, with new requirements that mammogram reports include information on breast density.²⁰ Similarly, he signed a bill (S374) exempting cosmetic expenses related to breast reconstruction surgery from sales tax. He also signed a bill outlawing the genital mutilation of females under the age of 18 (S1171), a law that strengthens the human rights of young women in New Jersey.

In the Workplace

Although most first-time mothers work while pregnant,²¹ pregnancy discrimination still occurs.²² In January 2014, Gov. Christie signed a bill (S2995) that adds pregnancy as a protected class under New Jersey's Law Against Discrimination. Thanks to this bill, New Jersey employers must make reasonable accommodations for pregnant workers without retaliation against women who ask for accommodations.²³

Gov. Christie also approved a number of measures aimed at closing the pay gap between men and women. He signed legislation that makes it illegal for employers to punish people for sharing salary information and strengthens protections against retaliation for workers who report discriminatory pay practices (A2648).²⁴

¹⁹ Marty, Robin, "Chris Christie Vetoes Family Funding for the Fifth Time," RH Reality Check, July 2, 2013, <http://rhrealitycheck.org/article/2013/07/02/chris-christie-vetoes-family-planning-funding-for-the-fifth-time/>

²⁰ A2022, Session 215 of the New Jersey Legislature, 2012, ftp://www.njleg.state.nj.us/20122013/A2500/2022_1.1.HTM

²¹ Laughlin, Lynda. "Maternity Leave and Employment Patterns of First-Time Mothers: 1961-2008," Household Economic Studies, U.S. Census Bureau, Department of Commerce. Oct 2011. <https://www.census.gov/prod/2011pubs/p70-128.pdf>

²² Salihu, H.M., Myers, J., August, E.M. "Pregnancy in the Workplace," Oxford Journal of Occupational Medicine, Vol 62, pp 88-97, <http://occmed.oxfordjournals.org/content/62/2/88.long>

²³ S2995 1R, Session 215 of the New Jersey Legislature, 2013, http://www.njleg.state.nj.us/2012/Bills/S3000/2995_R1.HTM

²⁴ Covert, Bryce, "Chris Christie Signs Equal Pay Bill into Law," ThinkProgress.com, Aug. 30, 2013, <http://thinkprogress.org/economy/2013/08/30/2559091/chris-christie-signs-equal-pay-law/>

At the same time, he also vetoed a critical piece of a pay discrimination package, the Wage Transparency Act (A2649), which would have required contractors to submit salary breakdowns to the state government and given the public an opportunity to see whether their tax dollars are supporting companies that may discriminate. Gov. Christie claimed it would add “senseless bureaucracy”²⁵ — however, this would have improved existing data collection practices. Adding two lines on a form to collect race and gender information is not an onerous requirement, but another form of transparent, good governance that would lead to greater equality.²⁶

SUBJECT: Immigrants' Rights

GRADE: C+

Understanding the Plight of New Jersey's Immigrants

The Christie administration initially refused to enroll New Jersey in Secure Communities, the federal program that facilitates deportations through local law enforcement agencies, creating a divide between police departments and communities. U.S. Immigration and Customs Enforcement eventually expanded Secure Communities to New Jersey in February 2012, but the administration's position indicated an understanding of the harm the program could do to individuals, communities and public safety.²⁷

Passing the Buck for Equal Access to Financial Aid Opportunities

Gov. Christie helped end one aspect of discrimination faced by college-bound immigrant students by signing the New Jersey Dream Act (S2479) into law on Dec. 19, 2013.²⁸ The law now makes it possible for thousands of ambitious immigrant students to earn a college degree and give back to their communities.

Although Gov. Christie signed the New Jersey Dream Act, he fell short of supporting true equality for New Jersey's Dreamers. When the State Senate passed the bill, Gov. Christie said he would not sign legislation that allowed undocumented students to apply for state financial aid, which Texas, California and New Mexico had already done in their tuition equality policies.²⁹

²⁵ Office of the Governor, Statement accompanying veto of S1932, New Jersey Legislature, Sept. 24, 2012, http://www.njleg.state.nj.us/2012/Bills/A3000/2649_V1.HTM

²⁶ Orzech, Kurt, “NJ Assembly Passes Equal Pay bills Felled by Christie veto,” Law360.com, June 30, 2013, <http://www.law360.com/articles/451867/nj-assembly-passes-equal-pay-bills-felled-by-christie-veto>

²⁷ Gottlieb, Amy, “Secure Communities’ deportation program breeds mistrust among immigrants,” The Star-Ledger, March 30, 2012, http://blog.nj.com/njv_guest_blog/2012/03/secure_communities_deportation.html

²⁸ Portnoy, Jenna, “Chris Christie trumpets signing of Dream Act in Union City.” The Star-Ledger, Jan. 7, 2014, http://www.nj.com/politics/index.ssf/2014/01/chris_christie_trumpets_signing_of_dream_act_in_union_city.html

²⁹ Hefler, Jan, and Hanna, Maddie, “Deal clears way for N.J. Dream Act,” Philadelphia Inquirer, Dec. 21, 2013, http://articles.philly.com/2013-12-21/news/45419834_1_undocumented-immigrants-tuition-break-senate-president-stephen-sweeney

Eligibility for aid is not a guarantee for aid — it simply means that when planning for college, students have enough doors open to them to make college a possibility. This opportunity would have made a huge difference in the lives of immigrant students and their families, who pay taxes just as everyone else does.³⁰

Illegally Rejecting Students for State Aid

For years, the New Jersey Higher Education Student Assistance Authority (HESAA), a state agency, quietly practiced discrimination by denying financial aid to U.S. citizens because their parents were undocumented immigrants. When the ACLU-NJ first encountered this problem in 2011, the organization expected the Christie administration to recognize its actions were illegal and to change the policy. Instead, the ACLU-NJ was forced to sue, and only then did the policy improve.³¹

Withdrawing Medicaid from Lawful Immigrants, Unlawfully

The Christie administration put in place a new policy that discriminates against immigrants and denies them equal protection under the law when it comes to health care. In 2010, lawful permanent residents who had been receiving Medicaid benefits suddenly learned that their benefits would end because they had lived in the United States for fewer than five years.³² New Jersey law makes such immigrants eligible to receive Medicaid, but a change by the Christie administration disqualified them from receiving Medicaid.

SUBJECT: Privacy

GRADE: C-

Standing up for Privacy

Gov. Christie has taken some laudable stands on privacy. He has also tried to balance the needs of adoptees seeking their birth certificates with the privacy rights of women who gave up their children for adoption by adding a provision to a bill that would give birth mothers the power to choose whether to release their information publicly.³³

³⁰ McDonald, Terrance, “Report: Undocumented NJ Immigrants Pay Nearly \$500M in State and Local Taxes,” New Jersey News Commons, July 10, 2013, <http://njnewscommons.org/report-nj-immigrants-pay-500m-in-state-and-local-taxes/>

³¹ Shalom, Alexander, “Victory! New Jersey cannot discriminate against students who are children of immigrants,” ACLU Blog of Rights, Aug. 10, 2012, <https://www.aclu.org/blog/immigrants-rights/victory-new-jersey-cannot-discriminate-against-students-who-are-children>

³² Castro, Raymond, “Fact-checking Gov. Christie on Health Care Reform,” New Jersey Policy Perspective, July 12, 2012, <http://www.njpp.org/blog/fact-checking-gov-christie-on-health-care-reform>

³³ Associated Press, “Christie conditionally vetoes N.J. adoption Bill,” USA Today, June 23, 2011, http://usatoday30.usatoday.com/news/nation/2011-06-23-new-jersey-adoption-records_n.htm

At the end of the 215th legislative session, Christie pocket vetoed a bill that would have expanded the state's DNA databank further by allowing law enforcement to collect DNA from individuals convicted of certain disorderly persons offenses, including shoplifting, which would have violated privacy and due process rights. The pocket veto means that the bill will not be returned to the Legislature for a possible vote to override. Gov. Christie commendably rejected this additional assault on privacy.³⁴

Real Invasions of Privacy

Gov. Christie just as often overlooks privacy rights, however. The ACLU-NJ's last report card took note of the law he signed allowing police to take samples of individuals' DNA upon arrest, even if they have not been convicted of a crime.³⁵

In January 2014, Gov. Christie pocket vetoed a bill that would have protected the privacy of New Jerseyans from drone surveillance by law enforcement before drones come to New Jersey's air space in 2015.³⁶ He provided no explanation for rejecting a bill that passed both chambers of the legislature with overwhelming bipartisan support. Gov. Christie's veto puts the privacy rights of New Jersey residents in limbo.

In one of its boldest anti-privacy moves yet, the Christie administration attempted to implement the federal Real ID Act in 2012. Real ID would have created an interlinked database containing sensitive documents, such as birth certificates and social security cards, with the federal government and the motor vehicle databases of 50 other states, and would have taken the nation down the road to a national ID card system. The Christie administration tried to implement the program without any public assurances that personal and private data would be protected from identity thieves. Although the ACLU-NJ stopped the program through a lawsuit,³⁷ the Christie administration did not rule out the possibility of changing driver's licensing restrictions to conform to Real ID.³⁸

³⁴ S436, Session 215 of the New Jersey Legislature, 2012, <http://www.njleg.state.nj.us/bills/BillView.asp>

³⁵ Kain, Erik, "New Jersey Governor Chris Christie Signs Controversial DNA Law," Forbes.com, Aug. 23, 2011, <http://www.forbes.com/sites/erikkain/2011/08/23/new-jersey-governor-chris-christie-signs-controversial-dna-law/>

³⁶ "ACLU-NJ Statement on Pocket Veto of Drone Bill," aclu.org, Jan. 21, 2014, <https://www.aclu.org/national-security/aclu-nj-statement-pocket-veto-drone-bill>

³⁷ "State Settles ACLU-NJ Lawsuit by Agreeing to Drop Tru-ID Program," aclu.org, Oct. 5, 2012, <http://www.aclu-nj.org/news/2012/10/05/drop-tru-id-program>

³⁸ Frassinelli, Mike, "N.J. drops plan to require extra documents to get driver's license," The Star-Ledger, Oct. 5, 2012, http://www.nj.com/news/index.ssf/2012/10/nj_drops_plan_to_require_addit.html

The Campaign Against Same-Sex Marriage and LGBT Rights

Gov. Christie vetoed marriage equality legislation in 2012, and continued fighting against marriage equality in court even as his odds of victory diminished.³⁹ After the U.S. Supreme Court struck down key parts of the federal Defense of Marriage Act, Gov. Christie continued to insist that New Jersey civil unions were equal to marriages. He finally dropped his legal defense of New Jersey's unequal system in *Garden State Equality v. Dow* in 2013 when the New Jersey Supreme Court unanimously and unequivocally said that the state would likely lose the challenge to its unconstitutional system.⁴⁰

In January 2014, Gov. Christie struck a blow to the dignity of transgender New Jerseyans by vetoing a bill (A4097) that modernized the standards for amending birth certificates to reflect one's true gender. The legislation would have allowed people who have undergone clinically appropriate treatment for gender transition to amend the gender marker on their birth certificate with an affidavit from a medical doctor. The law currently requires people to prove that they have undergone surgery, which could be dangerous, inappropriate, or unaffordable for certain patients. Instead of respecting contemporary medical standards and the needs of the transgender community, Gov. Christie compelled New Jersey to cling to an outdated and onerous birth certificate procedure.⁴¹

The Campaign Against Bullying

Gov. Christie's expression of grief at the tragic death of bullied gay Rutgers University student Tyler Clementi, as noted in the previous report card, showed his compassion for lesbian, gay, bisexual and transgender students.⁴² He also quickly condemned the actions of former Rutgers University Basketball Coach Mike Rice, who bullied players using homophobic slurs.⁴³

Gov. Christie signed one of the strongest anti-bullying laws (A3466) in the country, which gives LGBT students strong defenses and options for recourse in the face of in-school harassment.⁴⁴ And although the ACLU-NJ has other concerns about how the anti-conversion therapy law might be implemented, Gov. Christie's signature of the bill (A3371), which prohibits licensed therapists from giving discredited and harmful gay-to-straight therapy to minors, showed his empathy for young LGBT New Jerseyans.⁴⁵

³⁹ Zernike, Kate, "Christie keeps his promise to veto marriage bill," New York Times, Feb. 27, 2012, <http://www.nytimes.com/2012/02/18/nyregion/christie-vetoes-gay-marriage-bill.html>

⁴⁰ Zernike, Kate, and Santora, Marc, "As gays wed in New Jersey, Christie ends court fight," New York Times, Oct. 21, 2013, <http://www.nytimes.com/2013/10/22/nyregion/christie-withdraws-appeal-of-same-sex-marriage-ruling-in-new-jersey.html>

⁴¹ Livio, Susan K., "Chris Christie vetoes bill allowing transgender people to get new birth certificates," The Star-Ledger, Jan. 13, 2014, http://www.nj.com/politics/index.ssf/2014/01/chris_christie_vetoes_bill_allowing_transgender_people_to_get_new_birth_certificates.html

⁴² Friedman, Matt, "Gov. Christie calls Tyler Clementi's suicide an 'unspeakable tragedy,'" The Star-Ledger, Sept. 30, 2010, http://www.nj.com/news/index.ssf/2010/09/gov_christie_comments_on_rutge.html

⁴³ McCarthy, Tom, "Chris Christie: Rutgers college basketball coach Mike Rice 'an animal,'" The Guardian, April 9, 2013, <http://www.theguardian.com/world/2013/apr/09/chris-christie-rutgers-mike-rice-animal>

⁴⁴ Perez-Pena, Richard, "Christie signs tougher law on bullying in schools," New York Times, Jan. 6, 2011, <http://www.nytimes.com/2011/01/07/nyregion/07bully.html>

⁴⁵ Susman, Tina, "Chris Christie signs N.J. bill banning gay conversion therapy," Los Angeles Times, Aug. 19, 2013, <http://articles.latimes.com/2013/aug/19/nation/la-na-nn-chris-christie-gay-conversion-20130819>

Improving Internal Affairs

In response to a 2013 ACLU-NJ report on the routine mistakes and obstacles from law enforcement handling internal affairs complaints, state Attorney General Jeffrey Chiesa, appointed by Gov. Christie, introduced regular online trainings on internal affairs practices for all law enforcement agencies and created an internal affairs reference sheet for all police departments to keep next to their phones. The ACLU-NJ applauded the state's quick response to improve internal affairs practices.⁴⁶

Bad Prescription for Medical Marijuana

Four years after the state enacted the Compassionate Use of Marijuana Act, the Christie administration has yet to implement a reliable medical marijuana program that serves the needs of most patients. The Christie administration has stalled implementation of the state's medical marijuana laws and has established only three dispensaries in three years, prompting some residents to seek help in other states. While Gov. Christie eventually signed a bill expanding the strains of marijuana available in the state and allowing children access to medical marijuana in limited circumstances (S2842),⁴⁷ he mandated that only child patients could receive prescriptions for edible forms of marijuana, not adults, limiting the medicinal options for adults suffering from illnesses that may make smoking difficult or impossible.⁴⁸

War on Drugs Continues

Gov. Christie said in a speech in 2012, and again in 2014, that the war on drugs has been a failure. But Gov. Christie's purported disapproval of the war on drugs has not budged his position against marijuana law reform. In December 2013, Gov. Christie said that neither marijuana decriminalization, nor legalization, would ever happen on his watch.⁴⁹ Meanwhile, an ACLU study revealed that New Jersey police make nearly 22,000 arrests for marijuana possession every year and that black New Jerseyans are almost three times more likely to be arrested for marijuana possession than white New Jerseyans, despite similar usage rates.⁵⁰

⁴⁶ Shalom, Alexander, "Opinion: N.J. police departments must review internal affairs complaint rules," The Times of Trenton, Feb. 18, 2013, http://www.nj.com/times-opinion/index.ssf/2013/02/opinion_nj_police_departments.html

⁴⁷ Livio, Susan K., "Christie signs law easing medical marijuana restrictions for kids," The Star-Ledger, Sept. 11, 2013, http://www.nj.com/politics/index.ssf/2013/09/christie_signs_law_easing_medical_marijuana_restrictions_for_nj_kids.html

⁴⁸ Johnson, Brent, "Christie says no to legal pot, but maybe to medical marijuana change for children," The Star-Ledger, April 10, 2014, http://www.nj.com/politics/index.ssf/2014/04/chris_christie_says_no_to_legal_pot_but_maybe_to_medical_marijuana_change_for_children.html

⁴⁹ Balko, Radley, "Christie: 'We will end the failed war on drugs,'" Washingtonpost.com, Jan. 21, 2014, <http://www.washingtonpost.com/news/opinions/wp/2014/01/21/christie-we-will-end-the-failed-war-on-drugs/>

⁵⁰ ACLU, "The War on Marijuana in Black and White," 2013. <https://www.aclu.org/billions-dollars-wasted-racially-biased-arrests>

Gov. Christie signed a law in 2012 requiring drug treatment for low-level, non-violent drug offenders (S881), but this could potentially make matters worse. If an offender fails to complete a year-long program, the state will punish him or her criminally for a relapse. Gov. Christie's recognition of the public health implications of drug use deserves praise, but wedding treatment to the criminal justice system may prove to be a toxic relationship.⁵¹

In further recognition that drug use is a public health concern for which criminal law enforcement is not the only solution, Gov. Christie demonstrated compassion for problematic drug users and their families by signing the Good Samaritan Overdose Prevention Act (S851) in May 2013. Although Gov. Christie vetoed the legislation the first time around, in 2013 he changed his position and signed the bill into law, giving limited immunity to individuals who witness drug overdoses when they summon help, a step that will save lives.⁵²

Protecting Civil Liberties in Corrections and Policing

In a step forward for the wrongfully convicted, Gov. Christie signed a law (S1219) that increases compensation for people who have been erroneously imprisoned, raising the amount for every year spent behind bars from \$20,000 to \$50,000. This makes it easier for individuals to reclaim their lives following release. However, in a conditional veto, he excluded from restitution anyone wrongfully convicted of a crime who took a plea bargain.⁵³ In a 2003 Bureau of Justice Statistics study, 95 percent of cases ended in plea bargains, and the patterns in the criminal justice system leading to the high number of plea bargains have not changed significantly in the time since.⁵⁴

And in a sensible move, Gov. Christie rejected the suggestion of placing armed guards in schools to curb gun violence in the wake of the shooting in Newtown, Conn.⁵⁵ Doing so would have increased the likelihood of criminalizing behavior that should be handled by school officials, rather than police.

⁵¹ Spoto, MaryAnn, "Gov. Christie signs bill that gives non-violent drug offenders rehab instead of jail time," The Star-Ledger, July 19, 2012, http://www.nj.com/news/index.ssf/2012/07/gov_christie_signs_bill_that_g.html

⁵² Livio, Susan K., "Christie, inspired by victims' parents and Bon Jovi, signs 'Good Samaritan' drug overdose bill," The Star-Ledger, May 2, 2013, http://www.nj.com/politics/index.ssf/2013/05/christie_signs_good_samaritan.html

⁵³ Christie, Chris, Statement accompanying conditional veto of Senate bill no. 1219, New Jersey's 215th legislative session, May 9, 2013, http://www.njleg.state.nj.us/2012/Bills/S1500/1219_V1.HTM

⁵⁴ Devers, Lindsey, "Plea and Charge Bargaining Research Summary," Bureau of Justice Statistics, p. 3., Jan. 24, 2011, <https://www.bja.gov/Publications/PleaBargainingResearchSummary.pdf>

⁵⁵ Hayes, Melissa, "Christie: Armed guards won't make schools safer," Northjersey.com Political State blog, Dec. 21, 2012, <http://www.northjersey.com/news/nj-state-news/christie-armed-guards-won-t-make-schools-safer-1.410157>

But his record on corrections remains troubling. In 2012, Gov. Christie struck an item in the budget calling for transparency and an investigation into state-run, privately managed halfway houses in which violence, gang activity, escapes and drug use had run rampant. An investigative piece in the *New York Times* found that halfway houses, run by Community Education Centers, a private contractor, functioned as an unregulated, unaccountable, woefully under-resourced *de facto* arm of the corrections system in New Jersey. Gov. Christie has cited the company's facilities as criminal justice success stories despite the track record of escapes, lax enforcement and preventable rapes and murders that arguably happened as a result of poor oversight.⁵⁶

In January 2014, Gov. Christie vetoed a simple measure (A4193) that would have ensured greater accountability of police departments throughout New Jersey. The legislature passed a bill to require municipalities to equip all new police patrol cars with video cameras, which benefits both police officers and members of the public. Unfortunately, Gov. Christie rejected it without explanation,⁵⁷ thwarting a measure that law enforcement experts consistently cite as a best practice.⁵⁸

SUBJECT: Transparency

GRADE: F

Broken Promises of Transparency

After Gov. Christie was elected in 2009, he touted government accountability as a major priority of his administration. However, the administration has proven to be increasingly opaque.

Members of the governor's administration have demonstrated a penchant for using their personal email addresses to conduct government business, as was revealed during the Bridgegate scandal.⁵⁹ And Gov. Christie rejected a bill in 2012 (S1761) that would have made the Port Authority more accountable even before the Bridgegate scandal broke.⁶⁰

⁵⁶ Dolnick, Sam, "Christie curbs scrutiny of halfway houses," *New York Times*, June 29, 2012, <http://www.nytimes.com/2012/06/30/nyregion/christie-curbs-legislatures-scrutiny-of-halfway-houses.html>

⁵⁷ Caffrey, Michelle, "Moriarty 'deeply disappointed' by Governor Christie's veto on police camera bill," *South Jersey Times*, Jan. 22, 2014, http://www.nj.com/washington-township-times/index.ssf/2014/01/moriarty_deeply_disappointed_b.html

⁵⁸ IACP Research Center Directorate, "The Impact of Video Evidence on Modern Policing," International Association of Chiefs of Police report commissioned by U.S. Department of Justice, 2005, http://www.cops.usdoj.gov/Publications/video_evidence.pdf

⁵⁹ Murphy, Brian, "A closer look at the latest Bridgegate emails," *Msnbc.com*, March 21, 2014, <http://www.msnbc.com/msnbc/closer-look-the-latest-bridgegate-emails>

⁶⁰ Strunsky, Steve, and Spoto, MaryAnn, "Senate Dems fail to override Christie's veto of Port Authority transparency bill," *The Star-Ledger*, Oct. 4, 2012, http://www.nj.com/politics/index.ssf/2012/10/senate_dems_fail_to_override_c.html

When it came to recovery plans after Superstorm Sandy, the Christie administration gave members of the public only seven days to read and provide comments on a draft of its recovery plan — if they were lucky enough to know about its publication. The administration did not schedule public hearings or produce a strategy for including the public’s input.⁶¹

A Constant Struggle for Records

The ACLU-NJ routinely must struggle to wrest documents from the Christie administration. The administration’s default reaction to basic open records requests is to resist, forcing the ACLU-NJ to sue **nine times** during the governor’s first term. The ACLU-NJ has won six of those cases and three are still pending. But it shouldn’t take a lawsuit to access basic public records. Here are just a few of the battles in the last few years that the ACLU-NJ has had to wage to get access to basic public information:

- The ACLU-NJ had to sue the State Police in 2012 to get access to policies regulating public conduct in the State House, specifically the rules regarding whether the public can wear buttons and pins.⁶²
- In June 2012, the ACLU-NJ sued the Department of Education (DOE) for emails pertaining to its relationship with a private foundation that funds public education initiatives. The DOE refused, saying it was not required to unless the requestor included extraordinary details in the request, such as the names of email senders or recipients, and the exact subject of the email or the email’s subject line. The court rejected the state’s position and the records were turned over in January 2013.⁶³
- The administration defended a regulation that excludes the public from accessing overtime information for State Police, as well as its operating procedures. The state has proposed new regulations that would now only exclude operating procedures from the public if the disclosure would impact public safety, but it still refuses to disclose records of overtime received by state police officers.⁶⁴

⁶¹ ACLU of New Jersey and Rutgers School of Law-Newark, “Comments on the March 13, 2013, Community Development Block Grant Disaster Recovery Action Plan,” March 19, 2013, http://www.aclu-nj.org/files/2713/6379/4100/2013_03_20_SandyRecovery.pdf

⁶² *ACLU-NJ v. NJ State Police*, Superior Court Mercer County. Sept. 24, 2012. ACLU-NJ Legal Docket. <http://www.aclu-nj.org/legaldocket/aclu-nj-v.-nj-state-police/>

⁶³ *Education Law Center v. NJDOE*, Superior Court Mercer County. June 28, 2012. ACLU-NJ Legal Docket. <http://www.aclu-nj.org/legaldocket/education-law-center-vs-njdoe/>

⁶⁴ *Rivera v. Vargas and the NJ State Police*, Superior Court Mercer County. Sept. 17, 2012. ACLU-NJ Legal Docket. <http://www.aclu-nj.org/legaldocket/rivera-v-vargas-and-the-nj-state-police/>

Skirting the Democratic Process

Gov. Christie and his administration have routinely violated New Jersey's Administrative Procedures Act. The Administrative Procedures Act dictates that a substantive change in state regulations can only be made through the democratic process, with real opportunities for public consideration and input. The Christie administration has ignored this provision on a wide array of public issues: trampling the rights of Occupy Trenton participants,⁶⁵ pushing through Real ID,⁶⁶ and trying to dramatically weaken New Jersey's affordable housing laws.⁶⁷

SUBJECT: *Separation of Powers*

GRADE: F

Injudicious Politicking with the Judiciary

Gov. Christie is the only New Jersey governor since the New Jersey Constitution was adopted who has, on policy grounds, refused to nominate a sitting state Supreme Court judge for tenure. He offended the separation of powers and took the unprecedented move of refusing to re-nominate Justice John Wallace in 2010. He has attacked judges personally for issuing rulings that he disagreed with and has expressed his desire to reverse groundbreaking decisions — most notably, *Abbott* and *Mt. Laurel* — by reshaping the makeup of the state's highest court.⁶⁸

SUBJECT: *Economic Justice*

GRADE: F

Slashing Critical Services

Access to the basic necessities of life is essential in order to enjoy the other rights and freedoms guaranteed by the New Jersey and federal constitutions.

On this issue, perhaps more than any other, Gov. Christie has sent a consistent message: people who have fallen on hard times should not look to the state for help. Gov. Christie has slashed services for the poor:

⁶⁵ ACLU-NJ, "ACLU-NJ wins temporary restraining order in favor of Occupy Trenton protesters," Nov. 7, 2011, <http://www.aclu-nj.org/news/2011/11/07/aclu-nj-wins-temporary-restraining-order-in-favor-of-occupy-trenton-protesters>

⁶⁶ ACLU-NJ, "ACLU-NJ halts new state ID program." aclu-nj.org, May 7, 2012, <http://www.aclu-nj.org/news/2012/05/07/aclu-nj-lawsuit-halts-new-state-id-program>

⁶⁷ Walsh, Kevin, "Court blocks Governor Christie's housing rules," Fair Share Housing Center, Oct. 21, 2011, <http://fairsharehousing.org/blog/entry/court-blocks-governor-christies-housing-rules/>

⁶⁸ Corriher, Billy, and Brown, Alex, "Chris Christie's War on Judicial Independence," Center for American Progress, January 2014

- Cut women’s health funding in every single budget year.⁶⁹
- Eliminated funding for an after-school program for low-income children.⁷⁰
- Slashed funding for New Jersey Legal Services’ representation of low income people in non-criminal cases in 2013, forcing it to turn away more than 90 percent of the one million requests for help it receives each year.⁷¹
- Dismantled the Department of Public Advocate, an important watchdog for low-income New Jerseyans.⁷²

Laurel and Abbott

Gov. Christie has waged war on New Jersey’s long legacy of providing affordable housing, a war in which he fortunately has gained little ground. He issued an executive order in 2010 attempting to singlehandedly wipe out the *Mount Laurel Doctrine*, which is considered one of the more important civil rights decisions of the modern era. The *Mount Laurel* decision requires all New Jersey towns to provide their “fair share” of affordable housing.⁷³

Gov. Christie slashed \$820 million of education funding from the budget in 2010, which violated the New Jersey Constitution. Most of those cuts hurt poorer districts and violated requirements established under the groundbreaking case *Abbott v. Burke*, which has produced some of the most progressive education funding laws in the country. Fortunately, the New Jersey Supreme Court required Gov. Christie to restore those funds, although Gov. Christie said he did not believe this was money well spent.⁷⁴

Bare Minimum on the Minimum Wage

Gov. Christie vetoed a bill in 2013 to increase the minimum wage (A2162), and instead called for a graduated increase. With economic inequality at the highest levels since the Great Depression, the working poor badly need an increase in wages. Fortunately, the voters of New Jersey raised the minimum wage through the ballot process in 2013, but this step should have happened through the legislative process rather than an emergency amendment to the state Constitution.⁷⁵

⁶⁹ Rizzo, Salvador, “Christie unveils his new \$34.4B budget,” The Star-Ledger, Feb. 25, 2014, http://www.nj.com/politics/index.ssf/2014/02/christie_unveils_his_new_344_billion_budget.html

⁷⁰ Star-Ledger Statehouse Bureau staff, “Gov. Christie signs state budget after series of deep cuts,” The Star-Ledger, July 1, 2011, http://www.nj.com/news/index.ssf/2011/07/christie_signs_state_budget_af.html

⁷¹ Rizzo, Salvador, “As poverty rises, legal assistance dwindles for N.J.’s poor,” The Star-Ledger, Dec. 8, 2013, http://www.nj.com/politics/index.ssf/2013/12/post_47.html

⁷² “Public advocate, beach fees / Watchdog leaving.” Editorial. Press of Atlantic City. May 20, 2010. http://www.pressofatlanticcity.com/opinion/editorials/public-advocate-beach-fees-watchdog-leaving/article_7fbcfc84-589c-55ed-93a4-8cb23fe975f3.html

⁷³ Rizzo, Salvador, “N.J. Supreme Court blocks Christie’s plan to abolish affordable-housing agency,” The Star-Ledger, July 10, 2013, http://www.nj.com/politics/index.ssf/2013/07/nj_supreme_court_blocks_christies_plan_to_abolish_affordable_housing_agency.html

⁷⁴ Associated Press, “Court Ruling Could Mean NJ Budget Scramble,” CBS New York, April 10, 2011, <http://newyork.cbslocal.com/2011/04/10/court-ruling-could-mean-nj-budget-scramble/>

⁷⁵ Portnoy, Jenna, “Christie vetoes minimum wage bill, Democrats vow to put measure on ballot,” The Star-Ledger, Jan. 28, 2013, http://www.nj.com/politics/index.ssf/2013/01/christie_minimum_wage.html

A Notable Exception: Indigent Veterans

In January 2013, Gov. Christie signed a flurry of bills, including three designed to improve the lot of veterans in poverty. One extends burial rights to indigent veterans who did not serve in war and provides additional funding to bury indigent veterans (A1898/S1075). Another new law establishes the Homeless Veterans Grant Program (A2011/S1560), which allows voluntary contributions on tax returns for the support of homeless veterans, and the third provides indigent veterans free access to beaches.⁷⁶

THE FINAL WORD

After one full term, Gov. Christie has not been an ally to supporters of civil rights and liberties in New Jersey.

Since the last ACLU-NJ review of his civil liberties record in 2012, he has sunk to a failing grade in the area of transparency and has created a full-scale judicial independence crisis in the New Jersey Supreme Court with his politicization of the renomination process.

The governor has stood up for civil liberties and civil rights in some areas, though, such as in combatting discrimination against pregnant women and protecting the freedom of religion. But he has also proven to be tepid in recognizing LGBT equality, supporting immigrants' rights and acting meaningfully to end the failed and wasteful war on drugs in New Jersey. In fact, the policies he supports have done little to end the war on drugs.

The ACLU-NJ will always commend Gov. Christie for standing up for civil liberties, even in small ways. But we also urge Gov. Christie to review his grades and strive to do better, as should any struggling student. In his second term, the governor still has time to take meaningful action that can significantly, tangibly, and instantly transform people's lives and protect New Jerseyans' rights in the ways that matter most.

⁷⁶ Office of the Governor, "Governor Chris Christie takes action on pending legislation from the 215th Legislative Session," Jan. 21, 2014, <http://www.state.nj.us/governor/news/news/552013/approved/20140121h.html>



American Civil Liberties Union of New Jersey
P.O. Box 32159, Newark, NJ 07102
973-642-2086
info@aclu-nj.org
www.aclu-nj.org