

CIVIL LIBERTIES

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AMERICAN CIVIL LIBERTIES UNION

New Jersey

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REPORTER



New Jersey Governor Phil Murphy signed one of the most progressive automatic voter registration laws in the country in April. The ACLU-NJ's Amol Sinha introduced the governor at the signing ceremony.

Automatic Voter Registration Law Signed

On April 17, Governor Phil Murphy signed one of the strongest automatic voter registration policies in the country into law.

Now, voters will be registered automatically at state agencies by default, allowing them to opt out rather than forcing them to opt in.

At the signing ceremony, ACLU-NJ Executive Director Amol Sinha introduced the governor, with remarks emphasizing that this law was just one key

component in a slate of much-needed reforms, such as ending to disenfranchisement based on criminal convictions.

“At a time when our voting rights have been subject to a nationwide assault, our Legislature has made New Jersey a leader by broadening access to the ballot box,” said Sinha. “We’re hopeful that this step is just the first of many to expand New Jerseyans’ participation in the

Continued on page 2

Afghan Refugee is Freed After Unjust Yearlong Detention

More than a year after his unjust, unexpected imprisonment began, Abdul — a man from Afghanistan who was promised refuge in the United States after working for the U.S. government — is finally free.

Despite having a visa reserved for Afghan citizens who put their lives at risk because of their work for the government, Abdul was detained and nearly sent back to Afghanistan when he landed at Newark Airport in March 2017. In April 2018, he was granted asylum.

For nearly 14 months, up until his release on May 8, he was confined in the Elizabeth Detention Center, the equivalent of a federal jail.

Continued on page 3



Abdul was detained for more than a year, despite his valid visa. He was finally granted asylum, and he was freed from detention in May.

Court Stays Deportation of Father Who Was Arrested at Immigration Interview

When Antonio de Jesus Martinez arrived at his immigration interview in New York City with his wife, Vivian, he thought he was checking off another step in the process of getting lawful permanent resident status.

He didn’t know the government was waiting to tear his family apart.

Fortunately, thanks to advocacy by the New York Civil Liberties Union and ACLU of New Jersey, he has a reprieve. After being detained in Hudson County Jail beginning April 27 by Immigration and Customs Enforcement, Antonio was freed on Aug. 3.

After winning a temporary stay of Antonio’s deportation in June, the ACLU-NJ and NYCLU successfully petitioned for his release from immigration detention.

Antonio and Vivian, a U.S. citizen, never imagined that they would be punished for following the government’s own rules. As a result, the family had made no plans for what to do if he was detained and deported. Their new baby was just two months old, and their daughter, who was two-and-a-half, started having night terrors.

“The Department of Homeland Security designed a legal process to ensure people could stay with their children while applying for green cards, and now it is using the same process as a trap to detain and deport parents and separate families,” said ACLU of New Jersey attorney Liza Weisberg, part of the legal team representing Martinez.

Antonio’s arrest is part of a larger pattern. Under a new Trump administration policy, ICE has singled out spouses of U.S. citizens, turning routine immigration interviews into deportation traps.



Vivian Martinez, pictured with her infant son, was horrified when her husband, Antonio, was arrested at a routine immigration interview. The ACLU-NJ and NYCLU represented him and won a temporary stay of deportation.

ICE told Vivian that Antonio’s arrest stemmed from a new policy to detain anyone with a prior order of removal who comes in for an interview. Their explanation directly contradicted federal regulations created in 2013 and expanded in 2016 that allow people with outstanding removal orders in circumstances like Antonio’s to apply for residency status from within the U.S., sparing families the trauma of separation.

Antonio, who was born in El Salvador, came to the United States in 2003 at 19 years old, fleeing the violence plaguing his country of origin. He has been together with Vivian nearly as long. They met on a neighborhood soccer field as teenagers.

“The tragedy of family separations is not confined to the border — families are torn apart every day when ICE takes parents out of their homes,” said ACLU-NJ Executive Director Amol Sinha. “It’s our

imperative to stop these separations and reunite families as quickly and painlessly as possible.”

Antonio said he feared the impossible choice his family would have to face if he were deported to El Salvador: to live more than 3,000 miles apart or for his U.S. citizen wife and children to risk their lives by moving.

“My life is in New York,” Antonio said.

Fortunately, justice has prevailed for now. Antonio has returned to his wife and children in Queens. **ACLU**

ACLU Fights Discriminatory Citizenship Question on Census

In March, the federal government announced the addition of a new question to the 2020 census. Every member of U.S. households would have to answer: “Is this person a citizen of the United States?”

Around the country, the ACLU and other civil rights advocates let the government know that before amending the survey, they’d have to go through us first.

On July 24, ACLU-NJ Executive Director Amol Sinha joined U.S. Senator Cory Booker and some of New Jersey’s top advocates for social justice in calling on the federal government to drop this discriminatory question. The national ACLU in June and the State of New Jersey in March filed suits against the U.S. Department of Commerce to stop the addition of the citizenship question to the 2020 census.

“We cannot allow our government to draw lines of division around our communities and deprive us of our fundamental rights, including the fundamental right to be counted,” said Sinha.

In a presidential administration that has made discrimination against immigrants and people of color a cornerstone, the U.S. Department of Commerce’s addition of this question, with the support of Attorney General Jeff Sessions’ Justice Department, has no purpose but to intimidate diverse communities, leading to underrepresentation in the census for places like New Jersey.

If the question is added, respondents must choose one of the following responses:

- Yes, born in the United States
- Yes, born in Puerto Rico, Guam, the U.S. Virgin Islands, or Northern Marianas
- Yes, born abroad of U.S. citizen parent or parents



The Constitution requires a count of every individual in America, no exceptions. The government’s plan to add a question about citizenship would, by design, result in an undercount in diverse communities.

- Yes, U.S. citizen by naturalization — Print year of naturalization
- No, not a U.S. citizen

The decennial census is a constitutionally required undertaking to count every person living in the United States. Congress has delegated its authority to conduct the count to the U.S. Department of Commerce and its Census Bureau.

The Census helps determine elected representation, through the House of Representatives and the Electoral College, and funding for services like Medicaid and housing vouchers.

People of color disproportionately live in hard-to-count areas. According to data released by Advocates for Children of New Jersey, 51 percent of New Jersey’s Black residents and 40 percent of its Latino residents live in HTC areas. [ACLU](#)

Town Can’t Jail People for Not Paying Fines Immediately, Judge Rules in ACLU-NJ Case

Anthony Kneisser was making \$9 an hour as a part-time line cook when he received a \$239 ticket that he knew he couldn’t pay. He went to court to arrange a payment plan, but because he couldn’t produce the money that day, he got a five-day jail sentence instead.

Kneisser knew that this punishment was unfair. In April, a federal court judge agreed.

Judge Noel L. Hillman of the United States District Court issued an opinion in early April finding that Anthony Kneisser, who had faced a five-day jail sentence from Burlington Township Municipal Court for not immediately being able to pay a \$239 ticket, could proceed with his lawsuit against Burlington Township and its employees.

“The Burlington Township Municipal Court was acting like a modern-day debtors’ prison, and this ruling validates the constitutional concerns their actions raised,” said ACLU-NJ Acting Legal Director Jeanne LoCicero, one of the attorneys representing Kneisser. “Judge Hillman made clear that municipal courts cannot trample on poor people’s constitutional rights by prioritizing collecting money over dispensing justice.”

As a direct result of the decision and other municipal court cases in the news, New Jersey Chief Justice Stuart Rabner issued a memo to judges throughout the state with a message that they should not impose punishments with the intention of generating revenue.

The lawsuit, initially filed in 2015, charged that the municipal court violated the New Jersey and U.S. Constitutions by depriving Kneisser and others of due process and by discriminating based on income. Kneisser is represented by the ACLU-NJ and the law firm of Carluccio, Leone, Dimon, Doyle & Sacks, LLC.

In 2014, Kneisser received a citation for littering when he flicked a cigarette butt out of his car on the New Jersey Turnpike. Unable to pay the \$239 he owed, he went to municipal court to try to set up a payment plan or arrange community service. The municipal court judge refused, instead ordering Kneisser to call people he knew to ask for money.

When Kneisser told the judge he did not have anyone to call — when he previously asked relatives, they had already said no — he was sentenced to five days in jail. Kneisser was then handcuffed and placed under arrest.

“I couldn’t be happier about Judge Hillman’s decision. Above all, it acknowledges that the municipal court violated the rights of many people,” Kneisser said. [ACLU](#)

Automatic Voter Registration

Continued from page 1

democratic process. We look forward to working with the Legislature to end disenfranchisement based on convictions, enable early voting, and secure the power of individuals to assert their voice in the same spirit of this important legislative action.” Governor Murphy seconded Sinha’s sentiments.

Under the bill passed by the Legislature, when eligible voters interact with the Motor Vehicle Commission, the information they provide will be safely and accurately used to add their names to the voter registration rolls or to update their registration unless they opt out.

The bill also allows additional state government agencies to implement AVR in the future, as long as that agency is capable of accurately gathering and transferring the same information about eligible voters that the MVC currently collects.

In addition to the ACLU-NJ, the governor recognized the advocacy of the Brennan Center for Justice, the League of Women Voters of New Jersey, New Jersey Institute for Social Justice, and New Jersey Working Families Alliance, among others, for their role in pushing for the legislation. [ACLU](#)

Work of Advocates Gets NJ Closer to Legal Marijuana

As New Jersey edges closer toward marijuana legalization, the ACLU-NJ has kept up a steady drumbeat: for legalization to repair the harms of the war on marijuana, it must advance racial justice. And that message is resonating.

Since January, the ACLU-NJ has testified at hearings, met with legislators, and held community forums throughout all corners of the state to spread that message. In August, when Attorney General Gurbir Grewal convened a working group to discuss prosecutorial discretion regarding marijuana, the ACLU-NJ was among the groups at the table.

When legislation was introduced in June to legalize marijuana, advocates declared that its lack of substantive racial justice provisions rendered the proposal dead on arrival. The legislators went back to the drawing board and committed to putting forward a new bill later this year.



ACLU-NJ Executive Director Amol Sinha testified on March 5 before the Assembly Oversight, Reform and Federal Relations Committee at a hearing on marijuana legalization.

The ACLU-NJ and New Jersey United for Marijuana Reform have consistently called for four key policies in legalization to undo the discriminatory racial disparities of the drug war:

- Automatic expungement
- Home grow
- Real ways for people to participate in the cannabis economy, including people with criminal records
- Reinvestment in communities hit hardest by the drug war

ACLU-NJ Executive Director Amol Sinha, flanked by allies from New Jersey United for Marijuana Reform at an Assembly Judiciary Committee hearing on expungements in June, delivered the message that legalization without expungement simply extends the injustice of the drug war.

“Automatic expungement has to be an inextricable, central part of any legalization proposal the Legislature considers. Forcing people to bear the consequences of a criminal conviction for an offense that’s no longer considered a crime simply prolongs the inequities of the failed, discriminatory drug war,” said Sinha.

In July, Governor Phil Murphy echoed similar sentiments on New Jersey Public Radio’s “Ask the Governor” segment.

“You can’t incarcerate somebody who did something on Friday and allow somebody who did it on Monday to do it legally,” the governor said. “That doesn’t work for me. Frankly it doesn’t work for most folks who look at this. It’s got to be a part of it.” [ACLU](#)

Just a few of New Jersey United for Marijuana events since January 1, 2018:

- February 21 — Newark
- February 26 — Vineland
- March 1 — Princeton
- March 20 — Montclair
- April 19 — Atlantic City
- May 22 — Somerset
- August 2 — Camden



OP-ED

Gender Stereotyping Has No Place in My Classroom

BY MARY BOZENMAYER

SCIENCE TEACHER, WEST MILFORD TOWNSHIP PUBLIC SCHOOLS

Friends and acquaintances said I had lost my mind when I chose to teach middle school nine years ago. I had never felt that way personally — until the West Milford Township School District, my employer, required all teachers to attend a mandatory professional development workshop last year called “Boys and Girls Learn Differently.”

Always open to new strategies to reach students in my science classroom, I walked in with an open mind. Instead, I was confronted with a series of generalizations about boys and girls that amounted to antiquated sex stereotypes cloaked in “brain science.”

I walked out of the session determined to do something. I contacted the ACLU, and the organization sent a letter on March 22 warning the school district that the training and its embedded philosophy encouraged discrimination based on gender.

The workshop, adapted from the controversial author Michael Gurian, claimed that the current classroom structure conflicts with boys’ hard-wired behavior, hampering their success. By contrast, the trainers said, girls are innately programmed to do well in such settings.

The instructors encouraged us to create gender-specific environments and lessons. Here are some examples:

- Face-to-face seating suits girls but promotes conflict in boys.
- Bright lights and strong teacher voices facilitate male learning but elicit a stress response in girls.
- Boys learn best through competitive, dynamic games, but girls flourish in collaborative settings.

Making claims that our classroom structure caused behavioral and scholastic problems among male students, they encouraged us to adjust the academic climate to accommodate boys.

My “science teacher” brain was perplexed.



The West Milford School District held a mandatory teacher training based on discriminatory gender stereotypes. After the Supreme Court’s Cakeshop ruling, Maplewood held a rally, pictured, in support of LGBTQ people, who are particularly vulnerable to the harms of gender stereotypes.

I knew plenty of girls who struggled in school. And if our classrooms inherently favor girls, why do we see significant underrepresentation of women and girls pursuing advanced courses of study or careers in science, technology, engineering, and math, as well as in politics and positions of power?

When I asked a presenter with years of experience at an all-boys school, he could not answer. Moments after, colleagues sent supportive text messages, urging me to keep speaking up.

Even so, in a room of more than 50 educator colleagues, I saw many nodding along in agreement. Worse, it’s possible that these strategies are being implemented in the classroom.

My science classroom contains a broad spectrum of learners. Some students have parents who are doctors or lawyers. Others qualify for free or reduced lunch. Some are athletes. Some like to read. A few love to dance. Some are outgoing; others are shy. None of these traits are determined by gender.

I don’t believe gender determines who will learn better with or without brighter lights, louder voices, or through competitive games. There is no one best strategy for girls or boys because every student is unique. Every student can benefit from a diversity of educational activities.

Peddling the idea that boys and girls differ fundamentally in learning style reinforces dangerous sex stereotypes that can limit students’ potential, especially for students whose gender or gender identity don’t conform to a strict binary. That’s why

I raised my concerns with the principal of my school, then to the district director of education, and finally — after the administration failed to take action — to the ACLU.

It’s scary to speak out when those around you are nodding along in agreement. But our students need to have a voice. And if their voices can’t be heard, I will do my best as a teacher to speak on their behalf. **ACLU**

Abdul

Continued from page 1

The ACLU-NJ and pro bono immigration lawyer Jason Scott Camilo began representing Abdul hours after he arrived at the airport.

“Abdul came to the United States at our government’s invitation, because his service to our armed forces and diplomatic corps put his life at risk,” said ACLU-NJ Senior Staff Attorney Farrin Anello, who represented Abdul along with other attorneys.

Abdul was detained for over 28 hours at Newark Liberty International Airport on March 13, 2017, shortly before the Trump Administration’s revised travel ban was set to take effect. Customs and Border Protection agents revoked his visa and attempted to send him back to Afghanistan, where his life would be in danger.

Hours before his scheduled departure, attorneys from the ACLU-NJ and the Center for Social Justice at Seton Hall University School of Law filed a petition seeking his release and a temporary restraining order to protect him from deportation.

On March 24, 2017, the U.S. government found that he had a credible asylum claim, but he was held in detention for more than a year after that decision.

The government’s treatment of Abdul is part of a larger pattern of cruel policies toward asylum seekers and immigrants, such as the Muslim Ban and the separation of families at the border, both of which the ACLU has challenged in court. The Muslim Ban has led to profiling of Muslim travelers like Abdul even when their entry was not barred by the terms of the ban itself.

Abdul had worked at dining facilities for the U.S. military in Afghanistan, which made him the target of violence and intimidation by the Taliban. He received his visa, sponsored by a retired U.S. Army sergeant, after extensive vetting by the U.S. government.

“Abdul came here expecting refuge. Instead, he spent his first year in America living in a federal jail, and for no legitimate purpose,” said ACLU-NJ Executive Director Amol Sinha. “None of this happened the way our government had promised or the way Abdul deserved for it to be.” **ACLU**

Rulings Recognize Taxpayer Funds Can’t Subsidize Religious Institutions

In two recent rulings on ACLU-NJ cases, the New Jersey Supreme Court reinforced the State Constitution’s prohibition on using taxpayer funding to support religious ministries.

In April, the court struck down taxpayer grants for the repair and maintenance of houses of worship in the case *Freedom From Religion Foundation v. Morris County Board of Chosen Freeholders*.

Two months later, in June, the court ruled in a case led by the ACLU-NJ concerning grants to a yeshiva and seminary. The Court sent the suit back to the New Jersey Secretary of Higher Education to develop more facts of the case — an outcome that the ACLU-NJ had called for in its initial court filings in 2013.

That suit, *ACLU-NJ v. Hendricks*, was filed on behalf of organizations and taxpayers who support religious freedom, after the state awarded taxpayer grants to two institutions with missions focused on sectarian religious education and training. The Christie administration had pledged \$10.6 million to Beth Medrash Govoha and \$645,323 to Princeton Theological Seminary.

“The Court has afforded us the opportunity to show that taxpayer-funded grants to the yeshiva and seminary would go to support religious education and training, which our Constitution forbids,” said Ed Barocas, who filed and argued the case as ACLU-NJ legal director.

In addition to violating the Constitution’s prohibition on taxpayer funding going to maintain a ministry, the ACLU-NJ, ACLU, and Americans United allege that the funding violates the state’s Law Against Discrimination by giving taxpayer money to institutions that almost certainly limit enrollment to members of sectarian faiths, and, in the yeshiva’s case, comprise a student body that consists only of Orthodox Jewish men.

In the Morris County case, the Court ruled that the county’s annual distribution of more than \$4.5 million in taxpayer funding to several active churches violated the Constitution. The ACLU-NJ, ACLU, and Americans United filed a friend-of-the-court brief. **ACLU**



A New Jersey Supreme Court ruling gives the ACLU-NJ the opportunity to show that grants to a yeshiva, pictured, and seminary would unconstitutionally use taxpayer money to support a religious institution.

PROFILE IN LIBERTY

Sara Cullinane

DIRECTOR OF MAKE THE ROAD NEW JERSEY

When Sara Cullinane came to New Jersey in late 2014 as an organizer with Make the Road New York, she planned to scope out the state for a month to assess its needs. At the first meeting she held in Elizabeth as an organizer for Make the Road New York, 40 people showed up.

She realized quickly she wasn't returning to New York. She never looked back.

"There was a greater urgency to be met here. At our first meeting in a church auditorium, on a cold fall night, I posed a question to the dozens of immigrant families gathered there: do you want to build a people's organization to fight for immigrants' and workers' rights? The answer was a resounding yes." Sara said.

Under Sara's leadership, Make the Road New Jersey has become one of New Jersey's most effective forces for social justice and one of the ACLU-NJ's most steadfast partners.

Make the Road New Jersey — MRNJ for short — has grown from a staff of one in borrowed office space to an advocacy powerhouse, with a staff of 11 and more than 1,000 dues-paying members.

MRNJ was instrumental in securing municipal IDs and paid sick leave in Elizabeth. They helped put legal representation for detained immigrants at risk of deportation into the 2019 state budget. Their youth organizing committee was out in front to win college financial aid for Dreamers in New Jersey. They're pushing for driver's license access for undocumented New Jerseyans, alongside the ACLU-NJ and New Jersey Alliance for Immigrant Justice.

For Sara, organizing has been a backdrop throughout her life. She marched a campaign trail before she could walk.

"My father volunteered for a political campaign during his parental leave," she said. "And he just took me around with him."

The candidate, running to become the first Black mayor of Boston, didn't win. But an activist was born.

Sara's first actual experience with organizing came in a student-led initiative of the ACLU of Massachusetts. Urban and suburban students joined forces to boycott mandatory standardized testing, delivering thousands of signatures to the schools chancellor to oppose high-stakes testing and educational disparities.

"It was transformative," Sara said about the ACLU-MA program. "I learned how to organize with other students and how to move people to action. Unfortunately, we lost that campaign. So, I also learned how to stay optimistic."



Sara Cullinane, director of Make the Road New Jersey, speaks at a rally in front of Immigration and Customs Enforcement's Newark Field Office.

After college, she worked as a union organizer with striking cleaning workers in Indianapolis. She was struck that the first people on the picket line were usually the refugees and immigrants, who made up the majority of the striking workers, despite having so much to lose. When the Klan drove pickup trucks through downtown Indianapolis to intimidate them, the demonstrators remained undeterred.

Ultimately, they won. The workers secured health care and full-time employment in Indiana, as well as in Columbus and Cincinnati, Ohio.

After the string of victories, Sara joined the staff of Make the Road New York and eventually went to law school — not to change careers, but to be a better organizer.

At New York University's immigrants' rights clinic, a case representing a former merengue singer stood out. He had applied to become a citizen after holding a green card for close to 30 years. Instead, he was placed in deportation proceedings. The governor pardoned him, but the system failed.

Now, Sara and MRNJ aren't just helping people navigate systems that are so often cruel and arbitrary. They're fighting back against them.

Make the Road's membership structure means their movement is community-led. Post-Trump, they've set up neighborhood defense committees that have helped communities feel safe. Members have held rallies every week, participated in hunger strikes, coordinated days of action, descended onto airports. At times, they've organized as many as four rallies per week.

"So many of their lives have been upended, but you don't see our members backing down — they've become even more committed," Sara said. "I feel like they're on fire — there's so much to be done."

In May, the ACLU-NJ honored Make the Road New Jersey with the Torchbearer Award at its annual Lights of Liberty Awards Dinner. [ACLU](#)

CIVIL LIBERTIES REPORTER

Published Winter, Spring, Summer, and Fall by the 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

ISSN: 0009-7934

TRIBUTES

In honor of Edward Barocas
Gloria & Scott Anderson

In memory of Puneet Bhandari
Narendra Bhandari

In honor of Barbara Bristow
John Weingart & Deborah Spitalnik

In honor of Robert Fixell's 90th Birthday
Vivienne & Irwin Levenson

In memory of Donna Garcia
Kyle Koehler & Ursula Rogers

In honor of Tony Giarmo
Roberta & Arthur Jackson

In memory of Frances Honig
Susan & Rhoda Feldman

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In memory of Ira S. Kay
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In honor of DeeDee Miles
Dann & Tina Fox

In memory of Emil Oxfeld
Anonymous

In memory of Emanuel Schwartz
Jane Beatty, Mimsye Katz, and Sean & Linda Ross

In honor of Wendy & Ken Schuman
Shelley & Rick Simon

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In honor of Justice Gary Stein
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INSIDE:

Governor signs strong automatic voter registration law.....	1
Abdul, an Afghan refugee detained despite visa for working for US, secures asylum.....	1
Father who was detained during green card interview is back with his family.....	1
ACLU tackles discriminatory citizenship question on census.....	2
Victory for client who was jailed because he couldn't immediately pay a \$239 fine.....	2
With marijuana legalization at hand, ACLU-NJ makes progress toward a plan that advances racial justice.....	2
Teachers had to attend training based on harmful gender stereotypes. One of them fought back.....	3
NJ Supreme Court reinforces that Constitution prohibits taxpayer funding of religious institutions.....	3

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