

CIVIL LIBERTIES

ACLU

AMERICAN CIVIL LIBERTIES UNION

New Jersey

aclu-nj.org

REPORTER



Advocates, survivors of solitary confinement, and community members gathered for an event held by the New Jersey Campaign for Alternatives to Isolated Confinement, of which the ACLU-NJ is a member. Survivors shared stories and advocates helped people take action to end solitary confinement.

Middlesex County Improves Solitary Confinement Practices and Resolves ACLU-NJ Lawsuit

Locked in cells no larger than a parking space for 23 hours or more at a time, prisoners in Middlesex County Jail’s solitary confinement unit were constantly subjected to inhumane living conditions. Some residents spent weeks, months, and even years in the unit known as “C-Pod,” their only contact with the outside world coming in the form of a

library book or faint rays of sunlight through a narrow window.

Now, thanks to new policies put in place by the county, residents of that unit — along with many other people incarcerated in Middlesex County Jail — will no longer face the prospect of being held in such conditions.

On Oct. 29, the ACLU-NJ and the New Jersey Office of the Public

Defender (OPD) announced a settlement agreement in a major federal lawsuit against Middlesex County Jail challenging the inhumane solitary confinement unit it was operating when the lawsuit was filed. The ACLU-NJ and OPD pointed to the reforms as a model for the rest of the state.

“Although C-Pod stood as a particularly egregious example of the damage solitary

confinement can inflict, similar conditions are unfortunately found throughout New Jersey on a daily basis,” said ACLU-NJ Senior Supervising Attorney Alexander Shalom. “It’s incumbent upon the Legislature to make sure that the types of reforms that have brought Middlesex County in line with the Constitution apply to every facility in the state.”

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Hudson County Freeholders’ Deceptive ICE-Contract Vote Broke the Sunshine Law

The agenda for the July 12 meeting of the Hudson County Board of Chosen Freeholders seemed clear to Anna Brown, and a county employee confirmed it minutes before the meeting — the vote on the county’s controversial Immigration and Customs Enforcement (ICE) contract would be postponed until August.

Except, it turned out, the vote wasn’t postponed. But Brown, a Jersey City-based professor and activist, had already started walking home. By the time she ran back to the meeting after friends texted, the vote had taken place.

A group of Hudson County religious leaders sought to vindicate the rights of the public, including Brown, by voiding the nontransparent vote.

On Aug. 27, the ACLU-NJ filed suit on behalf of seven religious leaders to void the non-transparent vote. The lawsuit argued that the Board violated the Open Public Meetings Act, also known as the Sunshine Law, by misleading the public and concealing the voting process. The Board of Chosen Freeholders rammed the contract onto the agenda after the start of the July 12 meeting and quickly voted to renew it, contradicting the unanimous vote they cast two days earlier to postpone consideration of the contract.

“When public bodies make decisions affecting our lives and our communities, the Sunshine Law



Represented by the ACLU-NJ, the Reverend Tom Murphy challenged the Hudson County Board of Chosen Freeholders’ deceptively held vote on a contract to house immigration detainees at the Hudson County Jail.

safeguards the public’s right to witness that process,” said ACLU-NJ Staff Attorney Tess Borden, who represented the faith leaders in Hudson County Superior Court. “The Board of Chosen Freeholders violated that law — and just as importantly, the public trust — by making a decision of enormous public importance in darkness.”

Hudson County has housed immigration detainees in its jail since 1996 through a federal contract with ICE’s predecessor, which the county renewed in 2002. Since the contract expired in January 2018, advocates have pressured the

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ACLU-NJ Sues 12 School Districts That Discriminated Against Immigrants

Every child in New Jersey is entitled by the state Constitution to a public education, but not all school districts honor that right. The ACLU-NJ took 12 school districts that discriminated against immigrant students and children of immigrants to court, filing lawsuits challenging policies that improperly required state-issued identification to enroll.

“New Jersey’s state Constitution calls for free public education, and that applies to every single child — no exceptions,” said ACLU-NJ Staff Attorney Elyla Huertas, who filed the lawsuits. “In New Jersey, one in five residents is foreign-born. It’s more important than ever for every school district in New Jersey to meet its obligations to New Jersey’s families and to the Constitution.”

The ACLU-NJ filed lawsuits against the 12 school districts, including one charter school, with the most problematic policies:

- Northern Valley Regional High School District (Bergen County)

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Nominees for the ACLU-NJ Board of Trustees

The ACLU-NJ Committee on Trustees presents candidates filling six open positions for three-year terms on the organization's Board of Trustees. Because this year's election is uncontested, we are not asking members to submit a ballot.

The ACLU-NJ depends on strong, quality leadership and encourages its members to serve on its Board of Trustees. Interested members may

contact the ACLU-NJ at 973-642-2086 or email nominations@aclu-nj.org.

In addition to the official nomination process, any member of the ACLU-NJ can appear on next year's ballot by gathering signatures of 50 ACLU-NJ members on a petition.

Those petitions must be submitted by Dec. 31, 2019.



CJ Griffin

I am honored to be nominated to continue my service on the Board of Trustees. I am a partner at Pashman Stein Walder Hayden P.C. in Hackensack, New Jersey. There, I focus my practice on assisting journalists, activists, and citizens

in gaining access to government records through the Open Public Records Act. I believe that transparency is key to ensuring that our government is accountable to the public and that our civil liberties are protected. For the past two years, I have focused heavily on advancing transparency in law enforcement, including fighting for greater access to records involving the use of force by police officers. Prior to being a lawyer, I worked for several nonprofit LGBT organizations and I bring that experience to the ACLU-NJ's Board. Over the years I have volunteered hundreds of hours serving as a cooperating attorney for the ACLU-NJ on a variety of cases, including government transparency, First Amendment rights, marijuana legalization, and criminal procedure issues. I look forward to continuing my service on the Board.



S. Nadia Hussain

I am interested in continuing my service as a member of the Board of Trustees of the ACLU. Now more than ever, we need to stand up for the rights and liberties of our communities. As the maternal justice campaign

director at the organization MomsRising, I advocate for the reforms that will impact our criminal justice system while also focusing on police reform and maternal morbidity. I have spent the last nine years dedicating myself to organizing young people around voting rights, working with inner-city youth on issues of environmental justice and harm reduction, and organizing and advocating for the reproductive rights and immigrant rights of women of color. I have applied my skills to co-founding a Bangladeshi women's advocacy organization based in Paterson, NJ. I feel humbled to bring these experiences and perspectives to the ACLU-NJ, and look forward to contributing to and advancing this great work!



Marnita Robertson

I am honored to be nominated to the ACLU-NJ Board. As our civil liberties continue to come under attack, the important work of the ACLU ensures that these rights remain strong. I believe strongly in providing

representation for groups whose voices may not be heard as loudly as they deserve, and the ACLU provides that voice. I have had the privilege to serve as the former president of the Urban League of Bergen County, assisting vulnerable groups in accessing much-needed services. I have also served on the board of CASA (Court Appointed Special Advocates), an organization whose advocacy for children in foster care gives them a greater voice. I look forward using my passion and my skills to help make the ACLU-NJ even stronger as it continues the necessary fight to protect our civil liberties.



Amar Singh

I would respectfully like to continue to serve as a member of the ACLU of New Jersey's Board. I have substantive experience with national security and human/civil rights concerns in the United States through my job

as the senior program officer for national security and human rights at the Open Society Foundations. This experience includes devising strategies to combat discrimination experienced by Muslim, Arab, and South Asian communities in the U.S., mass surveillance and targeted surveillance of the American Muslim community, unlawful detention, and the use of torture, and targeted drone strikes in the name of national security.

My job's grant-making functions require me to extensively review the internal workings of social justice organizations, including executive leadership, board governance, presence in the public sphere, reputation for effectiveness, and finances. Before coming to the Open Society Foundations, I was the executive director of a nonprofit that I co-founded. I hope to bring this experience from running a nonprofit and evaluating nonprofits' effectiveness to my role as a board member. Finally, as a person of color and a member of a religious minority, I bring a personal, lived experience that deeply informs my thinking about social justice work.



Gary S. Stein

I write to express my strong interest in continuing to serve as a member of the Board of Trustees of the ACLU-NJ. I continue to be very positively impressed by the work of

ACLU-NJ and I have enjoyed my participation as a board member over the past few years. My basic and overriding interest in ACLU Board service derives from a life-long commitment to public service and to the ideals supported and represented by ACLU's diverse efforts. I believe that the ACLU occupies a position of extraordinary importance in our society, because of its willingness to represent the most disfavored views and, frequently, the most disfavored entities in American life. Moreover, the ACLU consistently supports claims, ideals and litigants that otherwise would lack adequate representation. It plays an indispensable role in providing that representation, often in controversies in which the legal position it espouses is unpopular and widely opposed. My personal interest in serving on the Board is based on a desire to continue to support to whatever extent I can the organization's profoundly important mission.



Heather Taylor

It is with great enthusiasm that I am running for another term on the Board of ACLU-NJ. It has been an honor to serve on the board for the past seven years. I am passionate about increasing government transparency, expanding

voting rights, securing immigrant rights, and ending mass incarceration.

I currently serve on the Executive Committee, Nominating Committee, Committee on Trustees, and the Privacy and Technology Committee. If re-elected, I will continue to bring my 15+ years of experience in grassroots organizing, lobbying, and public outreach to the service of the ACLU. I will continue to stand with the ACLU in our streets, in city hall, and in the boardroom to fight back any unconstitutional, hurtful, anti-American policies that elected officials throw at us — from Donald Trump and Jeff Sessions at the very top to local leaders in our own backyards.

Discrimination Against Immigrants by New Jersey School Districts

Continued from page 1

- Bellmawr School District (Camden County)
- Sterling Regional High School District (Camden County)
- Winslow Township School District (Camden County)
- East Orange Community Charter School (Essex County)
- West New York School District (Hudson County)
- Sea Girt School District (Monmouth County)
- Harding Township School District (Morris County)
- Watchung Hills Regional High School District (Somerset County)
- Montague School District (Sussex County)
- Cranford School District (Union County)
- Allamuchy School District (Warren County)

Specifically, the lawsuits challenged school districts with enrollment policies requiring state-issued identification, which can only be obtained with a Social Security number, proof of citizenship, or immigration



All children in the United States have a constitutional right to education, regardless of immigration status. When the ACLU-NJ identified 12 districts in New Jersey that discriminated, the organization sued all 12.

status documentation. Every child has a right to a public education regardless of immigration status, a principle settled by a 1982 U.S. Supreme Court decision.

The suit follows the ACLU-NJ's past efforts of combating discriminatory enrollment practices among school districts across the state. The ACLU-NJ conducted audits of enrollment policies in 2014 and 2008, and six of the school districts sued in July were identified previously: Sterling, Bellmawr, Sea Girt, Watchung Hills, Montague, and Northern Valley.

Over the past four years, the ACLU-NJ has sued 13 other school districts for similar violations. Each case settled before going to trial after the districts changed their unlawful requirements.

"Together, these policies add up to a quiet, daily injustice that allows discrimination to metastasize and tells families, incorrectly and unconstitutionally, that they can't access the fundamental rights they're entitled to," said Amol Sinha, ACLU-NJ Executive Director. "The stakes are too high to allow unlawful and discriminatory policies to continue, especially here, especially now." **ACLU**

NJ Approves Lawyers for People Facing Deportation

On June 30, with little fanfare amid dramatic budget negotiations in Trenton, a \$2.1 million line item made New Jersey the second state in the nation to begin piloting a public defender-style legal aid program for detained immigrants facing deportation.

The Fiscal Year 2019 Budget's allocation of \$2.1 million will fund legal services for individuals who are detained and facing potential deportation. Immigrants' rights leaders, advocates, and legal service providers, including American Friends Service Committee, Make the Road New Jersey, New Jersey Policy Perspective, and Seton Hall University School of Law Center for Social Justice, celebrated the funding and called on New Jersey to expand it to ensure representation for all people in

detention who cannot afford a private lawyer.

"Deportation rips families apart and can be a death sentence for those fleeing persecution or torture. In the face of unconstitutional and inhumane actions by the federal government, New Jersey is taking a stand to keep families together. We celebrate this groundbreaking program and call on the state government to fully fund the program so that no one detained in our state will be forced to defend their life in court without a lawyer beside them," said Farrin Anello, Senior Staff Attorney, who led the ACLU-NJ's advocacy for the funding.



Thousands demonstrated on June 30 in Newark to keep families together. People without legal representation face much higher odds of deportation, resulting in the separation of families, even when they have valid cases.

Currently, more than 2,000 immigrants are detained in New Jersey facilities, but only about one in three has legal representation to argue their cases in court.

Those lacking legal representation are three times more likely to

lose their case, according to a report by Seton Hall University School of Law. Only 14 percent of detained immigrants in New Jersey were able to avoid deportation without legal representation, to the detriment of our communities. More than 87 percent of immigrants in New Jersey have U.S. citizen children.

Immigration judges have aptly described deportation proceedings as trying "death penalty cases in traffic court."

"New Jersey has taken a crucial step to stop the Trump Administration from ripping our families apart without due process and the basic constitutional safeguard of legal representation," said ACLU-NJ Executive Director Amol Sinha. "We'll continue working with everything we have to truly make representation accessible to every person in detention who faces deportation." **ACLU**

Sunshine Law

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county to end its relationship with ICE, which pays the county \$110 per detainee per day.

With so much at stake, as well as a long history of inhumane conditions and deaths at Hudson County Correctional Facility, community members were eager to attend the meeting where the contract would be reconsidered. When the agenda for the July 12 meeting reflected the Board's decision to postpone the vote, people chose not to attend based on that fact. Yet, unexpectedly, the Freeholders held the vote to renew the controversial agreement, despite having told the public otherwise. It passed 5-2.

Together with the ACLU of New Jersey, seven religious leaders — who had signed a letter along with other religious leaders against the Freeholders' deceptive tactics — decided to stand up and file suit to void the vote:

- Rev. Thomas Murphy of St. Paul's Episcopal Church in Jersey City
- Rev. Gary Commins of St. Paul's Episcopal Church and Church of the Incarnation in Jersey City
- Ashraf Eisa of the Islamic Center of Jersey City
- Rev. William Henkel of the First Reformed Church of Secaucus
- Rev. Frances Teabout of the Open Door Worship Center of Jersey City
- Rev. Elaine Ellis Thomas of All Saints Episcopal Church in Hoboken
- Rev. Laurie Jean Wurm of Grace Van Vorst Church in Jersey City

The court filing also included witness testimony from Anna Brown, the New Jersey City University political science professor who left the meeting prematurely.

"The people of Hudson County — situated beneath the Statue of Liberty, the embodiment of freedom throughout the world — deserve to have a say in one of the most important decisions the county government has the power to make," said Rev. Thomas Murphy, rector of St. Paul's Episcopal Church in Jersey City and a plaintiff in the lawsuit. "It's unthinkable to exclude the public on an issue that affects people's lives here so directly." **ACLU**

A Right to Bail Doesn't Mandate Money Bail, Court Rules

States are free to create mechanisms for pretrial release that don't include money bail, a federal appeals court ruled in July.

"This important decision confirms what bipartisan New Jersey lawmakers have known for years: there is no reason, legal or otherwise, for the thickness of anyone's wallet to dictate their liberty and freedom," said ACLU-NJ Senior Supervising Attorney Alexander Shalom, who argued the case before both the federal district court and the U.S. Court of Appeals for the Third Circuit on behalf of the ACLU-NJ and other civil rights groups.

The ACLU-NJ submitted a friend-of-the-court brief in support of the State of New Jersey on behalf of the national ACLU, the Drug Policy Alliance, Latino Action Network, and NAACP New Jersey State Conference.

The case arose when a man charged with aggravated assault challenged a judge's decision to release him pretrial under strict conditions such as GPS monitoring and home detention. The

his fight and sought to overturn New Jersey's criminal justice reforms.

In 2017, a law effectively eliminating cash bail went into effect, and the bail bonds industry has continued to fight against it.

In this case, as in previous ones, the bail bonds industry has not succeeded in attempting to foil the law.

The court characterized the issues in the case as follows: "whether there is a federal constitutional right to deposit money ... to ensure a criminal defendant's future appearance in court as an equal alternative to non-monetary conditions of pretrial release."

"Our answer is no," the court wrote.

Between going into effect and 2018, New Jersey's pretrial justice reforms resulted in a 24 percent decrease in the pretrial jail population according to New Jersey's Administrative Office of the Courts. **ACLU**



The New Jersey Attorney General and ACLU-NJ teamed up in court to take on the bail bonds industry, which had challenged pretrial justice reforms in federal court. Bail reform emerged stronger.

man, Brittan Holland, believed he would have been able to afford cash bail under New Jersey's previous system. An insurance company with ties to the bail bonds industry joined

Solitary Confinement

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As a result of the agreement, Middlesex County has restricted the maximum amount of time allowed in isolation and given people held in isolation opportunities to meaningfully interact with others.

Among other improvements, the new policies guarantee that people in the jail have at least 28 hours per week outside of a cell, or no more than 20 hours per day in a cell on average. Human rights standards define solitary confinement as imprisonment without meaningful human contact for 22 hours or more per day, and prolonged solitary confinement is widely recognized as a form of torture.

The lawsuit was initially filed as a federal class action by the Office of the Public Defender in 2015, with the ACLU-NJ joining as co-counsel the following year. Together, the organizations challenged inhumane solitary confinement practices in the jail's C-Pod unit, designed specifically for solitary confinement.

At the time of the filing, C-Pod residents were unable to receive visitors, take part in religious practices,

or hold regular meetings with attorneys. The jail also was not adequately screening for mental illnesses, which make people particularly vulnerable to the harms of constant isolation.

Middlesex County began implementing wide-reaching changes long before the recent settlement. "In Middlesex County, it's no longer possible to lock someone in solitary confinement and throw away the key," said Deputy Public Defender Fletcher Duddy, who represented the plaintiffs on behalf of the OPD. "As advocates for the clients we serve, we hope that the changes in policy in Middlesex County are just the first of many in New Jersey."

These improvements come as the state Legislature considers A314, the Isolated Confinement Restriction Act. The bill — reintroduced earlier this year after a veto from Gov. Christie — would ban solitary confinement for members of the most vulnerable populations and ensure that its use is humane and rare.

"We are hopeful these improvements will begin a wave of change statewide when it comes to solitary confinement practices," said ACLU-NJ Staff Attorney Tess Borden.

Visit www.nj-caic.org to read about the ACLU-NJ's work as part of the New Jersey Campaign for Alternatives to Isolated Confinement and to take action. **ACLU**



PROFILE IN LIBERTY

Amar Singh
MEMBER OF THE ACLU-NJ BOARD OF TRUSTEES

Amar Singh entered law school believing that the law was the end-all, be-all. Once he started to practice it, however, he realized the law's limitations. Since that epiphany, what he learned in law school has served almost as a reference point for pushing the margins of social change beyond what can be achieved in the courtroom alone.

Against the backdrop of an idyllic, suburban New Jersey childhood, Singh heard harrowing stories from refugees he knew from the Sikh temple in Glen Rock. With few avenues for redress after the Indian government's 1984 campaign of terror against Sikhs, those who fled to America lobbied the U.S. government to act.

Singh saw that a community's survival relied on people a continent away, in the U.S., making their voices heard. That lesson stayed with him, and it informs his work as a senior program officer for the Open Society Foundations U.S. Program and as a member of the ACLU-NJ Board of Trustees.

"Sikh immigrants started going to the halls of Congress and to local officials — anyone who would hear them — trying to raise awareness of the human rights abuses happening against Sikhs in India," Singh said. "Children like me, with families from Punjab — they're expected to help their parents. So, I helped."

His parents, along with other Sikh Americans, became accidental activists, and Singh joined the cause. Sometimes, he translated for community elders. Sometimes, he recounted the traumas he'd heard to officials. He continued his activism through high school, college at Rutgers, and law school at Case Western Reserve University.

Then Sept. 11 happened, and Singh's life changed. The night of the attacks, he and other Sikh advocates, bracing themselves for a backlash against members of their faith in addition to Muslims, issued a statement calling on leaders to protect communities of color from hate crimes.

Less than a month later, that ad hoc group filed papers of incorporation in New Jersey, and the Sikh Coalition began.

"I had been getting my master's of law, concentrating on international human rights, intending to focus on India — but once 9/11 happened, there were few attorneys in the Sikh community who had civil rights experience."

He took a leave of absence from his program and never went back, essentially holding two full-time jobs: one at Human Rights Watch, where he authored a report on U.S. human rights abuses post-9/11, and another co-leading the Sikh Coalition, unpaid.

He became the first full-time Sikh Coalition staffer in 2003. When he left in 2014, the organization that started in his apartment was now the largest national Sikh organization dedicated to civil rights, going from an all-volunteer workforce to a staff of 12. But he needed a change.

"There wasn't much space in my life to do anything other than Sikh Coalition work," Singh said.

Instead of putting out metaphorical fires at a small organization, Singh hoped to spark new ideas about advocacy on a larger scale. He joined the staff of the Open Society Foundations, where he directs grants to organizations that confront discrimination against Muslims, Arab-Americans, and South Asian Americans. The organization itself also lobbies, litigates, organizes, and works to shift narratives in pop culture.

Singh didn't miss the stress of running an organization, but he did miss advocating in his home state. He joined the ACLU-NJ Board in 2016.

"Since I was in law school, I've looked up to Amar as a civil rights leader and as an advocate who's had a profound impact in the lives of South Asians," said ACLU-NJ Executive Director Amol Sinha. "I'm thrilled to be able to collaborate with him and to continue to learn from him, and I'm grateful that the ACLU can benefit from his expertise and years of experience."

Singh takes pride in telling his three young children — including the eldest, named Azad, meaning "freedom" — that he serves on the Board of the ACLU-NJ, an organization that makes New Jersey a better place to live.

"If we don't defend rights and liberties, who will? It's our role. It's on us."

He's especially proud to help steer the ACLU-NJ at a time when the organization is harnessing the power of grassroots activism.

"There are only so many lawsuits you can file — it's critical, important work, but sometimes the law is just against you," Singh said. "We want to see a change, and we're going to be out there until we see one." **ACLU**

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In honor of Donald Trump
Jennifer Schollin

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