

# CIVIL LIBERTIES

# ACLU

AMERICAN CIVIL LIBERTIES UNION

New Jersey

REPORTER

aclu-nj.org

## NJ Limits Law Enforcement's Immigration Role, Following Push from ACLU-NJ, Community Partners



Attorney General Gurbir Grewal, flanked by law enforcement, announced the Immigrant Trust Directive at the Central Railroad Terminal in Jersey City, where millions of people entered the country after Ellis Island.

Immigrant New Jerseyans and their families have long lived in fear of seeking help from local police, concerned that an interaction with law enforcement could ultimately expose their information to Immigration and Customs Enforcement (ICE). A new directive from New Jersey Attorney General Gurbir Grewal takes a major step to address that problem.

The Immigrant Trust Directive, issued Nov. 29, 2018, makes it clear: with certain exceptions, local law enforcement cannot participate in federal immigration operations.

The Immigrant Trust Directive draws an important line between the role of local law enforcement and the role of federal immigration authorities.

“This directive reflects our identity as New Jerseyans: we are proud to be a state of immigrants in a nation of immigrants, and we will stand together to protect our rights, dignity, and safety,” said ACLU-NJ Executive Director Amol Sinha.

The development of the directive incorporated input from advocates and law enforcement alike, with

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## NJ Approves Lawyers for People Facing Deportation, ACLU-NJ Urges Program Receive Full Funding

On June 30, 2018, 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 funds legal services for individuals who are detained and facing potential deportation. Immigrants' rights leaders, advocates, and legal service providers, including the 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 the program to ensure representation for all people in detention who cannot afford a private lawyer.



Thousands demonstrated on June 30, 2018, 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.

“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

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## Survivors of Solitary Confinement Shared their Stories, ACLU-NJ Urges Lawmakers to Listen

**A**dministrative segregation, management control units, involuntary protective custody, and “the box” — all of these terms refer to solitary confinement.

The United Nations has called prolonged solitary confinement by another name: torture.

The stories shared by five survivors of solitary confinement about their experiences in New Jersey prisons and jails on Jan. 23 demonstrated why.

As part of a campaign to pass legislation drastically limiting solitary confinement and an ongoing effort to raise public awareness surrounding its harms, the ACLU-NJ co-sponsored Micropolis Live: Surviving Solitary, an event held in collaboration with WNYC at The Greene Space in New York City.

Five survivors — all active with the New Jersey Campaign for Alternatives to Isolated Confinement, a coalition the ACLU-NJ belongs to — addressed the audience: Nafeesah Goldsmith, Mark Hopkins, Ron Pierce, Justice Rountree, and Lydia Thornton. Their testimonies underlined the innate and painful desire to connect with others in a system that breaks the human spirit and deprives people of meaningful human contact.

Lydia Thornton, a solitary survivor, recounted an interaction that stayed with her:

“There was a young lady who had mental health issues, even before she got to solitary. ... One day, I could hear her because she was only two cells away, punching her walls, screaming.”

The woman put her hand through Lydia’s food port while walking to the showers.

“I’m a mother. My first instinct was to reach out



**Mark Hopkins, Nafeesah Goldsmith, Lydia Thornton, and Ron Pierce discuss their solitary confinement experiences at an event in WNYC’s Greene Space, Manhattan, New York.**

and stroke it, gently. And tears started streaming down her face,” Lydia said.

When the woman walked back, Lydia apologized for any pain she may have caused,

“She said, ‘No, it didn’t hurt at all. But I realized that I haven’t been touched in kindness for two years.’”

For Ron Pierce, who spent nearly four years in solitary confinement during his 30 years of incarceration, survival feels complicated.

“A lot of people ask me: ‘Well, how did you survive?’

“Who said I survived? Everybody loses a piece of themselves inside. I can’t stay in an enclosed room without a physical reaction. I get clammy, I start to sweat. My heart races.

“No one completely survives,” Ron continued, “Everybody loses a piece of their security in their own space. You don’t come out undamaged. You come out damaged.”

Former U.N. Special Rapporteur on Torture Juan Méndez said solitary confinement can constitute cruel, inhuman, and degrading treatment. But despite solitary confinement’s documented harms, prisons and jails throughout the country still use the practice routinely, including for people incarcerated pretrial and for immigrants in detention.

The ACLU-NJ has been working to limit the use of solitary confinement in the Garden State for years, and is currently advocating for passage of the Isolated Confinement Restriction Act, A314/S3261. The New Jersey Legislature passed an identical bill in 2016, but Gov. Chris Christie vetoed the legislation.

If signed into law, the bill would limit the amount of time anyone could spend in solitary confinement to 15 consecutive days and would prohibit members of vulnerable populations — like people who are age 21 or younger or age 65 or older, people who are pregnant, people with mental illness, people who are LGBTQ+, and people with serious medical conditions — from being placed in isolation at all.

“The harms of solitary confinement last long after release from incarceration, which makes it incredibly important to end its use,” said ACLU-NJ Legal Director Jeanne LoCicero. “We continue to work with advocates and lawmakers to ensure that no person in a New Jersey jail is forced to face this inhuman practice.” **ACLU**

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

**L**ocked 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 taking the form of a single 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, 2018, 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 the 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.”

As a result of the agreement, Middlesex County has restricted the maximum 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



**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.**

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 OPD 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 people with mental illnesses, who are 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/S3261, the Isolated Confinement Restriction Act. The bill — reintroduced in 2018 following Gov. Christie’s veto of an identical version — would ban solitary confinement for members of the most vulnerable populations and ensure that its use is both more 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.njcaic.org](http://www.njcaic.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**

# Newly Elected Members of the ACLU-NJ Board of Trustees

The ACLU-NJ Committee on Trustees elected candidates for seven open, uncontested positions for three-year terms on the organization's Board of Trustees. Because this year's election was uncontested, we did not ask 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](mailto:nominations@aclu-nj.org).



## 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 journal-

ists, 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-NJ. 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!



## Joey Novick

As a professional stand-up comedian, public speaker, and storyteller for more than 25 years, as well as an elected official and attorney, there is nothing more important to me than the First

Amendment. I am extremely proud to continue to be a part of the ACLU and proud that they are there to ensure that everyone's civil liberties are protected when those rights are needed the most. I am very glad to call myself a member of the ACLU-NJ. I have seen firsthand the value of the ACLU when the organization came to my community of Flemington to fight an ordinance that imposed an unconstitutional burden on those wishing to assert their First Amendment rights on our streets. I would consider it a privilege and an opportunity to aid in advancing the important work of the ACLU-NJ as a member of the Board of Trustees.



## 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 to 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 lifelong commitment to public service and to the ideals supported and represented by the 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 board room to fight back any unconstitutional, hurtful, anti-American policies that elected officials throw at us — from Donald Trump and Mitch McConnell at the very top to local leaders in our own backyards.

## Full Funding for Lawyers for People Facing Deportation

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Farrin Anello, Senior Staff Attorney, who led the ACLU-NJ's advocacy for the funding.

Currently, more than 2,000 immigrants are detained in New Jersey, 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."

Gov. Murphy has renewed the legal representation program for Fiscal Year 2020. The ACLU-NJ will keep fighting to fully fund the program so that every person facing deportation can have access to legal representation. [ACLU](https://www.aclu.org)

## COMMENTARY

BY ELYLA HUERTAS, ACLU-NJ INTAKE ATTORNEY



## Sharing Our Skills and Fueling the Fight for Change: *Behind the Scenes at the ACLU Nationwide Staff Conference*

In early February, I had the honor of representing the ACLU-NJ at the 2019 ACLU Nationwide Staff Conference in Houston, Texas. I was one of 13 speakers from around the country selected to participate in the ACLU's Creative Exchange. Speakers were asked to give a 10-minute presentation to share ideas about our work. I was excited for the opportunity to participate on behalf of our affiliate.



ACLU-NJ Intake Attorney Elyla Huertas presents on protecting every child's right to a public education, regardless of immigration status, at the ACLU Nationwide Staff Conference 2019 in Houston, Texas.

My goal with my talk was to provide a how-to guide for other affiliates to replicate the ACLU-NJ's work protecting every child's right to a public school education, regardless of their immigration status.

During my presentation, I spoke of the set of lawsuits we filed this past summer against 12 school districts with registration policies that discriminated against immigrant families. Our success in those cases — along with earlier successes in suits throughout our 12 years of monitoring discriminatory registration policies — relied on a three-pronged approach: investigation, litigation, and advocacy. I explained how each of these approaches played an important part in making this work successful.

**Investigation:** A crew of summer legal interns took an audit of New Jersey's school enrollment policies, scouring all 565 districts, along with charter schools. Working with ACLU-NJ staff, they helped identify any problematic registration policies.

**Litigation:** After identifying the school districts with policies that clearly violated the law, ACLU-NJ lawyers filed lawsuits against each of them on the same day.

**Advocacy:** At the ACLU-NJ, we know that litigation is only one way to make an impact — that is why we use an integrated advocacy approach whenever possible. Through media interviews and online outreach, we have been successful in making sure that school districts change their problematic policies.

With over a decade of experience monitoring school registration policies in our state, we were grateful for the opportunity to outline how our colleagues can be as successful as we have been in New Jersey. We're hopeful that at the next national staff conference, we'll hear reports back on other successes in protecting every child's right to a public education, nationwide. [ACLU](#)

## 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.

In Jan. 2019, the last of the 12 cases settled before trial.

"New Jersey's state Constitution calls for free public education, and that applies to every single child — no exceptions," said ACLU-NJ Intake 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)
- 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 and Morris Counties)
- 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,



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.

or immigration 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 Regional, Bellmawr, Sea Girt, Watchung Hills Regional, Montague, and Northern Valley Regional.

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 ACLU-NJ Executive Director Amol Sinha. "The stakes are too high to allow unlawful and discriminatory policies to continue, especially here, especially now." [ACLU](#)

# NJ Requires More Impartial Investigations of Deaths by Police Violence

**T**he immense power granted to police officers demands they be held to the highest standards of accountability. On Jan. 30, New Jersey answered that call.

With Gov. Phil Murphy's signature making A3115/S1036 law in the Garden State, the attorney general must now supersede local prosecutors when investigating deaths that occurred during a police encounter or while in police custody.

As police violence continues to harm people of color disproportionately, the mandate for

more impartial investigations comes as a necessary, landmark measure for racial justice in New Jersey.

"Holding police officers accountable is especially critical when their power results in the tragic loss of life at the hands of law enforcement," said ACLU-NJ Senior Supervising Attorney Alexander Shalom. "Families experiencing tragedy deserve to know that investigations into the deaths of their loved ones will not have a cloud of potential conflict hanging over them."

Prior to the new law taking effect, local prosecutors typically investigated officers with whom they often work closely, leading to inevitable perceptions of a conflict of interest. Public distrust in these investigations continually strains relationships between officers and the communities they serve.

By requiring more impartial investigations, the Garden State begins to defuse these tensions and hold officers accountable for violence against individuals and communities.



Protesters march in support of increased police accountability at an October 2018 event organized by Newark Communities for Accountable Policing, of which the ACLU-NJ is a founding member.

**"HOLDING POLICE OFFICERS ACCOUNTABLE IS ESPECIALLY CRITICAL WHEN THEIR POWER RESULTS IN THE TRAGIC LOSS OF LIFE AT THE HANDS OF LAW ENFORCEMENT."**

—ALEXANDER SHALOM, ACLU-NJ SENIOR SUPERVISING ATTORNEY

Building on this important step in strengthening racial justice and reforming our criminal justice system, the ACLU-NJ continues to push legislators to go even further. Any instance of serious police violence warrants an objective and impartial investigation, not only encounters that ultimately prove fatal.

"Independent investigations of police brutality should not be dictated by whether or not the victim survives," said ACLU-NJ Executive Director Amol Sinha, who testified in support of the bill. "Our leaders must build on this progress by requiring independent investigations of all incidents of police violence that cause devastating injuries. We will not stop calling for accountability until we see the reforms in criminal justice that New Jersey needs." [ACLU](#)

## Partisan Gerrymandering Amendment Defeated as ACLU-NJ, Coalition Partners Join Forces

**T**oward the end of 2018, a ballot question on whether to write partisan gerrymandering into the state Constitution nearly made it through the Legislature — until a coalition of advocates from around the state led by the League of Women Voters of New Jersey and supported by the ACLU-NJ joined together to defeat it.

Despite the Senate and Assembly scheduling simultaneous hearings, the ACLU-NJ testified at both, demanding lawmakers pull the legislation from consideration. If approved by voters, the amendment would have threatened fundamental rights — like free speech, free assembly, and equal protection of the laws — while diluting the power of the ballot, especially for communities of color.

In December, just two days after the hearings and two days before the planned vote, legislative leadership canceled the vote, effectively assuring that the ballot question would not meet the deadline to appear on the November 2019 ballot. In effect, the outcry killed the bill.

"New Jerseyans spoke in a voice united, across political parties and ideological divisions, opposing an attempt to write partisanship into the state Constitution," said ACLU-NJ Legal Director Jeanne LoCicero. "We look forward to collaborating with lawmakers and communities across the state to develop a new redistricting plan that meets the standards of independence and equity that free and fair elections demand."

In the wake of this victory, the ACLU-NJ continued efforts to improve the redistricting process in the Garden State. Voting rights organizations



ACLU-NJ Legal Director Jeanne LoCicero (right) testifying against the proposed partisan gerrymandering amendment, Trenton, New Jersey.

are advocating for an independent system in which all voters have equal power to elect their lawmakers — and one in which legislators do not get to choose their voters.

"Defeating this attempt to gerrymander is a victory to build on as we continue to work toward

a fairer redistricting process," said ACLU-NJ Executive Director Amol Sinha. "The people of New Jersey demonstrated that the real work of democracy begins after elections, when we hold our officials accountable to the people they serve." [ACLU](#)

# PROFILE IN LIBERTY

## Sam Maddula, ACLU-NJ Supporter

**W**hen Sam Maddula was just 18 months old, his parents took him along to a travel agency near their home in rural India, hoping to arrange a trip to see an ophthalmologist based in a larger city. Maddula would respond to his mother's calls but never made eye contact, and his mother suspected a problem with his vision.

The local travel agent, Dr. Shankar — who also happened to be a Rotarian and the mayor of Vijayawada — offered a life-changing proposition: Dr. V.K. Raju, an Indian American physician, would be visiting the town in a few days. The Maddulas decided to see him instead.

"Dr. Raju, and his commitment to providing charitable care for underprivileged children in India, is the reason why I can see today," Maddula said. "He's pivotal to my story, and he's partly why I'm committed to giving back."

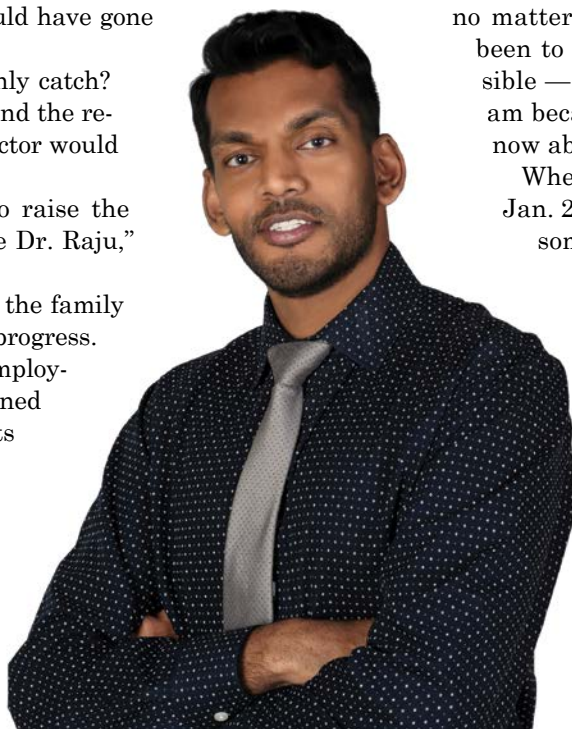
Maddula's condition caused the corneas in both of his eyes to get progressively cloudier. Without double-corneal transplants, he would have gone blind within two years, doctors said.

Dr. Raju said he would do the procedure for free. The only catch? He suggested the procedure be done in the United States, and the recovery process would take a few months — although the doctor would help with travel.

"So my parents pooled funds with my grandparents to raise the rest of the money to travel to West Virginia so I could see Dr. Raju," Maddula said.

After two successful corneal transplants, Dr. Raju asked the family to stay in the United States so he could monitor Maddula's progress. Despite not yet knowing English and not yet securing employment, they moved to New York, where Maddula's uncle owned a corner store. Throughout Maddula's childhood, his parents would work 80-hour weeks to keep a roof over their heads.

"My father always attended Dr. Raju's fundraising dinners, despite working overtime to put me through school and feed me square meals," Maddula said. "I never liked going to those dinners when I was a kid, but when I was a senior in high school, it hit me: the only reason I wasn't a blind teenager in rural India was because of the empathy and kindness of an American doctor willing to give his time and skills to help others."



Sam Maddula

After graduating with a pharmacy degree in 2009, Maddula worked hourly at local drugstores to support himself. But when an uncle in Philadelphia told him about a small corner pharmacy for sale, Maddula accepted a partnership to help run the business, hoping to work his way to owning it one day. Although he was just 24 years old, Maddula dreamed of changing lives through medicine just as medicine had transformed his life.

"Everything Sam has done to help others is truly remarkable," said Dr. Raju. "His yearly gifts in support of pioneering medicine have changed the lives of thousands of children around the world. He and his family continue to inspire me."

Maddula's corner drugstore has grown into a national pharmaceutical hub, helping people obtain their prescribed medications regardless of where they live in the United States.

"We specialize in supplying folks with rare medications they need, no matter where they are," Maddula said. "My goal has always been to give greater patient service without charge where possible — and hopefully saving lives in the process. I am where I am because I have a true understanding of the people that I'm now able to help."

When President Trump instituted the Muslim travel ban in Jan. 2017, Maddula was horrified. He felt like he needed to do something to fight it, so he donated to the ACLU.

"I found it unfathomable that, if the ban had been in place when I was a child and I had been born in Iran or Yemen instead of in India, I wouldn't have been able to get the health care I needed," Maddula said. "I would've been a blind man struggling to get by."

Maddula knows empathy and kindness have made his life story possible. He sees these same values as pillars of all ACLU work.

"I tell everyone on our team that the next person we save could be the next president or a future Nobel Prize winner," Maddula said. "I love how the ACLU fights for the underdogs, because they need to have a voice. I was an underdog once, and someone fought for me." **ACLU**

## In Case You Missed It: A Right to Bail Doesn't Mandate Money Bail, Court Rules

**S**tates are free to create mechanisms for pretrial release that don't include money bail, a federal appeals court ruled in July 2018.

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

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



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.

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.

Since going into effect in Jan. 2017, New Jersey's pretrial justice reform resulted in a 24 percent decrease in the pretrial jail population that year, according to New Jersey's Administrative Office of the Courts. **ACLU**

## NJ Limits Law Enforcement's Immigration Role

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the ultimate goal of building greater trust between communities and the law enforcement agents responsible for serving the public — police officers, sheriffs, prosecutors, and other criminal justice officials.

New Jersey law enforcement agencies will not contribute facilities, resources, equipment, offices, or officers for federal immigration enforcement operations. The directive severely restricts ICE's access to New Jersey's county jails, and it prevents New Jersey law enforcement officers from asking about immigration status except when necessary in a felony investigation.

Crucially, New Jersey jails will dramatically limit instances in which they honor immigration detainers — voluntary requests from ICE to hold people in detention to allow the agency to check their immigration status. Courts have consistently ruled that extending detention based upon ICE detainers alone violates the Fourth Amendment and state laws.

The new directive replaces an earlier, flawed directive from 2007. That directive required law enforcement to ask people accused of felonies about their immigration status, forbade law enforcement from asking about the immigration status of witnesses and victims, and provided no clarification on other encounters.

Advocates hope to work with the administration to make protections of the Immigrant Trust Directive even stronger. For example, law enforcement can still honor detainer requests in some circumstances, which exposes jails to civil liability and places New Jersey residents in the sights of immigration authorities.

"All New Jerseyans should be able to raise their children, go to work, and contribute to their communities without the fear that an ordinary interaction with police could derail their lives," said ACLU-NJ Senior Supervising Attorney Alexander Shalom. **ACLU**

OP-ED BY AMOL SINHA, ACLU-NJ EXECUTIVE DIRECTOR



Marijuana Legalization Is the Right Path for New Jersey

Late in 2018, at a standing-room-only legislative committee hearing where senators and Assembly members voted to release a marijuana legalization bill out of committee, the history of the moment was palpable. But the shape that history takes will depend on the actions of New Jersey lawmakers, advocates, and residents. Our legislators must seize on this moment to advance racial justice through cannabis legalization for adults. Even though the majority of New Jerseyans support the legalization of marijuana, the number of marijuana possession arrests grows each year. In 2016, New Jersey made more than 32,000 possession arrests, a 52 percent increase from 2000. Black New Jerseyans are arrested for cannabis possession at a rate three times higher than white New Jerseyans, despite government research showing similar rates of cannabis use among white and Black individuals.



ACLU-NJ Executive Director Amol Sinha speaks about marijuana legalization legislation at a press conference with Governor Phil Murphy and advocates on Mar. 21 in Trenton, New Jersey.

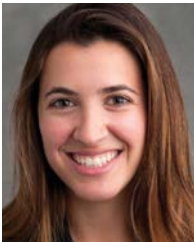
The human cost of these arrests, especially among disproportionately policed communities of color, is incalculable. The financial costs are easier to measure. Prohibition costs New Jersey taxpayers hundreds of millions of dollars each year. In 2013, our state spent more than \$143 million in police, courts, and corrections costs to enforce our cannabis possession laws – even though most New Jerseyans even then believed that it should be legal. A single cannabis possession arrest can have devastating consequences. Under our current laws, potential penalties for one offense can include up to six months in jail; more than \$1,200 in fines and fees; a driver’s license suspension of up to two years; deportation; eviction from public housing for an entire family; a three-year ban from public housing; loss of student financial aid; a five-year ban from adoption; and a criminal record that makes getting a job much more difficult.

Opponents of legalization, recognizing the shifts in public opinion and the writing on the wall, have begun to disingenuously argue for decriminalization, but their description closely resembles the status quo. Failure to pay the civil fines and fees that marijuana possession would still incur would lead to criminal penalties, with communities of color still bearing the brunt of enforcement. Through legalization, the government can control distribution and limit access to children, subjecting growers, suppliers, and vendors to rigorous standards, testing, and regulation, as well as taxation. Decriminalization creates a legal fiction by permitting the possession of marijuana but prohibiting its cultivation, sale, and purchase. The underground market maintains a monopoly. Marijuana has been decriminalized in New York State since 1977, and yet hundreds of thousands of marijuana possession arrests have occurred since. In New York City, 86 percent of marijuana arrests involved Black and Latino individuals. Ending arrests is only the start. For legalization to advance justice, it must facilitate expungement of marijuana offenses, allow people with prior convictions to work in the industry, and create initiatives to ensure people of color, women, and diverse communities have a meaningful stake in the new cannabis economy. The current bill before the Legislature includes forward-thinking measures to reverse the injustices wrought by the failed drug war: expedited expungement, non-discrimination for cannabis use, opportunities in the industry for people with criminal records, a social justice representative on the cannabis regulatory board, and provisions for diversity in the industry. We support the bill and will continue to work with lawmakers to ensure it passes. And, critically, we will continue advocating for reinvestment of marijuana tax revenue and cost savings into communities torn apart by aggressive marijuana enforcement. Underwriting education, drug treatment and prevention programs, re-entry, and community investment would amount to an important step in moving beyond the war on cannabis users. Marijuana legalization is one of the most urgent issues of our era. At the joint committee hearing in November, Assemblyman Jamel Holley asked law enforcement officials who gave testimony how they aim to end the scourge of discriminatory marijuana arrests without ending prohibition. They couldn’t provide an answer — because none exists. The only answer for New Jersey is to legalize, tax, and regulate marijuana, and to do it in a way that actively advances racial justice. Although the bill was pulled from a scheduled vote on Mar. 25, we’re hopeful the bill will be added back to the voting agenda in the coming weeks, so the Garden State can show the nation how to legalize marijuana in a way that puts racial and social justice at the forefront. ACLU

TRIBUTES

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Tributes are contributions made to honor or remember special friends, family, colleagues and occasions. To have your tribute appear in the *Civil Liberties Reporter*, please contact the ACLU-NJ office at: 973-642-2086 or P.O. Box 32159, Newark, NJ 07102.



## Q&A

### A Conversation with ACLU-NJ Catalyst Fellow Liza Weisberg

**L**iza Weisberg joined our team in September 2017 as a Catalyst Fellow. Working on cases across the ACLU-NJ docket, Liza focuses much of her time examining and challenging abuses of civil asset forfeiture — a practice that allows law enforcement to seize and keep people’s property based on the suspicion of a link to criminal activity, even if they are never charged with a crime.

In December 2018, Liza was part of the ACLU-NJ team that released a deep-dive report on civil asset forfeiture, revealing racial disparities, rampant abuses of power, and a system ripe for reform. Liza, whose fellowship concludes later this year, joined us in a conversation about her thoughts on civil asset forfeiture, her reflections on her time at the ACLU-NJ, and her hopes for the future.

**Q: Let’s start with an easy one: how did you end up working for the ACLU-NJ?**

**LW:** I knew about the ACLU-NJ’s great work on behalf of communities and causes I care about — and learning about the amazing people behind the work was the clincher. I applied and crossed my fingers. I decided to go into law because I wanted to be an advocate in some way, appreciating that being a lawyer is not the only way to practice advocacy — but I had seen how daunting it is to go up against powerful actors and systems alone and realized that being a lawyer was a good way to be an ally, to stand in someone’s corner, and to push for change.

**Q: What was it like working on the recent ACLU-NJ report on civil asset forfeiture? What are some of its takeaways?**

**LW:** We were able to analyze five months of data from around the state, which showed how police and prosecutors have effective impunity to abuse the system. By seizing property in relatively small amounts with high frequency, law enforcement can raise revenue while evading accountability. Property owners face a broken system that, in most instances, makes it cost-ineffective for them to challenge a seizure rather than cut their losses and forfeit their possessions. Our research showed that bold reform is necessary in order address unfair,

exploitative civil asset forfeiture practices that disproportionately impact low-income communities and communities of color.

**Q: What does it feel like representing folks in civil asset forfeiture cases?**

**LW:** Unfortunately, it feels like a drop in the bucket. Over the past year and a half, we’ve taken on close to a dozen cases and so far helped our clients get back more than \$15,000 in total. And we’ve been able to use our experiences on the ground to convey the urgency of reform to the legislature. But our clients’ successes are a reminder that a lawyer’s help remains out of reach for most people in the state. In New Jersey, there’s no right to appointed counsel in civil asset forfeiture cases. The overwhelming majority of property owners must go it alone or give up their property without a legal fight. Most people, understandably and pragmatically, choose the latter option. As a result, the government wins more than 97 percent of cases by default, without ever presenting a single piece of evidence.

**Q: As your fellowship comes to a close, what are your thoughts on the role of the ACLU in the current political climate, and do you think it will change going forward?**

**LW:** The ACLU will always be a voice for communities that have been oppressed and marginalized. At its best, I think, the ACLU functions as one tool among many to arm communities in the fight for civil rights and civil liberties. The current climate makes the work of reinforcing and reaffirming our fundamental values that much more important. **ACLU**

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## Save the date for the ACLU-NJ’s Lights of Liberty Awards Dinner!

Honor New Jersey’s most significant civil rights leaders with us — including one especially close to our heart.

We’re giving our highest honor, the Roger N. Baldwin Award, to **Ed Barocas**, who retired as ACLU-NJ Legal Director after 17 years in 2018. He oversaw massive growth and litigated cases that changed the state for the better.

**Cecillia Wang, Deputy Legal Director of the National ACLU**, will give keynote remarks on the progress we’re making for immigrants’ rights, voting rights, human rights, and freedom of speech, among other issues.

Receiving our Legal Leadership Award are:  
**Paul Weiss & the Pro Bono Network**, for their tireless representation of Indonesian Christians from Central Jersey threatened unjustly with deportation.

**Immigration and criminal law attorney Mike Noriega**, an indispensable ally to the ACLU-NJ.

Our Torchbearer Award goes to **Johanna Calle, director of the New Jersey Alliance for Immigrant Justice**, for her dedicated advocacy in pursuit of greater freedoms and protections for immigrants.

We look forward to seeing you on May 2, 2019, in West Orange at The Manor for Lights of Liberty!

To purchase tickets or for more information, visit [www.aclu-nj.org/events](http://www.aclu-nj.org/events), email us at [events@aclu-nj.org](mailto:events@aclu-nj.org), or call us at 973-854-1735.

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