

# ACLU OF NEW JERSEY 2017

THIS IS  
WHAT  
**DEMOCRACY**  
LOOKS LIKE



**ACLU**  
New Jersey

Because Freedom  
Can't Protect Itself  
[www.actu-nj.org](http://www.actu-nj.org)



# YOU'VE SHOWN US WHAT DEMOCRACY LOOKS LIKE

GREETING FROM ACLU-NJ EXECUTIVE DIRECTOR  
**AMOL SINHA**

**I'M SO HUMBLED** to have become executive director of the ACLU of New Jersey. No organization has played a larger role in advancing the rights of Americans than the ACLU, and no state encapsulates the best of America better than New Jersey. (I might be a little biased.)

At no time in the ACLU's nearly 100-year history has the struggle for our liberties seemed more daunting. But we've never been cowed by new threats to our rights, and we won't begin now.

We're not intimidated — we're emboldened. Through your groundswell of resistance, protest, and determination, you have shown us what democracy looks like.

As the country reels from the Trump administration's toxic agenda, New Jersey's hard-fought victories this year serve as a beacon for the principles of democracy.

- Since New Jersey's historic pretrial justice reform went into effect on January 1, no one has waited in jail before trial solely because they couldn't afford bail.
- Our arguments won the day in a pivotal state Supreme Court decision that opened police records to public view — including video and use-of-force reports.
- An ACLU-NJ suit convinced the state Supreme Court to recognize that young people cannot receive de facto life sentences without consideration of their youth — a decision the Legislature and Governor Christie solidified into law.

These milestones represent only a portion of the ACLU-NJ's accomplishments this year, which is only a sliver of the entire ACLU. To grasp our full force, picture our affiliate's work on the ground replicated in every state, plus D.C. and Puerto Rico, with activists like you working in partnership



Executive Director Amol Sinha takes the lectern at the ACLU-NJ's annual membership meeting.

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**THE IMPACT IN NEW JERSEY REVERBERATES AROUND THE COUNTRY. FROM CONGRESS TO STATE LEGISLATURES, OFFICIALS ALL OVER THE COUNTRY HAVE LOOKED TO NEW JERSEY AS A MODEL FOR ENDING MONEY BAIL.**

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at each one. Then there are the brilliant advocates at the national ACLU.

The impact in New Jersey reverberates around the country. From Congress to state legislatures, officials nationwide have looked to New Jersey as a model for ending money bail. New Jersey's advocates are leaders on the national stage, too. Jennifer Long, an ACLU-NJ client who secured one of the first name changes on her military discharge papers, became the national face of transgender soldiers when the federal government threatened their place in the military in the summer of 2017.

Together, we will preserve the freedoms we already have, and we will enshrine those that still need protection. This is the right organization, in the right state, with the right people, at the right time — and we're poised to do great things together. We will ensure that our democratic principles don't wither in the shadow of the Trump administration. With the activism of the Garden State, they will flourish.

In justice,

Amol Sinha  
Executive Director  
ACLU of New Jersey  
November 2017

# SPEAKING UP FOR FREE EXPRESSION & CIVIL RIGHTS

**THE ORGANIZERS OF THE MAY DAY MARCH** chose a location at the height of symbolism. Standing at the foot of the Statue of Liberty, with Ellis Island in view, advocates and activists would rally for immigrants' rights at Liberty State Park.

It almost didn't happen. When advocates applied for a march permit, police said that the grassroots groups — including the ACLU of New Jersey and the New Jersey Alliance for Immigrant Justice — would have to pay more than \$5,000

**Activists rallied in Jersey City on May Day after defeating initial hurdles from law enforcement that threatened to curb free speech.**



for extra police at Liberty State Park. Not to patrol the event, they said, but to neutralize potential counter-protesters.

The ACLU-NJ said: not in our backyard. The police can't force activists expressing their free speech rights to assume the costs of the government's fears of counter-protesters.

The ACLU-NJ's warnings—that these demands amounted to an unlawful suppression of speech and assembly—weren't enough to persuade authorities. Time was running out, but the ACLU-NJ and fellow organizers kept the pressure on. The longer state law enforcement waited, ACLU-NJ Legal Director Ed Barocas said, the greater the likelihood of the government infringing on the groups' free speech.



## 2017 BY THE #s

# 2,709

**Number of New Jerseyans who exercised their right to petition the government in emails to Rep. Rodney Frelinghuysen telling him not to chill free speech and assembly, sent with help from the ACLU-NJ.**

On April 19, after weeks of uncertainty, the groups got the go-ahead.

Gathered together with officials, musicians, and even a former governor, advocates and activists spoke to an audience of hundreds on May 1. There wasn't a counter-protester in sight. ■

## 2017 IN REVIEW

**REP. FRELINGHUYSEN PUNISHED FREE SPEECH. NEW JERSEYANS SPOKE OUT.** Members of Congress take an oath to uphold the Constitution. Rep. Rodney Frelinghuysen, however, targeted a constituent based on her political speech, singling her out to her employer as a "ringleader" in local politics. The ACLU-NJ rallied New Jerseyans to tell Rep. Frelinghuysen, the most powerful representative in the New Jersey delegation, to remember his oath to protect free speech, assembly, and the right to petition the government.

# RALLYING FOR THE RIGHTS OF A MAN WHO **RISKED HIS LIFE FOR AMERICA**

**A BLIZZARD BURIED THE EAST COAST IN MID-MARCH**, as Muslim Ban 2.0 was poised to take effect.

Abdul, a 25-year-old Muslim Afghan man, landed at Newark Liberty International Airport. It had taken him two years to get a special visa reserved for those who risked their lives by working for the Americans. The Taliban tried to end his life after learning of his work, and a targeted roadside bomb nearly killed him.

As he approached U.S. Customs and Border Protection agents with his valid visa that day in March, Abdul believed he was finally safe. But the agents did not let him continue to Akron, Ohio, where his former supervisor, a retired U.S. Army Sergeant, was waiting. Instead, they held him at the airport for more than 24 hours, questioned him about his religion, and attempted to put him on the next plane back to Afghanistan without observing any legal process.

The ACLU of New Jersey took action. Working remotely because of the storm, the ACLU-NJ and Seton Hall Law Center for Social Justice, with support from the International Refugee Assistance Project, filed an emergency habeas petition to stop his imminent deportation.

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**THIS WOULD HAVE BEEN THE FIRST KNOWN REMOVAL OF AN AFGHAN SPECIAL IMMIGRANT VISA HOLDER.**

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After a denial in district court, a federal appeals court granted the petition. Moments before Abdul was scheduled to board a plane back to Afghanistan, his deportation was halted.

This would have been the first known removal of an Afghan Special Immigrant Visa holder. The U.S. government has still refused to give a reason for his detention.

**2017 BY THE #s**

**10**

**Hours it took from learning about Abdul's detention to filing a habeas petition in federal court. The ACLU-NJ's IT department made it possible to do this after a blizzard through remote access to legal files.**

Abdul has been jailed at Elizabeth Detention Center ever since.

In April, dozens of community activists and partners from the New Jersey Alliance for Immigrant Justice rallied to urge the government to keep their promise: to give Abdul refuge in America after sacrificing his safety to support us.

The ACLU-NJ continues advocating in the courts, and in the community, with Abdul's pro bono immigration attorney, Jason Scott Camilo, and partners at IRAP, Detention Watch Network, the New Jersey Alliance for Immigrant Justice, Make the Road New Jersey, and Wind of the Spirit, along with many other committed advocates. ■

## 2017 IN REVIEW

### **NOT ONE DOLLAR**

**Hundreds stood vigil for an entire week at the Morristown office of Rep. Rodney Frelinghuysen, with one demand: not one dollar should go toward ripping apart immigrant families. Frelinghuysen chairs the House Appropriations Committee, which has power over the government's deportation budget.**

Dozens of people from across New Jersey rallied to free Abdul, man who was detained despite a special visa reserved for people whose lives were placed at risk because of their work for the American government overseas, on April 6, 2017.



# A VISION TO CHANGE CRIMINAL JUSTICE IN NEW JERSEY

**WE'RE NUMBER 1.** But in this instance, that's nothing to be proud of. New Jersey's Black-white disparity for incarcerated people is the worst in the nation.

It's time for our racially unjust system of mass incarceration to end. The ACLU of New Jersey delivered a plan to help New Jersey get there with a "Vision to End

Mass Incarceration in New Jersey," issued in December.

The ACLU-NJ's bold new proposal for ending mass incarceration fundamentally reimagines our criminal justice system. Ending mandatory minimums. Reducing police encounters by ending drug-possession arrests, legalizing marijuana,





## 2017 BY THE #s

# 17,995

**Of the 21,763 people to appear before judges between January and June 2017, 17,995 of them awaited trial outside of prison on some kind of monitoring — a dramatic shift from the days prior to New Jersey’s historic bail reform, which took effect on January 1, 2017. Only 3,082 awaited trial in jail during those six months — and none of them were in jail solely because of an inability to afford bail.**

stopping criminal punishment of low-level offenses, and decriminalizing sex work. Fixing a parole system where parole is often the exception, not the norm. Building successful re-entry programs. Changing a win-at-all-costs mentality too often found among prosecutors. And, at all stages, transparency.

### **We’ve already made progress.**

New Jersey’s historic pretrial justice reforms — in which the ACLU-NJ played an instrumental role — took effect on January 1, 2017. Now, the decision whether to jail someone before trial isn’t based on the ability to pay a bail bondsman, but the level of risk to public safety. As a result, the number of people unnecessarily behind bars is smaller. We intend to get the number even lower. ■

**Activists from the ACLU-NJ, allied organizations, and community members gathered at Hudson County Jail in June to protest the conditions that led to a death in detention.** PHOTO BY EYTAN STERN WEBER



## 2017 IN REVIEW

### **A “BILL OF RIGHTS” FOR QUARANTINED NEW JERSEYANS**

**Kaci Hickox became well-known as the nurse who was quarantined by Governor Christie after caring for Ebola patients. But now, because of an ACLU-NJ suit, filed with attorneys Norman Siegel and Steve Hyman and their firms, she’s the nurse responsible for bringing about a “Bill of Rights” for quarantined patients in New Jersey.**

# TWO TEENS RAISED THEIR VOICES AND RAISED FUNDS FOR CIVIL LIBERTIES

**THE IDEA CAME FROM AN INSTAGRAM POST.** Sage Territo, 17, was selling art to raise money for the ACLU. Zoë Crutcher, 16, posted to say she wanted to buy a piece, then added: “Why don’t we have a benefit concert for the ACLU?”

A few weeks later, the curtain rose.

Crutcher and Territo put on a post-inauguration concert of student bands and performers at Columbia High School in Maplewood. It was a success: the Feb. 11 event raised \$1,114, which they delivered to the ACLU of New Jersey in person.

“We wanted to turn that negativity after the inauguration into something positive,”

said Crutcher, who will graduate from Columbia High School in 2018.

“And a community formed from organizing it,” said Territo, who graduated from Columbia High School in 2017.

More than 10 student groups played, including Territo’s band, My Super Sweet 16. (At every performance, the band sings “Happy Birthday to You” to an audience member.) Crutcher sang a solo acoustic guitar set. Others recited political poetry.

ACLU-NJ Senior Supervising Attorney Alexander Shalom addressed the crowd to kick off the concert.

“You may be inspired by the ACLU — but you inspire us,” Shalom said. “Nothing is more important than people organizing against injustice in their communities.”

Crutcher and Territo, lifelong New Jerseyans, have always seen expression as a means to create a fairer world.

Crutcher’s mother immigrated to the U.S. from the Dominican Republic at 21, teaching herself English. After struggling to help pay her way through art school, she became an art director at a prominent women’s magazine. Crutcher’s father was a stay-at-home dad for the most part. Zoë was primed to become a feminist.

Territo, who uses the pronoun “they,” was forced to stand up for herself. As a child, their interracial family faced some

## 2017 BY THE #s

# 183

**Number of posts to chronicle the six-day Newark Rebellion through live-tweeting, as if witnessing it and posting in real time. Read the account at: [www.twitter.com/Newark1967](http://www.twitter.com/Newark1967)**



Teenagers Zoë Crutcher and Sage Territo organized a concert of student bands to raise money for the ACLU and delivered the check in person at the ACLU-NJ office, where this picture was taken.

ostracism at times, and classmates spread rumors about their family’s struggles with substances and mental health. Territo’s family found refuge at an Episcopal church that openly welcomed LGBTQ people and other marginalized groups, and Territo found a calling to help others feel free to be themselves through art.

Territo performs regularly, most recently in “Slut, the Play,” about sexual violence, at South Orange Performing Arts Center. Crutcher founded Columbia High School’s Activism Through Art club during her sophomore year.

They’re using the same tactics that have brought about social change historically: organizing people and inspiring them to act.

“I want to spread hope and excitement,” said Territo. “I want to use art as a way to resist.” ■

## 2017 IN REVIEW

### A FAILING GRADE FOR EDUCATION IN PRISON

Brian Y’s classroom was a cage in the center of a solitary confinement unit. His instruction consisted mainly of worksheets. Some of his peers received even less. The ACLU-NJ is working to change that. Working with partners, the ACLU-NJ sued the Department of Education and Department of Corrections to fulfill its obligation to young inmates who qualify for special education.

# THE GENEROUS DONORS WHO UNDERWRITE OUR WORK

The ACLU of New Jersey gratefully acknowledges all who have made our work possible during calendar year 2016 through their generous financial support.



**2017 BY THE #s**

**46,424**

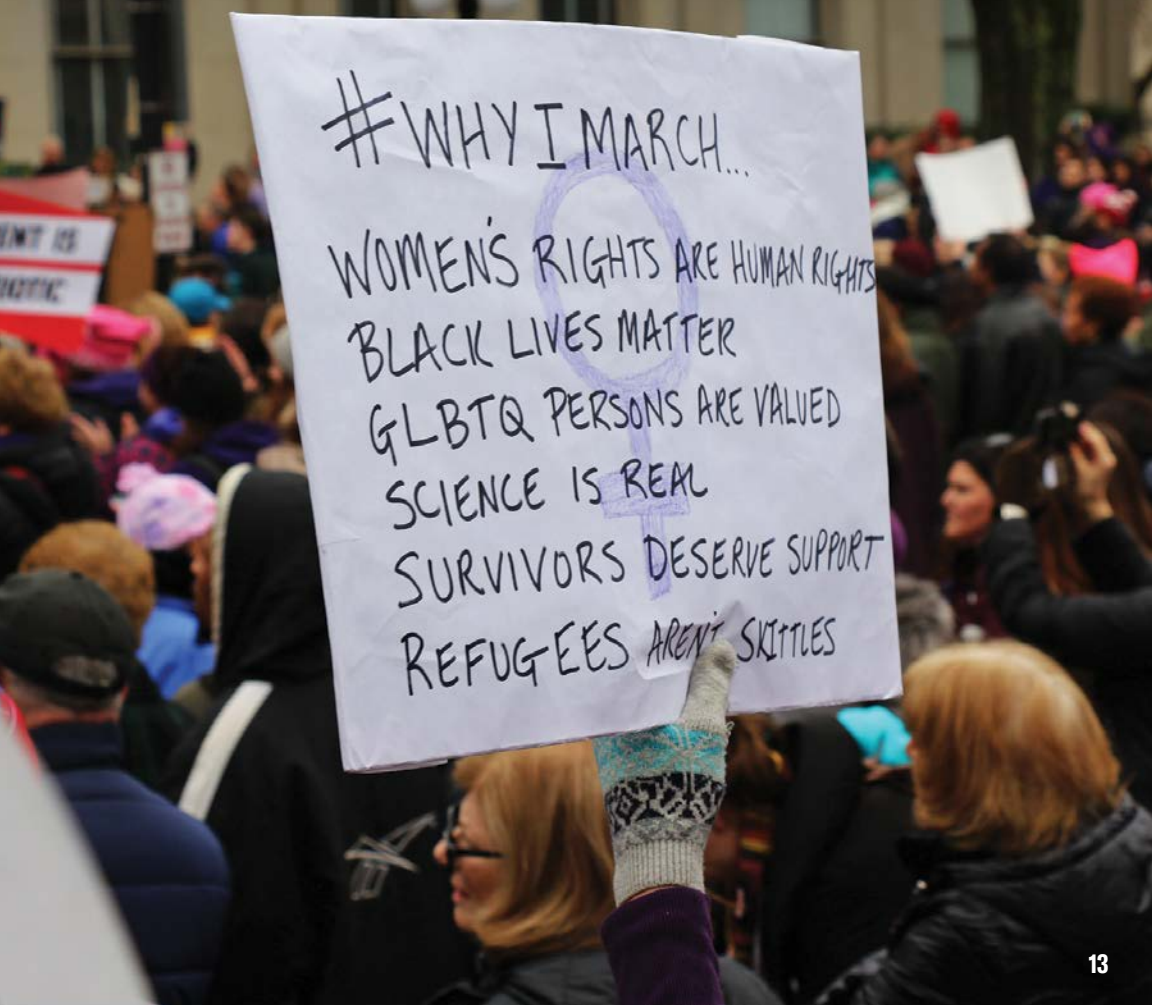
Number of current ACLU-NJ members and donors, as of October 2017.  
On November 1, 2016, the number of individual members and donors was 10,808.

## 2017 IN REVIEW

### PRIVATE PROPERTY, POLICE PROFITS

During six months in 2016, law enforcement took \$3,792,499.35 from more than 1,600 New Jerseyans, the ACLU-NJ learned in 2017 through public records requests. Almost no one had any chance of getting it back — and only 50 even tried. Through the process of civil asset forfeiture, police can take any property they believe was involved in a crime without a warrant or arrest. The ACLU-NJ brought on board a legal fellow who will spend two years confronting the injustices of the practice.

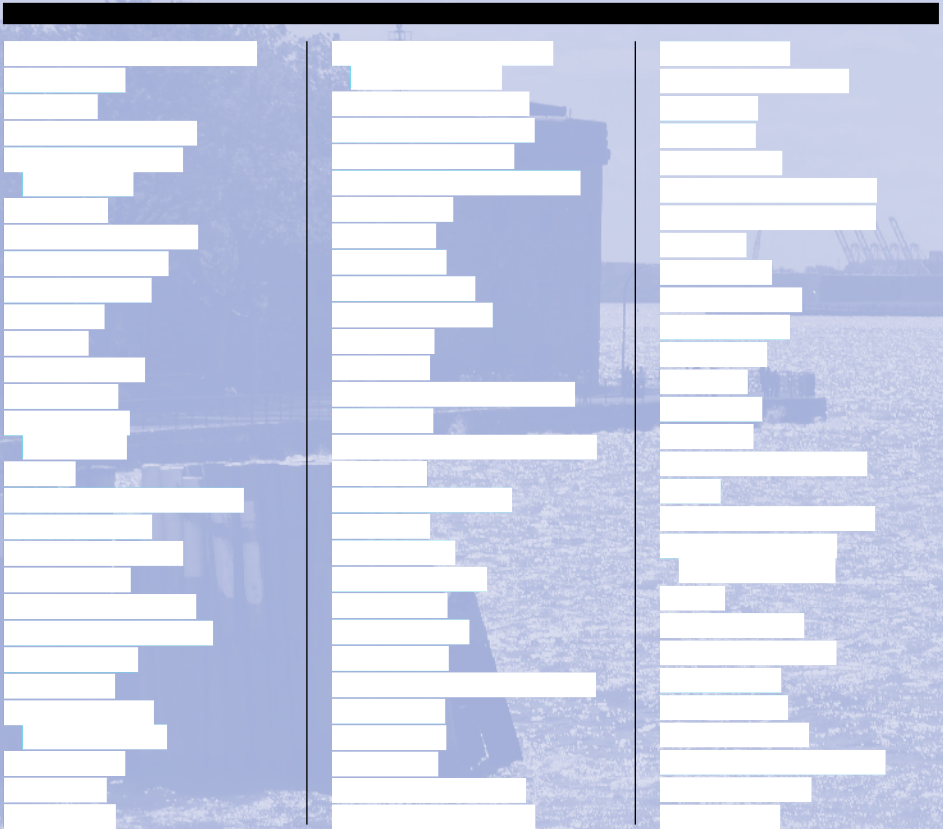
Supporters of civil rights and liberties gathered in Trenton for the Women's March on New Jersey on January 21. The ACLU-NJ, an event sponsor, spoke before a crowd of about 10,000.



## LEAVING A LEGACY FOR LIBERTY

### DESILVER SOCIETY MEMBERS

DeSilver Society Members have made a lasting commitment to defend civil liberties by naming the ACLU in their wills or through other planned giving.



**2017 BY THE #s**

**593**

Number of callers in a March 6 live tele-town hall with the ACLU of New Jersey and U.S. Senator Cory Booker. The community forum focused on ways for people to take action post-inauguration.

# FINANCING THE DEFENSE OF LIBERTY

## INCOME & EXPENSES 2016-17

<b>INCOME</b>	<b>Operating Income</b>	<b>Centennial Campaign</b>	<b>Endowment</b>	<b>Cumulative</b>
Contributions	\$1,378,160	\$539,657		\$1,917,817
Grants	\$260,000			\$260,000
Bequests	\$138,486		\$750,000	\$888,486
Dues	\$475,769			\$475,769
Investment Income	\$64,835			\$64,835
Other	\$42,055			\$42,055
Legal Case Awards	\$11,319			\$11,319
<b>Total</b>	<b>\$2,370,624</b>	<b>\$539,657</b>	<b>\$750,000</b>	<b>\$3,660,281</b>

<b>EXPENSES</b>	<b>Expenses</b>	<b>Centennial Campaign</b>	<b>Endowment</b>	<b>Cumulative</b>
Program Expense	\$1,462,761			
Management & General	\$332,029			
Fundraising	\$380,262			
<b>Total</b>	<b>\$2,175,052</b>			

<b>Net</b>	<b>\$195,572</b>	<b>\$539,657</b>	<b>\$750,000</b>	<b>\$1,485,229</b>
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### A NOTE FROM DIANE DU BRULE, DEVELOPMENT DIRECTOR:

We at the ACLU-NJ thank you for your support, your generosity, and your commitment to civil rights and civil liberties. You have helped us confront the assaults we've seen on our fundamental rights, and you will make sure we have the resources to continue to defend them.

Given the unprecedented level of this year's giving, we would like to explain our finances in greater depth than usual. The influx of donations reflected the profound sense of fear and anxiety following the election and actions like the Muslim Ban. It also speaks to the widespread recognition of the ACLU as uniquely qualified to confront the challenges of this administration.

The long fight ahead means developing and expanding the infrastructure required to wage it. We have already begun using these resources to hire staff and to equip ourselves for the battles ahead. We are setting aside funds for new, unanticipated challenges that may arise. To ensure that we use our financial resources wisely and strategically, we have not expended all of the income we received this year.

Thank you for everything you give — time, activism, passion, and financial support. You make the ACLU's work possible.

## VOLUNTEER ATTORNEYS AND COMMUNITY PARTNERS IN OUR LITIGATION

### **Americans United**

Richard B. Katskee  
Alex Luchenitser

### **Barry, Corrado & Grassi P.C.**

Frank L. Corrado Jr.

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John S. Kiely

### **Jason Scott Camilo, Esq.**

### **Covington & Burlington, LLC**

Matthew Sykes

### **Disability Rights Advocates**

Seth Packrone  
Mary-Lee Smith

### **Education Law Center**

David G. Sciarra  
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Elizabeth Athos

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### **Christopher J. Michie, Esq.**

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### **Pashman Stein P.C.**

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### **Rutgers Criminal and Youth Justice Clinic**

Laura Cohen  
Eliza Nagel  
Elana Wilf

### **Seton Hall University School of Law Center for Social Justice**

Jenny-Brooke Condon

## THE VOLUNTEERS AND INTERNS WHO GIVE THEIR TIME FOR LIBERTY

Cherie Allen-Johnson

Candace Beboe  
Kara Brandeisky  
Kai Durant  
Annie Gilligan  
Jerry Green  
Kyle Guzmán  
Jay Hauser  
James Horning

Loyal Issa

Steve Latimer  
Vivian LoCicero  
Richard Loberfeld  
Claire Marsden  
Madina Ouedraogo  
Leslie Polanco-Linares  
Ana Piechestein  
Bronwyn Roantree

Rosie Shalom

Anna Shalom  
Claire Siebert  
Usma Sohail  
Teresa Spinelli  
Claire Sullivan  
Ben Weisburg  
Jonathan Wingers  
Gokce Yurekli





**ACLU-NJ staff, trustees, and supporters descended on Newark Liberty International Airport to protest the Muslim Ban put in place by the Trump Administration.**

## THE STAFF AND BOARD AT THE HEART OF THE ACLU-NJ'S WORK

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 Carolina Batista, *Administrative Assistant*  
 Tess Borden, *Staff Attorney*  
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 Alex Shalom, *Senior Supervising Attorney*  
 Amol Sinha, *Executive Director*  
 Alexi Velez, *Staff Attorney*  
 Liza Weisberg, *Law Fellow*

\*Former staff



# WE ARE WHAT DEMOCRACY LOOKS LIKE

CLOSING WORDS FROM ACLU-NJ PRESIDENT  
**DEB GUSTON**

**JUST OVER A YEAR AGO**, not too long after the ACLU's "Trump Memos" outlined the civil liberties crisis a Donald Trump presidency could pose, his election had seemed improbable. Now, the reality of this administration comes into sharper focus each day.

Back then, before the election, something else seemed similarly inconceivable: people gathering in the millions to voice their outrage. But this too has become our new reality. We have formed networks of activists, packed freeholder meetings, spent

weekends making signs, rushed to the airports when immigrants' rights were at stake, and proudly stood with our neighbors when they've felt afraid or abandoned.

Your fervor, your dedication, your passion — for civil liberties, for civil rights, and for civil discourse itself: these are the silver linings in this storm.

We at the ACLU know the weight of the responsibility we bear. But together, reinforced by the strength of so many — a phalanx of smart, impassioned, inexhaustible activists — we will prevail. It

View of Market Street, where the ACLU-NJ is headquartered, from the sculpture “Seated Lincoln” in Newark.



may not be easy and it may not be fast, but ultimately, our efforts will end with justice.

At such a pivotal time, I can imagine no one better to lead us than our new executive director, Amol Sinha, a son of immigrants and a son of New Jersey. Amol's passion for this work is inexhaustible, and his drive to create a more welcoming, more equitable New Jersey is contagious.

We've accomplished so much already. Our state's pretrial justice reform has become a national model. A Bill of Rights

for quarantined patients is law. The right of New Jerseyans to access police records is now permanently enshrined. With New Jersey energized as never before, our impact will overpower the forces of regression.

Thank you for all you do and for all your support. Thank you for standing up for what we know is just and right — and for never wavering.

Deb Guston  
ACLU-NJ Board President

# ACLU

## New Jersey

P.O. Box 32159  
Newark, NJ 07102

### Address Service Requested

### Notice something different?

(How kind of you to notice! We have a new look and logo.)

The ACLU and ACLU-NJ have adopted a new logo and visual identity to match our evolution as an organization. While building on our nearly 100-year legacy, we endeavor to fulfill a mission of uniting and guiding people to take actions that make our country more just.

We the people care to create a more perfect union, together. Thank you for being a part of that work.

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