

Annual Report 2012-13



RAISE YOUR VOICES

NEW JERSEY
UNITED
FOR



RAISE YOUR VOICES

MESSAGE FROM ACLU-NJ EXECUTIVE DIRECTOR UDI OFER

New ACLU-NJ Executive Director Udi Ofer took the helm in February 2013 with two initial goals: to maintain the organization's top-notch legal advocacy and public outreach and to engage in cutting-edge civil rights work using innovative tactics.

This year, the ACLU of New Jersey has begun to gently wake a sleeping giant: the Garden State's tens of thousands of supporters of the Constitution. This is just the beginning of a very long undertaking to strengthen civil liberties and civil rights in our state by raising our voices together, one person at a time.

The ACLU could not do its work defending the Constitution without you, our dedicated supporters. But we can accomplish even more when we work together to sway our policymakers. For the ACLU-NJ, 2013 will go down as a year of redoubled efforts to deploy our supporters where it counts, and we hope you'll join us.

When I accepted the position of executive director of the ACLU-NJ, after a decade leading advocacy campaigns at the New York Civil Liberties Union, I understood that I was about to lead one of the most effective, dynamic ACLU affiliates in the country. The sheer strength of the affiliate made one primary goal easy to set when I arrived here in February: to maintain the top-notch legal advocacy and public outreach that have made the organization such a formidable defender of liberty.

The second goal is to build on our successes, to go further in changing the course of justice in New Jersey. Emerging threats to civil liberties and civil rights come in new and different forms, and to confront them, we need to use new and different tactics.

In New Jersey, we will lead a chorus of activism. We ask you to join us in raising our voices.

The ACLU has always given a voice to the voiceless, fighting cases on behalf of society's most vulnerable members. But each of us

has an individual voice of our own — although alone, it can be hard to amplify. Together, however, it can be hard to ignore.

We can speak truth to power in unison, loud enough for all to hear.

We have embarked on this work already, training community members across the state to petition their government and calling on ACLU members to contact their legislators. This year, we have seen the power of social justice organizing, particularly in the battles for marriage equality, police reform, and immigrants' rights in New Jersey.

But this is only the beginning. In this report, you'll find a sampling of the work we have begun this year to mobilize civil liberties supporters and to make their presence, and their voices, louder. They'll only know how strong we are if we make ourselves so loud that we're impossible to ignore.

I can't wait to work alongside you to start a new chapter in the civil liberties of this incredible state. Your voices are the ones that can change history.

Yours in justice,



Udi Ofer
Executive Director
ACLU-NJ

THE BATTLE FOR MARRIAGE EQUALITY RAISING THE LEVEL OF DIGNITY

On Oct. 21, New Jersey became the 14th state in the nation to recognize marriage for gay and lesbian couples. From Newark to Lambertville to Asbury Park, couples exchanged vows just after the stroke of midnight, surrounded by friends and family. These celebrations capped a long fought campaign for marriage equality that became more pressing after the U.S. Supreme Court struck down the discriminatory Defense of Marriage Act (DOMA) in June.

The ACLU-NJ is proud to have been one of the primary organizations in the state working to win marriage equality. Along with our close ally Garden State Equality, we founded New Jersey United for Marriage

(NJUM), which became the leading coalition in the fight against New Jersey's separate and unequal system of civil unions.

Doomsday for DOMA

When the New Jersey legislature created civil unions in 2006, it was under the condition that they be completely equal to marriage, as dictated by the New Jersey Supreme Court in the decision *Lewis v. Harris*. While this promise was never fulfilled, everything changed in June when the U.S. Supreme Court, in an ACLU case, struck down a key part of DOMA and required the federal government to recognize marriages of same-sex couples.



NJUM celebrates after Gov. Chris Christie dropped his appeal of the marriage equality lawsuit, making New Jersey the 14th state in the nation to recognize marriage for same-sex couples.

In contrast with our neighbors in New York and Delaware, the decision came as bittersweet news for same-sex couples in the Garden State. Same-sex spouses all along the northeast would now be granted more than 1,000 rights and benefits, while New Jersey couples in civil unions would be denied those rights.

United Against Civil Unions

By the time the U.S. Supreme Court issued its historic decision, the ACLU-NJ had begun training and deploying ACLU members and supporters to persuade lawmakers to vote to override Gov. Chris Christie's 2012 veto of the marriage equality bill. Energized by DOMA's demise, the ACLU-NJ stepped up its efforts as New Jersey became the epicenter of the next big battle for marriage equality. Through NJUM, we partnered with Garden State Equality, Freedom to Marry, Lambda Legal, American Unity Fund, Human Rights Campaign, and Gill Action.

As a coalition, we held rallies and countless of lobby visits, organized thousands of constituent calls, and conducted crucial face-to-face conversations in key legislative districts. Due to our efforts, Republicans and Democrats alike joined the movement for marriage equality.

Marriage — At Last

On Sept. 27, Superior Court Judge Mary Jacobson ruled that New Jersey must recognize same-sex marriages or be in violation of the state constitution. The ruling came in the case of *Garden State Equality v. Dow*, a lawsuit brought by Lambda Legal and the law firm of Gibbons P.C. The ACLU-NJ filed a friend-of-the-court brief on behalf of a coalition of civil rights organizations.

Judge Jacobson ordered marriages to begin Oct. 21 and Gov. Christie immediately appealed the ruling and asked the court to delay the marriages until the appeals were over. On Oct. 18, just days before weddings were supposed to start, the New Jersey Supreme Court unanimously rejected Christie's attempt to delay marriages.

Facing tremendous pressure from NJUM, Gov. Christie dropped the appeal just hours after the first same-sex couples tied the knot in New Jersey on Oct. 21. Christie's decision delivered an unexpected wedding present to same-sex couples all over the state: the security of knowing that no matter what happened, the legality of their marriages was as certain as the love they shared.



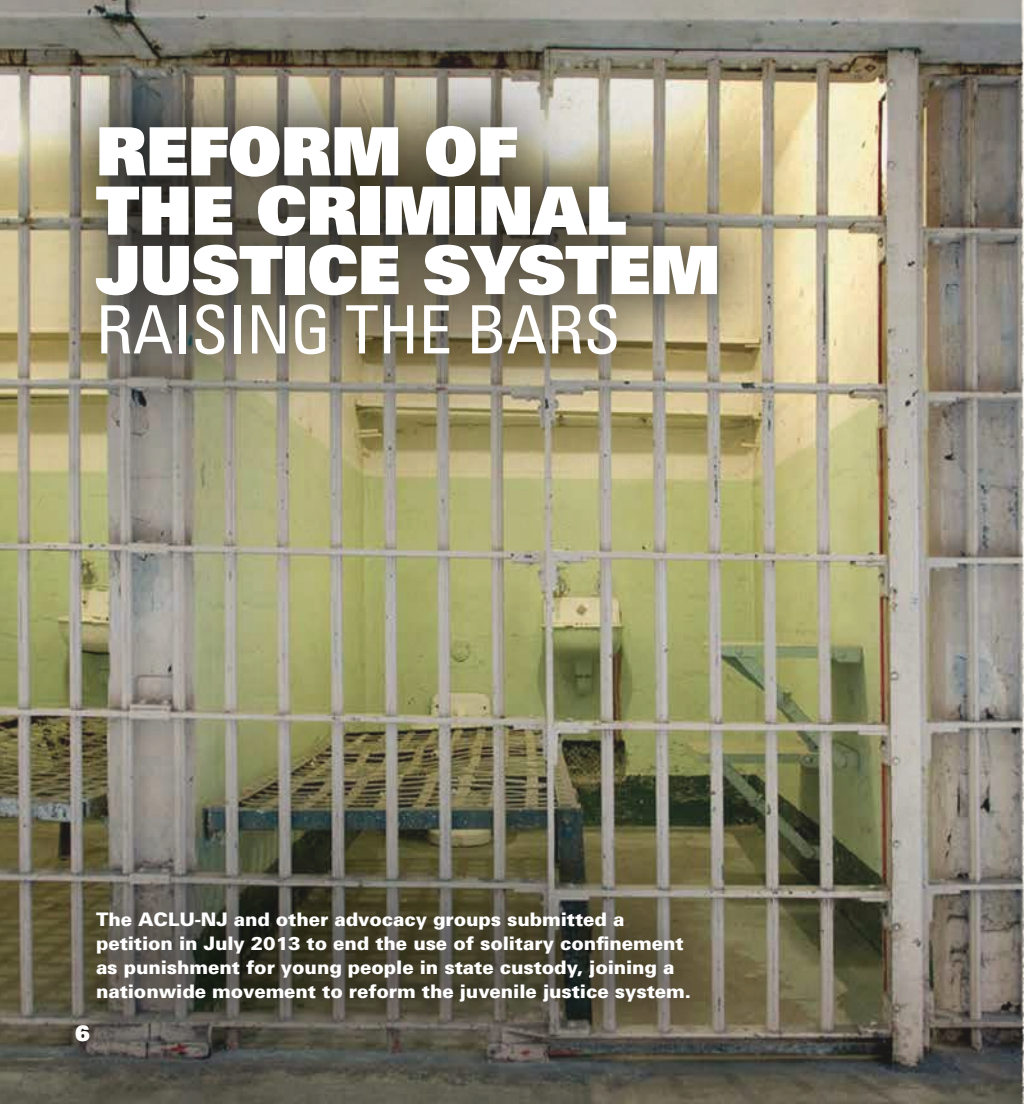
Joseph Panessidi and Orville Bell were married shortly after midnight Oct. 21, 2013 in Newark by Mayor Cory Booker.

LU
ES UNION

CONGRATULATIONS!
from your friends at the ACLU-NJ



5
OCTO
20



REFORM OF THE CRIMINAL JUSTICE SYSTEM

RAISING THE BARS

The ACLU-NJ and other advocacy groups submitted a petition in July 2013 to end the use of solitary confinement as punishment for young people in state custody, joining a nationwide movement to reform the juvenile justice system.

Better Practices, Better Policing

Stop-and-frisk is supposed to be a rare tactic used only when there is reasonable suspicion of a crime. Unfortunately, in many cities, stop-and-frisk has become a fact of daily life for communities of color. In Newark, we're starting to get a clearer picture of how often police are stopping and patting down residents — and why.

In July, the Newark Police Department, in response to requests by the ACLU-NJ, instituted one of the most comprehensive transparency policies in the country. The policy requires the department to document and make public information about every time a police officer stops an individual on the street or in a car to ask questions or conduct a search. This information, publicly available for the first time in Newark history, will allow the public to understand how stop-and-frisk is being used in our communities, and whether it's being used against innocent people or in a discriminatory manner.

Statewide, in an investigation of internal affairs compliance, the ACLU-NJ surveyed local police departments to learn whether they gave the correct responses to questions about how to file a complaint against a police officer. The volunteers found about a third of departments followed the state's guidelines while other departments provided wrong answers, or no answers at all.

Dozens of police chiefs contacted the ACLU-NJ after it released its findings and asked for assistance in improving their practices. The Attorney General's Office, in response to the ACLU-NJ's findings, instituted new training standards for police and distributed quick-reference guides for all law enforcement staff and personnel to keep by their phones to answer questions about internal affairs.

Restraining the Use of Solitary Confinement to Punish Children

The ACLU-NJ and eight other groups submitted a petition to end the solitary confinement of juveniles in state custody as a disciplinary measure.

This push for a change in New Jersey's policy comes amid a national movement

calling on the justice system to account for groundbreaking scientific and legal recognition in recent years that children require different treatment from adults, even while incarcerated. Long-term solitary confinement is tantamount to torture for anyone, but the trauma young people experience can cause or worsen mental illness, making it harder to lead them on a path to become productive members of society upon their release.

A Judge and Jury for the Prosecution

The ACLU-NJ released a first-of-its kind report on prosecutorial error in September. The comprehensive study, authored by the ACLU-NJ and a Rutgers School of Law-Newark professor, found low rates of error but an alarming lack of accountability and training. Of the 343 prosecutors accused of committing error, not one received discipline for improper in-court behavior.

Prosecutorial error covers a range of actions, including failure to disclose exculpatory evidence, or appealing to emotion rather than facts. Minor adjustments in the training of prosecutors could have major implications for

protecting the rights of defendants, and the ACLU has raised our voice to convince prosecutors to make these changes.

The War on Marijuana — In Black and White

The aggressive enforcement of marijuana possession laws has needlessly ensnared hundreds of thousands of people into the criminal justice system and wasted billions of taxpayers' dollars. What's more, it is carried out with staggering racial bias.

In June, the ACLU released a report that revealed the severity of the bias in arrests nationwide and in New Jersey. In 2010, there were 21,659 arrests in New Jersey for marijuana possession, and blacks in New Jersey were arrested for marijuana possession at 2.84 times the rate of whites, despite comparable marijuana usage rates. New Jersey spent an estimated \$127 million in 2010 on enforcing marijuana laws that have failed to curb the use of the drug.

The ACLU recommends that all police departments throughout the state focus on more serious crimes and the federal government stop providing incentives to police departments for making arrests.

PROTECTING RELIGIOUS FREEDOM

RAISING QUESTIONS OF FAITH AND GOVERNMENT

Fighting the State's Decision to Fund Religious Institutions with Taxpayer Dollars

The lines between personal expression of religion and state sponsorship of religion can at times be blurred. The biggest case over the relationship between church and state that the ACLU-NJ faced this year, however, was anything but.

When the ACLU-NJ reviewed a budget item giving state grants to private schools, two institutions stood out: an all-male rabbinical school and a seminary to train Christian ministers. Beth Medrash Govoha

in Lakewood was set to receive \$10.6 million in state funding for a library and academic center. Princeton Theological Seminary would have received \$645,313 in technology upgrades. Taxpayer money was supporting specific sectarian religions, violating the state and U.S. constitutions.

The ACLU-NJ filed a lawsuit to prevent the state from distributing the funds to the two schools.

The state agreed it would not distribute the funding without first notifying the ACLU-NJ while the case is pending in court.

Fending Off Religiously Motivated Surveillance

The government cannot discriminate against a certain faith any more than it can favor one. Muslims in New Jersey found themselves under a magnifying glass when the New York Police Department (NYPD) unconstitutionally monitored mosques and Muslim student organizations in Paterson, Newark, and Rutgers, not based on any intelligence, but based on the religion they practiced.

The ACLU-NJ sent records requests to numerous municipalities to determine the extent of the NYPD's activities in New Jersey

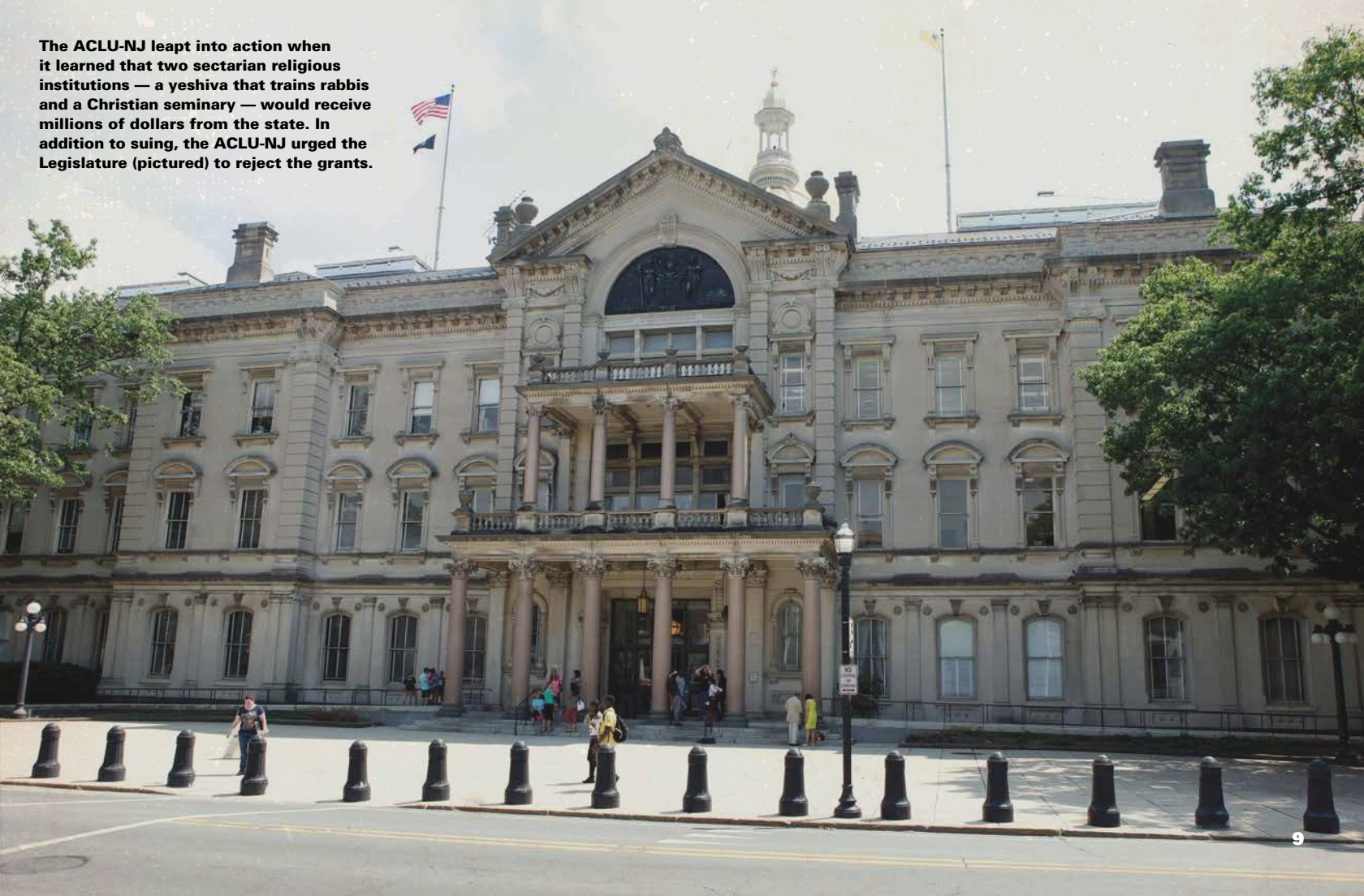
and called on the state Attorney General to investigate the matter. We advocated for legislation that successfully passed the New Jersey State Legislature that ensures that the NYPD and other law enforcement agencies will be unable to conduct their operations in New Jersey without informing New Jersey law enforcement officials of their activities.



The Rev. Craig Hirshberg, a Unitarian minister, pictured left, and Gloria Schor Andersen, challenged the state's decision to distribute millions of dollars in the budget to two sectarian religious institutions, a yeshiva and a Christian seminary.

But more is needed to address the problem of the NYPD and other law enforcement operations in our state that target New Jerseyans because of their religious beliefs and other forms of personal expression protected by the First Amendment.

The ACLU-NJ leapt into action when it learned that two sectarian religious institutions — a yeshiva that trains rabbis and a Christian seminary — would receive millions of dollars from the state. In addition to suing, the ACLU-NJ urged the Legislature (pictured) to reject the grants.





**PROTECTING
THE RIGHTS OF
IMMIGRANTS**
RAISING THE TORCH
OF LIBERTY

New Jersey DREAMers testified in Trenton to pass our state's version of the DREAM Act, the Tuition Equality Act, which would require New Jersey's public colleges and universities to accurately identify high school graduates who immigrated as children and have lived in New Jersey for several years as in-state residents.

Keeping Out ICE's Lockup Requests

Spurred on by the advocacy of the ACLU-NJ and our allies at the American Friends Service Committee, New Jersey's largest city took a bold step in defending the rights of immigrants. Newark law enforcement will no longer honor Immigration and Customs Enforcement's (ICE) immigration detainees, also called "ICE holds." These requests ask police departments to hold individuals in jail for 48 hours or longer so that ICE can determine if they are deportable or if they can be placed in immigration detention, potentially hundreds of miles away from home.

The detainees saddle local police departments with the burden of using their own limited resources to hold people for extended periods of time based on offenses as minor as shoplifting. It also takes a toll on the relationship between police and immigrant communities who become fearful of law enforcement and less likely to report suspected criminal activity.

These detainees are not binding. They are not warrants. They do not require a judge's approval nor even comply with any legal standard. And as of July, Newark

Police Director Samuel DeMaio signed an official memorandum barring officers from accepting them, setting an example for other cities nationwide.

Liberty Enlightening New Jersey

The voices of New Jersey DREAMers carried in Trenton in June, with the ACLU-NJ by their side, as they shared with legislators how their hopes for college were dashed solely because of their immigration status. The New Jersey students arrived in this country as children without documentation and as a consequence, were charged out-of-state tuition, which is significantly higher than in-state tuition. The DREAMers urged the legislature to pass the Tuition Equality Act, which would require New Jersey's public colleges and universities to accurately identify all New Jersey high school graduates who have lived in the state for several years — and for many, most of their lives — as in-state residents when they enroll as students.

The young activists' testimonies convinced the Assembly Education Committee to advance the bill to the full Assembly. By raising all of our voices together, we will usher it to the Governor's desk.

Detention Without Due Process: The Story of Garfield Gayle

Garfield Gayle, a 60-year-old green card holder from Jamaica, had lived in the United States for 30 years when he was taken by surprise to immigration lockup in New Jersey.

When agents came to his home and handcuffed him, he learned that the government was trying to deport him based on an alleged attempted drug sale offense that happened more than 17 years ago. The government held him in mandatory immigration lock-up without any opportunity for a bail hearing in the Monmouth County Detention Facility for close to a year. Yet the government had never alleged that he would pose any danger or flight risk.

The ACLU and ACLU-NJ filed a class-action suit on behalf of Gayle and hundreds of immigrants in New Jersey who, like him, are being held without any chance for release on bail, even when they have strong arguments that they have a right to continue living in America.

Since early 2013, after winning his bond hearing and being released on bail, Gayle has returned to his family in Brooklyn while he awaits further hearings on his immigration status.

DEFENDING THE RIGHT TO PRIVACY

RAISING UP BOUNDARIES

Tracking Cellphone Locations? You'll Need a Warrant for That

New Jersey now has some of the toughest digital privacy protections in the country, thanks to a July decision in a lawsuit in which the ACLU-NJ filed an amicus brief. The New Jersey Supreme Court ruled unanimously in *State v. Earls* that police need a warrant or a true emergency to track a suspect's cellphone location.

In this case, police sought specific information regarding the location of a cellphone three times, each without a warrant, despite having ample grounds to ask a judge for one.

The court recognized the tremendous amount of private information that can be revealed by tracking a person's daily movements through cellphone usage. "No one buys a cellphone to share detailed information about their whereabouts with the police," Chief Justice Stuart Rabner wrote.

Cellphone records give extremely specific information about a person's whereabouts, not only in the present, but in a historical archive. As cellphone technology improves and becomes more integral to our daily lives, handing over this information without a warrant would give law enforcement access to intimate details of our lives without our consent.

Big Data is Watching You...

Automated license plate readers are barely visible, but they're everywhere — on police cars, street lights, overpasses, closed-circuit cameras. The ACLU's groundbreaking summer 2013 report, "You Are Being Tracked," revealed the prevalence of automated license plate readers, including in the Garden State.

An example: Jersey City scans two million license plates per year. It stores that information for five years, and it can use that data for any purpose. New Jersey and the country need legislation to create oversight for this all too pervasive and invasive practice, and the ACLU plans to push for it.

...And Drones Will Follow Soon

The ACLU-NJ pressed the legislature to strictly regulate the use of drones, which will start appearing in American airspace in 2015. One bill, supported by the ACLU-NJ and passed by the state Senate, allows for the use of unmanned aerial vehicles only in criminal investigations and dire threats to public safety. It also requires that law enforcement delete information gathered by drones not related to a criminal investigation after 14 days. ACLU-NJ advocates and supporters are working to make sure it clears the Assembly.

A New Jersey State Supreme Court decision gave our state some of the strongest privacy protections in America, requiring police to get a warrant before tracking a suspect's location by cellphone.







PROTECTING THE RIGHTS OF VULNERABLE RENTERS AND HOMEOWNERS

RAISING UP AND REBUILDING COMMUNITIES

The Trickle of Information Following the Storm

Hurricane Sandy disrupted our lives in the fall of 2012. For some families in our state, that disruption became their lives. Thousands of people who lost their homes still have not found permanent places to live. But when New Jersey issued guidelines for Sandy relief funds, it gave the public only seven days to comment on the plan and provided limited access to non-English speakers. It also allocated significantly more money to homeowners than to renters. The ACLU-NJ and other groups raised their voices and the state eventually addressed some of those concerns in a revised plan.

The ACLU-NJ will remain vigilant in ensuring the government is open and transparent as it continues to rebuild communities destroyed by the storm.

FAITH RINGGOLD SPOTLIGHT



Faith Ringgold was a young artist trying to make a name for herself in the early 1960s when she walked into the Ruth White Gallery in New York City. White examined Ringgold's still-life and landscape paintings and asked, "Is this your art?"

"Yes," Ringgold replied.

"You can't do that. You shouldn't do that," White said. "What does this have to do with you?"

Those words would forever change Ringgold's career and mark the moment when her life as an artist merged with her activism. Instead of painting landscapes, as she was taught in art school, Ringgold used her brushstrokes to tell her life story and the story of America.

"All hell was breaking loose in America and I was doing European art," recalled Ringgold, who was born and raised in Harlem.

Since then, Ringgold has gained international acclaim for turning ugly subjects such as racism, sexism and inequality into art. She has depicted the American flag splattered with blood from

race riots, young black children blocked from entering schools, and the pain of housing discrimination based on her own experience when she moved to Englewood, NJ. In the 1970s, she created political posters and distributed them for free as a means to spread social messages, making art accessible to everyone.

"Not that many artists were interested in politics, because they did not think it would further their career," Ringgold said. "But I wanted to tell my story. I thought it was a wonderful thing to use art to tell a story forever."

Her artwork, which was once rejected by the art world and the black community in the 1960s for being too confrontational and bold, now hangs in The Metropolitan Museum of Art, the Museum of Modern Art and the National Museum of Women in the Arts in Washington, D.C.

In 2012, Ringgold, a Bergen County resident and former ACLU client, generously created a work of art especially for the ACLU of New Jersey Foundation, which has been reproduced as a limited edition of 100 fine prints. The printing was made possible by a generous grant from The Puffin Foundation, Ltd. of Teaneck, NJ.



Legendary artist, Bergen County resident and former ACLU client Faith Ringgold, pictured, generously created a work of art this year for the ACLU of New Jersey Foundation.

Perry Rosenstein, left, and Gladys Miller-Rosenstein, right, of the Teaneck-based Puffin Foundation, awarded the ACLU of New Jersey a grant that has made it possible to create 100 handmade prints by artist Faith Ringgold.



Gladys Miller-Rosenstein spent her childhood in Manhattan, paging through books about labor unions and marches for justice. Perry Rosenstein spent his in the Bronx, taking part in demonstrations hoisted on his father's shoulders.

For the Rosensteins, the seeds of social activism planted in their childhood continue to blossom years later through their work at the Puffin Foundation, Ltd., of Teaneck, NJ.

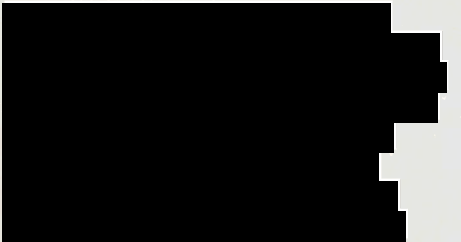
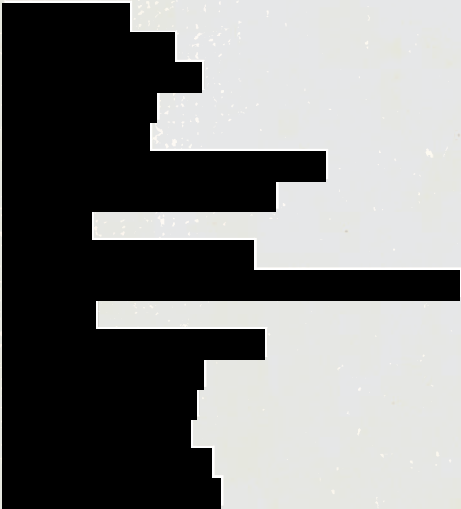
"History has proven that social activism is important and has a role in America," said Perry Rosenstein, who started the foundation in 1983 with money from his tool manufacturing business. "Without it, America would not advance any further."

The foundation awards grants to artists, performers and advocacy groups that are involved in social activism. These gifts have gone to support Planned Parenthood, The Nation Magazine, "Democracy Now!" and many other people and groups that fight for social justice. Last year, a grant from The Puffin Foundation helped to produce the limited edition of prints by artist Faith Ringgold, created specifically for the ACLU-NJ.

More recently, The Puffin Foundation, Ltd., has made a generous three-year pledge in support of the human rights work of the ACLU of New Jersey and the national ACLU. The ACLU is proud to have the foundation as a partner in this work. "I grew up understanding the importance of working with people and fighting for what was right," said Gladys Miller-Rosenstein. "Social activism is about trying to undo the wrongs that we see in this society and trying to work toward making the playing field equal."

PUFFIN FOUNDATION SPOTLIGHT





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Alexandra Straim
Karen and Jay Straim
Joe Visvader
Allyson Young

Board member Heather Taylor led trainings at ACLU-NJ marriage forums this year, sharing her expertise in grassroots lobbying with civil liberties supporters.



VOLUNTEER ATTORNEYS

The ACLU of New Jersey is fortunate to work with lawyers at the national ACLU, as well as co-counsel from other public interest organizations and law schools. In addition to these partners, we are grateful for the attorneys who worked directly on our behalf.



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ACLU-NJ Operating Income and Expenses 2012-13

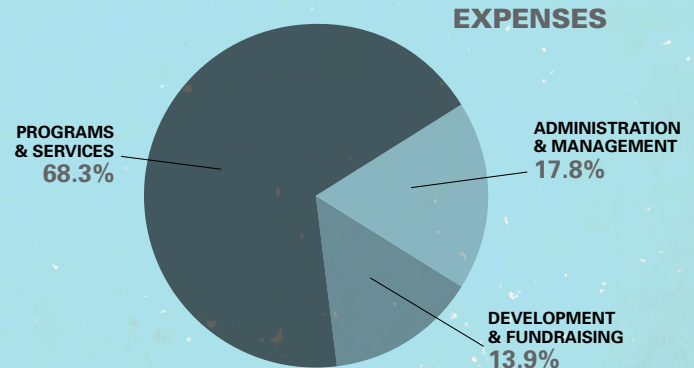
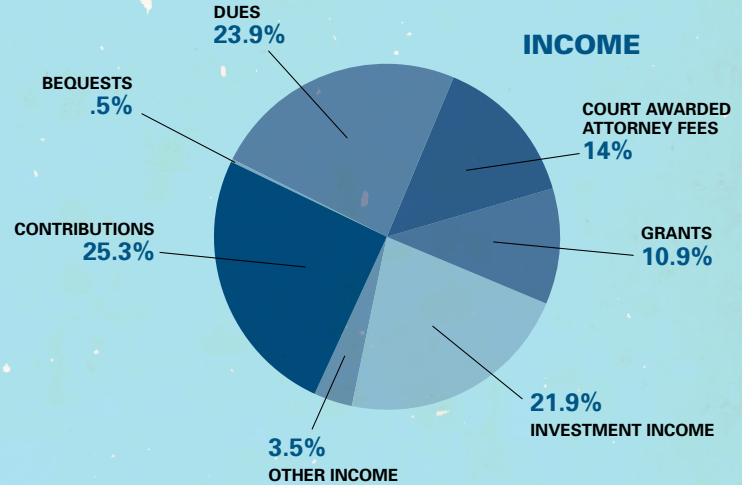
INCOME

Contributions	\$347,565
Bequests	\$7,500
Dues	\$327,903
Court Awarded Attorney Fees	\$192,985
Grants	\$150,000
Investment Income	\$300,154
Other Income	\$47,644
Total Income	\$1,373,751

EXPENSES

Programs & Services	\$1,197,107
Administration & Management	\$312,729
Development & Fundraising	\$243,494
Total Expenses	\$1,753,330

Change in Net Assets..... (\$379,579)



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The ACLU-NJ and the following volunteers contributed to the annual report, an issue of the Civil Liberties Reporter: Peggy Brooks and Jay Gartman.

Photo credits: The photo of NJUM celebrating was taken by Kevin R. Wexler of The Bergen Record. The photo of surveillance cameras was taken by Gary Lerude. The photo of homes destroyed by Hurricane Sandy is used with permission from the State of New Jersey. The photo of the jail cell and the cover photo belong to the ACLU of New Jersey. The remaining photos were taken by Amanda Brown.

The Civil Liberties reporter is published Winter, Spring, Summer and Fall by the American Civil Liberties Union of New Jersey, P.O. Box 32159, Newark, NJ 07102



aclunj4marriage



Jes and Lees from New Brunswick are for Marriage Equality!

#yes4marriage #marriageequality #Time4Marriage #right #gotq #newjersey #nj

4 notes



aclunj
9 months ago
Executive Director Udi Ofer wants to know what you want to know! What issues matter to you? Udi will answer his favorites next week through video! #AMA #bt

kelliku frahman jcamig and 7 others like this.

aclunj
@aclu
@news4hwaves
If someone signs to join the Army is there a way to get out of it if they haven't started yet?

danicakessa
I would like to ask Udi how NJ lvin compares to BK 🇺🇸

aclunj
@danicakessa #JerseyForLife
rebecca_f
OMG I love this. Cc @catrinchaos

catrinchaos
@rebecca_f Sweet

aclunj
Udi's answers are at YouTube.com/aclunj!

Leave a comment



aclunj
3 months ago
Three brand wedding cake from our #MarriageEquality lobby training, generously donated by La Bella Cakery in Princeton #fromkvan #NJ4Marriage #right #yes4marriage

@_rake wwaretrc etricdy_pndie and 22 others like this.

honeydunes
Omg!

Leave a comment



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