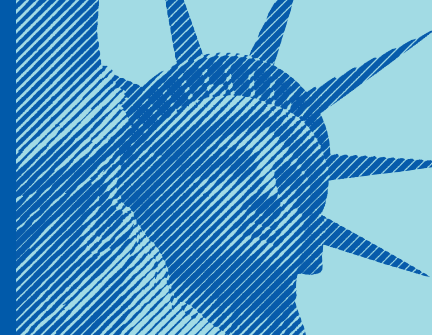


# ACLU NEWS

American Civil Liberties Union of New Hampshire FALL 2022



## PROTECTING ABORTION RIGHTS AFTER THE FALL OF ROE V. WADE



The fallout from the Supreme Court's Dobbs decision has created a constitutional and public health crisis across this country. Nearly one-third of the country now lives in a state with an abortion ban, impacting access to life-saving health care for more than 25 million women and people of reproductive age.

In recent weeks, politicians began enforcing bans on abortion in West Virginia and Arizona. Extremists in Congress have already introduced a national abortion ban. These attacks aren't stopping, but neither are we.

The ACLU and its partners around the country have been fighting back on every level. First, we're doing everything we can to get people the abortion care they need in a new legal landscape. Second, we're advancing new, abortion-protective state laws, policies, and constitutional amendments where we can. And, we're engaging our "grassroots army" to bolster Election Day turnout in support of abortion rights.

While abortion in New Hampshire remains safe, legal, and accessible up to 24 weeks, anti-choice lawmakers have made it known their intention to pass more restrictions. The ACLU of NH is working with our partners in the New Hampshire Abortion Access Coalition on a legislative strategy that will ensure access to abortion in New Hampshire through legislation. We're also working to strengthen our state's public health care ecosystem by improving the effectiveness of existing, evidence-based programs and practices.

With your continued advocacy and support, we will persist in this fight to ensure that all New Hampshire residents can make their own decisions about their bodies and future.

We urge you to support New Hampshire's reproductive health centers and abortion funds—**Loving Health Center, Equality Health Center, NH Reproductive Freedom Fund, and Planned Parenthood of Northern New England**. And, most importantly, vote to elect legislators that share our pro-choice values.

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The American Civil Liberties Union of New Hampshire (ACLU-NH) is a nonpartisan, non-profit organization that protects, defends, and extends the civil rights of people in New Hampshire at the state house, in the courtroom, and in our communities and to fight discrimination against targeted and vulnerable populations. The ACLU-NH was founded in 1968 and is one of 53 affiliates of the ACLU Nationwide.

The ACLU-NH engages with the community through:

**Litigation**, representing those whose rights have been violated;

**Legislative advocacy**, challenging laws that infringe on freedom and supporting laws that expand our civil liberties;

**Education** campaigns to ensure residents know their rights;

**Grassroots organizing**, mobilizing people to be advocates for themselves and others.

# AN ASYLUM SEEKER'S JOURNEY TO SAFETY

In 2017, Karen Elizabeth Rivera-Medrano had decided that she was no longer safe living with or near her step father who had sexually abused her multiple times. So she left her home in El Salvador and traveled more than 1,300 miles to the U.S. border where, after spending three months in Mexico, she turned herself in to the U.S. Border Patrol. Soon after, she was removed back to El Salvador by an immigration judge who did not address the merits of her fear-based claims for relief.

In 2019, she again fled to the United States out of fear of her stepfather. Unable to obtain legal counsel, she had to represent herself at her merits hearing even though she did not speak or write in English. The

immigration judge concluded that she did not meet the burden to prove her case for asylum because the summary of the interview conducted by the immigration official was inconsistent with her hearing testimony before the immigration judge.

It's at this point that SangYeob Kim, staff attorney for ACLU of NH's Immigrants' Rights Project, got involved in the case and engaged the services of a clinical psychologist. Rivera-Medrano was diagnosed with significant PTSD from the abuse by her stepfather. After our appeal was denied by the Board of Immigration Appeals, we took the case to the First Circuit Court of Appeals in Boston where we argued the legitimacy of her fear-based claims. The court

agreed with our argument that the psychological assessment report is meaningful if not decisive. This ruling could have widespread impact on all asylum seekers suffering from PTSD because psych assessment reports can help to overcome credibility issues.



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## U.S. CONGRESSIONAL MAPS STAY COMPETITIVE

In 2019, the New Hampshire legislature passed a bipartisan bill to create an independent commission to draw the state's voting maps but it was vetoed by Governor Sununu. Two years later in 2021, with one party controlling both chambers and the governor's office, the ACLU of NH launched the Redistricting Campaign to address the flagrant gerrymandering plans announced publicly by state GOP leaders.

Many but not all of our efforts to hold politicians accountable during the month's-long campaign were ignored and voters' opinions were dismissed by the republican-controlled Senate and House. Earlier this year, the legislature passed maps for the House, Senate, and Executive Council that were highly gerrymandered, further undermining the one person, one vote principal. Governor Sununu signed this legislation into law despite 80% of Granite Staters considered the maps to be unfair, according to a poll by the University of New Hampshire.

We continued to fight for fairness with the U.S. Congressional districts. When the governor and legislature couldn't agree on how to draw a new congressional plan, we filed an amicus brief in the *Norelli v. Secretary of State* case urging the state's Supreme Court to draw new lines that disregard partisan political implications. We

recommended several best practices and urged the court to appoint a special master to redraw the congressional map using a "least change" best practice methodology.

In short, the court appointed a special master, accepted their proposed plan, and unanimously approved the map, which means that the people of New Hampshire have congressional districts with equal populations as required by the United States Constitution.



Senior Staff Attorney Henry Klementowicz outside the NH Supreme Court to argue about the congressional maps.



# 2023 LEGISLATIVE PREVIEW

We have four main prongs to our legislative strategy for next session, which starts in January.

- 1) We must take affirmative steps to confront racism, bigotry, and exploitation. That means we must ensure our schools can teach a full picture of U.S. history, prohibit indigenous school mascots, prohibit schools from “outing” LGBTQ+ youth, oppose attempts to restrict access to the ballot, and ensure public notice around pop-up immigration checkpoints.
- 2) We must ensure that residents can access basic needs and life affirming services, such as a living wage; safe and sanitary housing; adequate nutrition; comprehensive health care and mental health services; and a high-quality education. This requires funding for reproductive health care services, protecting abortion access, and opposing expansion of the education voucher program.
- 3) We must eliminate harmful and racist policing and punishments by implementing harm reduction strategies, holding law enforcement accountable, ending policing for profit, eliminating draconian and counterproductive sentencing laws, and reining in unchecked police surveillance. We must legalize marijuana use by adults, defelonize drug possession for controlled drugs beyond marijuana, and authorize overdose prevention sites for



people who use drugs. We must also eliminate parole, qualified immunity that shields police from accountability, mandate racial profiling data collection around police stops, eliminate civil asset forfeiture, ban facial recognition by police, and stop attempts to build a new prison.

- 4) We must ensure the integrity of the courts, including eliminating court fees and ensuring the equitable imposition of court fines and ensuring equal access to justice regardless of one’s ability to pay. We must ensure that the state cannot suspend a person’s driver’s license because of unpaid court debt and strengthen bail reform laws that have moved us closer to eliminating wealth-based incarceration.

These are necessary steps toward building a Granite State where “we the people” means everyone.

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## MORE POLICE ACCOUNTABILITY & TRANSPARENCY

As Gilles remembers it, there was little-to-no government transparency or accountability when he began as the Legal Director at the ACLU of New Hampshire. “Free speech goes hand-in-hand with the right to informed speech,” he recently told the *Concord Monitor*, “There was just no ability to learn what was going on with respect to police departments, internally, or any other government agency for that matter...this is where public records are essential to educating the public on government activity.”

Bissonnette was honored this year as the recipient of the Nackey S. Loeb School of Communications’ First Amendment Award. As part of his sustained push for more government accountability, the ACLU-NH and six media entities filed a lawsuit in



2018 against the NH Dept. of Justice, requesting the public release of a then-secret list of 275 police officers who had engaged in misconduct that reflected negatively on their credibility and trustworthiness. In 2020, the NH Supreme Court ruled in favor of

the transparency we were seeking, which led to legislation that has released some of the names of the officers on what is commonly referred to as the “Laurie list.”

Also in 2020, the NH Supreme Court ruled in our favor on other two cases, overturning its own 1993 decision that categorically shielded police disciplinary records from public view. And in our case against the Town of Canaan, the court ruled that the town’s police department was required to release an internal report of an officer’s excessive use of force at a motor vehicle stop.

The impact of these legal victories is an increase in government transparency in New Hampshire, which in turn helps Granite Staters to hold government accountable.



## MESSAGE FROM THE EXECUTIVE DIRECTOR



We have been busy on every front these last few months, fighting in federal and state courts, defending against emboldened attacks on abortion access, and organizing communities to take action.

The overturning of *Roe v. Wade* by the Supreme Court is devastating to millions of people and families across the country. The ACLU of New Hampshire is committed to using the full force of our organization to protect abortion rights in the Granite State. As a member of the NH Abortion Access Coalition, we are putting together a legislative agenda that will both expand access and remove restrictions. You can help by voting for candidates this election who reflect your values—so please, make sure you're registered to vote on Election Day!

A few weeks ago, our attorneys were in federal court arguing our case against the unconstitutional classroom censorship law that passed last year. This "banned concepts" law limits the ability of public school students to have important discussions about race, gender, and more, and puts teachers at risk of professional discipline.

With the next legislative session just three months away, we are collaborating with allies on plans to pass important criminal legal reforms, such as legalizing marijuana and collecting data on police racial profiling. We're also preparing defensive strategies to thwart more attacks on our freedoms including abortion access, LGBTQ+ rights, immigrants' rights, and more.

Lastly, our team and the greater New Hampshire community are mourning the tremendous loss of Karen Rose, our Director of Operations who passed away in September. Karen was an outstanding team member who made our organization better in every way. She was a thoughtful and generous colleague and a treasured friend. We miss her every day.

Please take care of yourself and contact us if you have any questions or want to get involved.

