

ACLU NEWS

American Civil Liberties Union of New Hampshire WINTER 2017



PROTECTING REFUGEES FROM DEPORTATION

Nearly two decades ago, Christian families from Indonesia fled persecution in their country and sought refuge in the United States. Calling it a humanitarian effort, Immigration and Customs Enforcement (ICE) in Boston began a program that enabled these families to stay in the United States.

Dozens settled in New Hampshire and have since become valued members of their communities. They were allowed to remain here under an order of supervision in exchange for identifying themselves and regularly reporting to ICE.

But the Trump Administration's new immigration restrictions changed the policy, which now affects 70 Indonesians in New Hampshire. Through no fault of their own, these families are now subject to immediate deportation to a country where they will almost surely face persecution.



Protesters supporting Indonesian families at October 20 hearing at U.S. District Courthouse in Boston

The law firm of Nixon Peabody LLP and the ACLU of NH have defended the rights of these families in court. In September, after the suit was filed by Nixon Peabody, a federal judge in Boston issued a temporary halt to the deportation proceedings until various legal issues could be resolved. This halt is currently in effect.

In this case, all we ask is that the government give these families more time to pursue remedies rightfully available to them in the immigration courts. Unlike ICE, an immigration court will consider the likelihood of persecution in Indonesia.

These families fled violence many years ago, and the persecution against Christians in Indonesia has only worsened since. They have children who are U.S. citizens or who are DACA eligible. They are valued members of our community. Humanity and due process requires them the reprieve to plead their case through proper legal channels.

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ACLU of NH is excited to again partner with Freedom NH to advance legislation that would affirm the dignity of transgender residents and ensure their fair and equal protection under the law. We came within eight votes of passing an identical bill last session, and have only increased bipartisan support for the legislation since then. New Hampshire is the only state in the northeast region without a law on the books protecting transgender people from discrimination.

Freedom NH is a nonpartisan coalition that seeks to build a groundswell of support for #TransBillNH and make the case that discrimination has no place in New Hampshire.

THE RESISTANCE, ONE YEAR IN

It is hard to believe it has only been one year since President Trump was elected. For so many of us, this has been a year of outrage, struggle, and vigilance. But none of us have stood by. Since election day last year, your generosity and activism has helped the ACLU of NH to scale up our resources to confront the seemingly unending challenges to our most fundamental freedoms.

When the Trump sham election commission came to Manchester, over 200 of you joined us in voicing dissent against its agenda of voter suppression, while we filed suit to block illegal sharing of NH voter information.

When ICE tried to deport over 70 Indonesians integral to communities on the seacoast, many of you attended vigils outside ICE's Manchester office while we joined a legal challenge to block the deportations.

When the threats to reproductive rights loomed, thousands of you came out to the NH statehouse in Concord to rally; you sent emails, made phone calls to legislators, and attended hearings to defeat bills intended to obstruct access to abortion in the state.



2017 Bill of Rights Awardees Paul Twomey, Jennifer Frizzell, and Rep. Renny Cushing with Devon Chaffee of the ACLU of NH

And because we all need a safe space to come together, more than 300 of you joined us on October 15 to honor three remarkable champions (pictured above) at our annual Bill of Rights Dinner, contributing to an electric and inspirational evening of celebrating resistance.

We will continue to resist the policies that would trample on our rights every step of the way for as long as it takes. Thank you for your participation in this struggle for our democracy and for your support.

Devon Chaffee
Executive Director

FIXING NEW HAMPSHIRE'S DEBTORS' PRISON PROBLEM

Nearly two centuries ago, the United States formally abolished the incarceration of people who failed to pay off court-imposed debts.

Yet, there has been a rise of modern day debtors' prisons throughout the country in recent years. Courts have been ordering the arrest and jailing of people who fall behind on their payments, without affording any hearings to determine an individual's ability to pay or offering alternatives to payment such as community service.

Imprisoning someone because she cannot afford to pay court-imposed fines or fees violates the Fourteenth Amendment promises of due process and equal protection under the law. The ACLU and its affiliates have been exposing and challenging this cruel and unconstitutional practice for the past decade.

In September 2015, the ACLU of NH released a year long investigation revealing that judges across the state were jailing impoverished defendants due to their inability to pay fines.

The ACLU of NH worked with stakeholders in the criminal justice system and with state legislators on both sides of the aisle on a legislative solution, which resulted in the enactment of Senate Bill 200 this past June.

Now, the courts must appoint legal counsel when an indigent defendant is threatened with jail for being unable to pay a fine.

REFORMING NH'S BAIL SYSTEM

The ACLU of NH is supporting a bill next legislative session that would ensure that people are not kept in jail merely because they cannot afford to pay the bail that was set for them by the courts.

Bail is meant to serve as an inducement for those awaiting trial to come back for their court date. However, judges currently use excessive bail as a tool for retaining in jail people they believe will not reappear in court or are a danger to themselves and to their community. At this time, there is no established procedure for handling these two types of defendants.

This bill, which has bipartisan support, would require that the financial means of an individual be taken into account when deciding their bail. It would also require that people who are charged with a misdemeanor and held without bail must have their case resolved within 30 days, or else their case is dismissed.

NH VOTERS TO ELECTION COMMISSION: HANDS OFF OUR BALLOTS



Voters protesting commission's meeting at St. Anselm

More than 200 residents protested outside St. Anselm College on Friday, September 8 where the Presidential Election Integrity Commission held its second meeting. The ACLU of NH co-organized the protest and a press conference during the Commission's day-long hearing.

At the hearing, the Commission heard from a panel of voter fraud conspiracy theorists called to testify by the Commission's de facto head Kris Kobach, the Secretary of State of Kansas. The week before the Commission met at St. Anselm's, Kobach also made false claims about widespread voter fraud in the Granite State on the right wing Breitbart news site. In recent years, the ACLU defeated Kobach's many efforts to disenfranchise Kansas voters in four different lawsuits.

The ACLU also exposed Kobach's ready-made plan to gut core voting rights protections enshrined in federal law, which he proposed to Trump's transition team the day after Trump was elected. Kobach's proposed amendment to the National Voter Registration Act would grant him and officials across the country the power to impose any voter registration restriction they wanted.

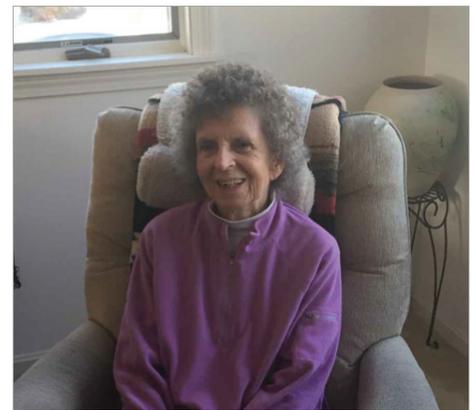
At the same time that Kobach was pushing the administration to gut federal voter rights protections, New Hampshire's own Governor Elect, Chris Sununu was calling for the Granite State to eliminate same day voter registration, a step that would require a change to federal law similar to Kobach's proposed amendment.

Clearly, the Commission has a predetermined agenda that will result in recommendations making it more difficult for people to register to vote. The ACLU is fighting the Commission's false allegations here in New Hampshire, and in every state.

DOES YOUR ABSENTEE BALLOT COUNT?

"My father instilled the importance of voting in me. He taught me that everyone who is eligible should vote. It was our duty," said 94-year-old Mary Saucedo of Manchester, who listened to her father and voted in last year's election. What Mary (pictured right) did not know at the time is that her absentee ballot was not counted.

The ACLU of NH sued the state of New Hampshire this past May on Mary's behalf after learning that it had invalidated her absentee ballot as well as hundreds of other voters, many of whom are disabled, without notifying them or giving them the chance to appeal the decision.

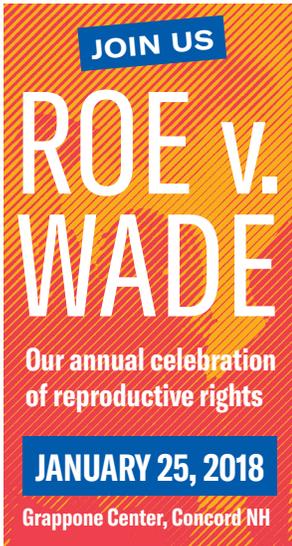


Under state law, election officials reviewing absentee ballots are supposed to compare the signature used on the ballot with the one on the voter's absentee voting application. In short, state officials can reject an absentee ballot because of penmanship.

ACLU of NH's Legal Director says voters are not given an opportunity to contest the challenge to their ballot, and often are unaware that their ballot was discarded until well after the election.

Over the past five years, more than 500 voters have been disenfranchised under the law. Among them is our plaintiff Mary Saucedo, who is blind and allowed to obtain assistance in completing the absentee ballot process. For that she relies on Gus, her husband of 51 years who is an 86 year-old military veteran. In the 2016 election, Gus assisted Mary in filling out her ballot and sending it in. They both assumed her vote had been counted.

ACLU of NH's lawsuit asks that the section of the law comparing signatures on voting affidavits to absentee ballot applications be declared unconstitutional in violation of the U.S. Constitution and the Americans with Disabilities Act.



Tickets: www.aclu-nh.org

BRINGING RACIAL EQUITY TO NEW HAMPSHIRE

How does a state whose population is over 90% white address the complex problems of racial equity? How do we residents prevent what happened in Claremont this summer when white teenagers nearly lynched one of their black neighbors? And how do we help our public colleges build an inclusive environment that protects the rights and dignity of all students?

While there is no single answer to these problems, one approach is for communities to engage more openly and directly on the issue of racial equity. The ACLU of NH is using this community approach by promoting racial equity in public education and in advancing criminal justice reform.

We are encouraging schools to establish a diversity training program and adopt an alternative method of discipline called Restorative Justice Education. This method does not use detention and suspension as punishment for youth but instead provides offenders with an opportunity to make amends.

Additionally, the ACLU of NH, in partnership with the NAACP, is publicly encouraging the University of New Hampshire to bring new vision and commitment to racial equity on its campuses by including these priority considerations in its search for a new University President.

In the past few years, the ACLU of NH has successfully advocated for significant criminal justice reform measures such as eliminating debtors' prisons and decriminalizing small amounts of marijuana. Looking ahead to the upcoming legislative session, we are championing legislation that would reform our bail bond system. All of these reforms overcome laws that disproportionately used to affect people of color.



Peaceful march in downtown Manchester, 2016