

ACLU NEWS

American Civil Liberties Union of New Hampshire FALL 2018



PROTECTING AN IMMIGRANT'S RIGHTS

Mr. L. traveled thousands of miles from his home in Iraq in search of a life where his basic freedoms would be protected. In Iraq, he was subject to political repression and feared being punished for his opinions. After a difficult journey, Mr. L. crossed the U.S. border this March assuming he would be able to secure political asylum.

After arriving in Louisville Kentucky, he soon learned of the current administration's immigration policy toward immigrants from Arabic countries. He was told by the Customs and Border Patrol (CBP) that he was ineligible for asylum because he is Iraqi. Mr. L. decided to go to Canada and traveled more than a thousand miles on foot to the border, navigating through the Canadian forest for two days before arriving at the Canadian border patrol office.



Strafford County Department of Corrections

Mr. L.'s relief at reaching the border patrol office was short lived because Canadian border patrol officers told him that he could not apply for asylum in Canada. He was informed that the Safe Third Country Agreement between the United States and Canada requires him to have made his claim in the first country in which he arrived. The Canadian officers transported him to the U.S. Customs and Border Protection this summer. He was then transferred to the Strafford County Department of Corrections (SCDOC) in Dover, New Hampshire. At that point, the ACLU of NH started representing Mr. L.

Our representation is part of ACLU of NH's new Immigrants' Rights Project. Our goal for this project is to recruit and train volunteer lawyers and to provide direct legal representation for detained immigrants at Strafford County Dept. of Corrections. Our new Immigration Legal Fellow, Mr. SangYeob Kim, is representing Mr. L for his custody determination hearing.

SangYeob has been seeing detained immigrants, like Mr. L, every week since he started at the ACLU of NH in mid-July. These immigrants feel hopeless because they cannot find pro bono lawyers and do not have the financial resources to hire private lawyers. In deportation proceedings, a public defender system does not exist. However, with our new project, that justice gap is closing.

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SMART JUSTICE

The ACLU of NH is excited to announce the launch of our Smart Justice Campaign, as part of the ACLU's nationwide, multi-year effort to halve the U.S. jail and prison population. To kick start our campaign, we released a report in September about the collateral consequences of a criminal record, which include barriers to employment and housing. Research shows that access to a reliable job and affordable housing are critical ingredients to reducing recidivism, and yet a criminal record can bar someone from accessing both. We look forward to working with legislators, partners, and formerly-incarcerated Granite Staters to reduce these barriers to successful re-entry.

CELEBRATING VICTORIES IN THESE TROUBLED TIMES

These are indeed challenging times. It can be difficult to remain hopeful when every day we are faced with a new calamity threatening our most fundamental civil liberties.

Yet it is more essential than ever that the ACLU of NH and our growing base of supporters continue to march forward. I'm here to tell you that our collective persistence is paying off.

Despite the troubled national climate, we are achieving our goals. In 2018 alone, we expanded New Hampshire's nondiscrimination protections to include gender identity by working with a large coalition and amazing transgender activists. We secured significant bail reform prohibiting the setting of bail that keeps a person behind bars before trial just because they are poor.

In the courts, we shut down illegal local law enforcement collaboration with Customs and Border Patrol at checkpoints. And, we overturned voter laws disenfranchising those with disabilities and the elderly.

Your support made these successes possible. Because of you, we were also able to expand our dedicated team to take on new challenges and further protect our civil liberties, and win.

For example we launched our Immigrants' Rights Project, doubled the size of our litigation team, and will be launching new programs to organize the formerly incarcerated and continue our work with the transgender community.

I hope you will join us in celebrating this progress. These victories are your victories. Thank you for your continued commitment and support.



Devon

Devon Chaffee
Executive Director

HOW THEY VOTED



This year, for the first time, the ACLU of NH published a legislative scorecard, documenting New Hampshire House and Senate votes on priority civil rights legislation from the 2018 session.

2018 was a particularly busy session on a variety of civil rights fronts and underscored the significant role that state government plays in championing or undermining our civil liberties.

In putting together the scorecard, a key priority was to include a range of topics. This is why, for example, we only included one of the six bills aimed at restricting women's reproductive rights this session. Our second priority was to include those bills on which the ACLU of NH was particularly active.

Our goal in producing the scorecard is to enable constituents to provide issue-specific feedback to their elected officials. Rather than focus on the overall percentage, we encourage Granite Staters to review how their representatives and senators voted on their priority issues. As our scorecard reveals, it is not uncommon for elected officials to be strong champions of certain civil rights but not others. Issue-specific feedback from constituents is an excellent way to encourage legislators to reconsider their positions going into next session.

ADDING MORE FIREPOWER TO OUR LEGAL PROGRAM



We are thrilled to welcome Henry Klementowicz to our legal program. Henry is the second attorney on our litigation team headed by Legal Director Gilles Bissonnette. Henry comes to our affiliate after nearly three years at a large New Hampshire law firm where he worked on voting rights, criminal defense and civil law. While at that firm, he also created a partnership with the New England Innocence Project.

Henry has dedicated his entire professional career to protecting voting rights for all Granite State residents. He has clerked for the judges of Rockingham County Superior Court and has represented clients in the New Hampshire Supreme Court, superior courts, circuit courts, and the U.S. District Court for the District of New Hampshire. He also served as counsel in a significant challenge to a restrictive voting bill passed in 2017—Senate Bill 3—which remains pending in Superior Court.

Henry received his J.D. from Georgetown University Law Center, where he was a Notes Development Editor for the American Criminal Law Review, and his B.S. from Columbia University. Henry is a New Hampshire native and lives in Portsmouth with his wife Kelsey.



We are proud to announce that SangYeob Kim, a lawyer with extensive experience in immigration detention and removal defense, has joined our team as Immigration Legal Fellow. SangYeob has experience and expertise in immigration detention and removal defense as an immigration attorney in New Hampshire and New Jersey.

For the ACLU of New Hampshire's newly launched Immigrants' Rights Project, SangYeob will be an invaluable resource to recruit and train volunteer lawyers and provide direct legal representation for detained immigrants in the Granite State. He will also provide Know-Your-Rights trainings for immigrant communities.

SangYeob earned his Bachelor of Arts degree in International Affairs from George Washington University and his J.D. from the University of Iowa College of Law. Before entering law school, he served as a Marine infantry officer in the South Korean Marine Corps.

He is admitted to the practice of law in the state and federal courts in New Hampshire, New Jersey, New York, and the First Circuit Court of Appeals.

YOUTH FORUM ON RACE AND RACISM

There have been multiple incidents of racial bias over the past 18 months in New Hampshire, putting a glaring spotlight on race relations and the undeniable need for our state to do more to promote racial equity. The ACLU of New Hampshire is hosting a Youth Forum on Race and Racism on October 20 to promote discussion about race and racism in New Hampshire and how to address racial inequity in the state.

Funded by the New Hampshire Endowment for Health, this Forum will focus on young people as catalysts of change and social awareness. The forum will be held at the Manchester Community College in Manchester from 9:00 to 4:00 on Saturday, October 20.

We are looking to turnout 200 young people, including juniors and seniors from high school and students from community colleges, and four-year universities. This forum will provide a safe environment for youth to ask questions, hear from and interact with experts in a variety of fields, and to exchange views and experiences around race with peers. Most importantly, youth participants will receive the resources and training to advance racial equity and inclusion in New Hampshire.

Young people interested in the event can learn more and register at <https://action.aclu.org/webform/nh-youth-forum-race>. We are looking for community partners interested in sponsoring the forum. Contact Christina Gibson at gibson@aclu-nh.org for more information about free sponsorship opportunities.

A SETBACK FOR VOTING RIGHTS



In July, Governor Chris Sununu signed HB 1264, in defiance of his previous statements in opposition to the bill. The ACLU of NH has challenged this bill since its inception because it would make it more difficult for some individuals—principally college students—to vote by imposing onerous motor vehicle fees as a condition of registering to vote. The Governor’s signing of this bill followed a 3 to 2 decision

by the New Hampshire Supreme Court declaring HB 1264 constitutional on an advisory, non-binding basis.

The legislative history of this bill leaves zero doubt that the sole intent is to deter voting, particularly by college students who have a constitutional right to vote in the state in which they live and go to school. As a state that takes pride in being the “First in the Nation” primary, we should be striving to remove barriers to voting, not creating new ones that silence Granite Staters. The Governor’s reversal means the public is needed now more than ever. We must make it crystal clear to our elected representatives that we expect them to uphold democracy and fight for the people, not pass polarizing legislation that picks and chooses amongst voters.

“We are disappointed in the Governor’s decision to sign this bill and endorse the voter suppression he rightfully criticized just a few months ago. As a state that takes pride in being the First in the Nation, we should be striving to remove barriers to voting, not creating new ones that silence Granite Staters.”

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DEVON CHAFFEE, EXECUTIVE DIRECTOR,
ACLU OF NEW HAMPSHIRE
