

# ACLUNews

AMERICAN CIVIL LIBERTIES UNION of NEW HAMPSHIRE

## READY TO STAND AND FIGHT

Since Election Day, I have witnessed a sense of urgency around the country and within New Hampshire. Many people are experiencing a palpable and personal fear that president-elect Trump will carry out his unconstitutional campaign proposals—which include mass deportations, jailing women for having an abortion, and banning Muslims from entering our country. In addition, New Hampshire residents are concerned about the shift in political power at the state level and how it will affect their personal liberties and those of their neighbors.

In all of my conversations with fellow Granite Staters, one message has come through loud and clear: Now more than ever, the nation and the state of New Hampshire needs a strong ACLU. For nearly 100 years, the ACLU has held every president accountable, fighting for the rights of all Americans in courtrooms, legislatures, and beyond.



The ACLU of New Hampshire is ready to stand and fight, with you and for you. Together, we will fight for women, for people of color, for the LGBT community, for immigrants—for all of those who are targets of oppression.

In the coming weeks and months, the ACLU of New Hampshire will focus our legal and advocacy strengths on obstructing any attacks on reproductive rights or the fundamental right to vote, and on preserving the civil rights protections for transgender Americans. We will continue to be nonpartisan, principled, and focused on the issues. We will not react before things happen or to hypotheticals that may not come to fruition. And, as always, when new challenges to our civil liberties arise we will pivot.

We have been talking with our allies, our cooperating attorneys, our clients, our volunteers and our donors to reaffirm our commitment to defending our freedoms. We will be ever vigilant and prepared to fight for the constitutional rights of all Granite Staters—at the State House, in the Courts, and in our communities. And, as always, we welcome your active involvement and thank you for your support.

Devon Chaffee  
*Executive Director, ACLU of New Hampshire*



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## IN THIS ISSUE

Debtors Prison

Healthcare Summit

Reproductive Rights

Ballot Selfie Victory

## SAVE THE DATE

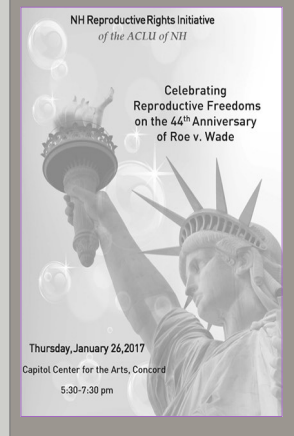
January 26, 2017

44<sup>th</sup> Anniversary  
of  
Roe v. Wade

Celebrating  
Reproductive  
Freedoms

Capitol Center  
for the Arts  
So Main St Concord  
5:30—7:30

For tickets, visit  
[www.aclu-nh.org](http://www.aclu-nh.org)



# ACLU AT WORK IN THE COMMUNITY



## PROMOTING HEALTHCARE EQUALITY

More than 200 people are expected to attend New Hampshire's first statewide forum on transgender health equity issues on Saturday November 19 at the UNH Law School in Concord.

This summit is a long overdue discussion of the healthcare inequities and discrimination experienced by transgender people in New Hampshire's healthcare system.

The goal of this day long forum is to improve access, transparency, and cooperation around healthcare for transgender people. Members of the transgender community, major service providers, government agencies, educators and health and legal professionals have been invited to discuss, educate and disseminate information.

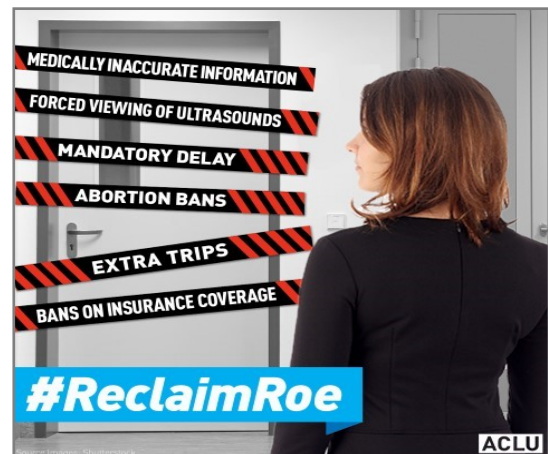
There are three program tracks: for transgender people, for healthcare providers, and for families and schools. Each track consists of five sessions covering a range of related issues.

We have received direct funding support from the Endowment for Health and Harvard Pilgrim Healthcare as well as generous in kind donations the UNH School of Law and Freedom for All Americans. The forum is presented by the ACLU of NH in coordination with the UNH Law School Program on Law and Policy, GLAD, PFLAG-NH, Transgender NH, Planned Parenthood NNE, Freedom for All Americans, and local groups.

## FIGHTING FOR FREEDOM OF CHOICE

It is appalling that nearly 44 years after the *Roe v. Wade* decision we are still fighting to protect a woman's right to make her own choices about her body and her health. Pro choice advocates have battled fiercely but not always successfully since 1973, during which time states enacted 1,074 abortion restrictions. Oppositional forces are well funded, well organized and mainstays at state legislatures.

In New Hampshire's 2016 legislative session, we fought to defeat more than a dozen bills aimed at restricting or abolishing abortion services. The battle will be even fiercer next year because of the outcome of state and national elections. The ACLU-NH's newly launched NH Reproductive Rights Initiative Advisory Council is working on legislative strategies for multiple scenarios.



The Advisory Council is hosting the kickoff for our upcoming campaign which is set for January 26 – the 44<sup>th</sup> anniversary of *Roe v. Wade* – at the Capitol Center for the Arts in Concord. The Council is chaired by Susan Arnold, former Chair of NARAL-NH Board of Directors, NH Rep. Susan Almy, Catherine Cavanaugh, Esther Dickinson, Linda Griebisch, Courtney Gray, Elizabeth Hager, Terie Norelli, Laura Thibault, Reverend Mary Westfall, and Katherine Wheeler.

# ACLU AT WORK IN THE COURTS

## NH SUPREME COURT: DEBTORS PRISON IS NOT OUR PROBLEM

In a stunning decision this October, the New Hampshire Supreme Court decided that a person's constitutional right to a lawyer does not apply to individuals too poor to pay a fine.

In its ruling, the Court rejected the recommendations proposed by the state's judicial Advisory Committee on Rules. These amendments would have created a pilot project that would provide the legislature the research data upon which to fashion a workable and constitutional solution.

"In 2013, NH judges jailed people who were unable to pay fines and without conducting a meaningful ability-to-pay hearing in an estimated 148 cases...in all of these cases, defendants were sent to jail without representation."

— *Debtors' Prisons in New Hampshire*, A Report by the ACLU of NH, September 2015

The upshot of the Court's decree is that the state's criminal justice system will continue to impose personal and financial costs on poor people until elected officials take legislative action.

Hundreds of people have already suffered needlessly as documented in our **Debtors' Prisons in New Hampshire** report. Published in the fall of 2015, our year long investigation of state prisons identified hundreds of defendants who were jailed because they could not pay their fines. One such person was Alejandro Corro, a 22 year-old single mother of two children who we represented when a judge ordered her to jail for nine days despite her inability to pay her fine.

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.

This unjust treatment of Alejandro and others undermines the legitimacy of our criminal justice system and threatens our civil rights.

But these injustices were not recognized by the state's Supreme Court as were the recommendations from the U.S. Dept. of Justice made earlier this year. The U.S. Justice Department contacted state court administrators telling courts to guard against the illegal jailing of poor people without constitutional safeguards.

This letter amounts to a call for state courts to adopt the kind of standards that the ACLU has been advocating for many years and in many states.

Not only did the court reject the Advisory Committee's suggestions, which had the approval of virtually all the stakeholders in the criminal justice system, it adopted new rules that take a step backwards. For example, the court maintains that debtors' access to credit lines may be considered in determining whether a person has the ability to pay.

Just because a defendant has available credit on a credit card or has a car to put up for a title loan does not mean that he or she will have any ability to make payments on the debt.

The ACLU of New Hampshire looks forward to working with the legislature next year to address the concerns left unresolved by the Court's new rules.



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## CELEBRATING CIVIL RIGHTS



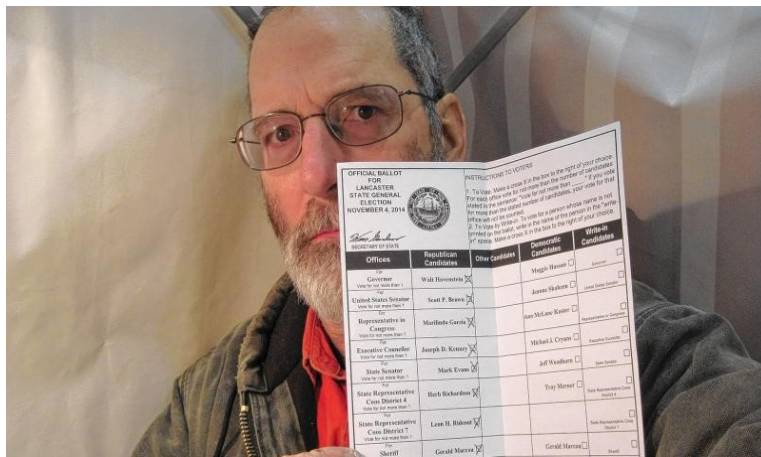
On October 16<sup>th</sup>, more than 200 friends joined us to celebrate Susan Arnold, Barbara Keshen & Demetria McKaig — this year's civil

rights champions and recipients of ACLU of NH's *Bill of Rights Award*. This annual benefit event was generously supported by our friends and these major sponsors:

**MCLANE  
 MIDDLETON**  
 ELIZABETH HAGER  
 BERNSTEIN SHUR  
 NH LEGAL ASSISTANCE

**SHAHEEN & GORDON**  
 NIXON VOGELMAN BARRY  
 SLAWSKY SIMONEAU

## COURT: BALLOT SELFIE BAN IS “LIKE BURNING THE HOUSE TO ROAST A PIG”



In a victory for the First Amendment, on September 28, 2016 the First Circuit Court of Appeals in Boston struck down New Hampshire's 2014 law banning ballot selfies on the grounds that it violates the right to free speech under the First Amendment.

The Court unequivocally concluded that the law, which banned a person from displaying a photograph of a marked ballot, “affects voters who are engaged in core political speech, an area highly protected by the First

Amendment....Ballot selfies have taken on a special communicative value: they both express support for a candidate and communicate that the voter has in fact given his or her vote to that candidate.”

The ACLU of NH brought this lawsuit in 2014 on behalf of three voters, including one member of the state's House of Representatives. These voters were represented by the ACLU-NH Legal Director Gilles Bissonnette and William Christie of the law firm Shaheen & Gordon. The court said the state has a legitimate interest in trying to prevent voter intimidation, however, the state's ban was overly broad and directed at “an unsubstantiated and hypothetical danger.” The ruling ended with this quote, “a picture is worth a thousand words.”