

ACLU NEWS

American Civil Liberties Union of New Hampshire FALL 2021



RE-ENVISIONING OUR CRIMINAL LEGAL SYSTEM



Joseph Lascaze, a lifelong resident of New Hampshire, “envisions a future where all people in the state have the same opportunities and second chances — regardless of their race or background.”

“Our lives begin to end the day we become silent about the things that matter.” This quote by Martin Luther King Jr. animates the work of Joseph Lascaze, the Smart Justice Organizer at the ACLU of NH. His work is personal. His direct experience with the criminal justice system in New Hampshire motivated him to get involved.

His work, as well as ACLU of NH’s Smart Justice Campaign, is about educating people regarding the systemic inequities that communities of color face, developing more equitable and inclusive systems of public engagement, and ending the mass incarceration of Black and Brown people. Joseph believes that society can and should do more to help communities of people who have been historically marginalized, mistreated, and excluded from the decision-making process.

Throughout 2021, Joseph’s experience and knowledge have enabled him, the ACLU of NH, and a growing number of volunteer leaders to make significant progress on several fronts.

AT THE STATEHOUSE

As a commissioner on the Governor’s Commission on the Law Enforcement, Accountability, Community, and Transparency, Joseph helped realize several very positive legislative reforms, including cultural diversity training guidelines and shortening the time incarcerated individuals had to wait before petitioning for a suspended sentence. Additionally, ACLU of NH successfully advocated for a law passed by both chambers that requires written consent before police can search an individual’s vehicle.

Also, through hard work on multiple fronts, ACLU of NH has reformed how the “Laurie List”—information about police misconduct—is handled. We are working hard to ensure that much of this information will be available to the public.

CREATING LEADERS

Joseph works with directly impacted individuals in various settings, including in the community and at the New Hampshire House of Corrections. In collaboration with the New Hampshire Commissioner of Corrections, Joseph has developed and supports over 25 volunteer community leaders who have not only been instrumental in advocating for legislative reforms but they also mentor youth in the juvenile system.

EDUCATING OTHERS

Through Joseph’s advocacy and his volunteer leaders, the perspective of those impacted by the criminal justice system is now being represented at all levels. This fall, Joseph will be speaking to Dartmouth medical students about the incarceration system and what they need to know when dealing with people from incarcerated communities.

ACLU

New Hampshire

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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.

NEW HAMPSHIRE DEMANDS FAIR REPRESENTATION

The voting and election process is at the epicenter of any democracy—and it is a process that has been manipulated and abused in various ways throughout our nation’s history. In addition to enacting restrictive voting laws that make it harder for some Americans to vote, one of the key ways that states have manipulated the electoral process through time is by politicizing the redistricting process. The redrawing of voting districts for federal and state legislatures is a process that happens every ten years. In New Hampshire, that process is controlled by the majority party in the state legislature.

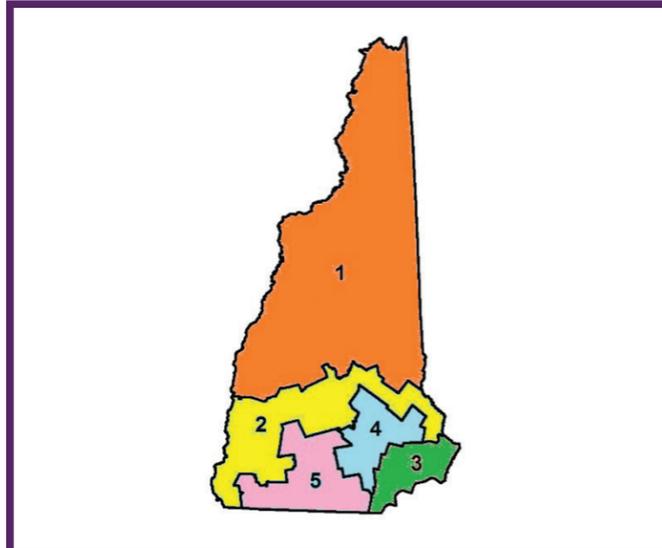
The term “gerrymandering” is often used to describe the practice of manipulating electoral boundaries through the redistricting process to favor one party over another. And it’s been happening here in New Hampshire for decades. For example Executive Council District 2 (pictured right) touches all three surrounding states with a distorted, dragon-like shape—two characteristics that, combined with mathematical analysis, demonstrate an egregious gerrymander.

That’s why, earlier this summer, the ACLU of New Hampshire launched a Redistricting Campaign. Its goal is to positively impact the process by securing public transparency and accountability. The core of this plan involves volunteers, community groups, and our partners in a range of live and digital events.

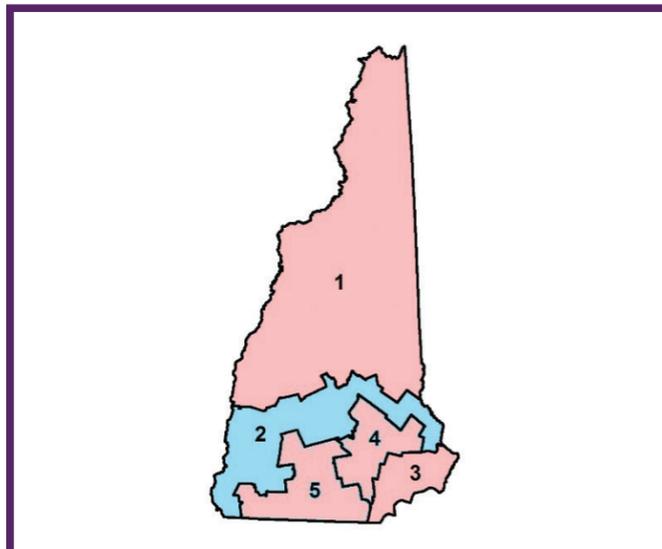
Our lead organizer for this campaign, Lily Jackson, is working with our partners—America Votes, OpenDemocracy, Kent Street Coalition, 603Forward and the League of Women Voters—to recruit volunteers to testify at public hearings in each of the state’s ten counties.

Our current maps cannot simply adhere to the status quo, and we certainly cannot accept maps that are even further gerrymandered. The new maps must reflect the changing demographics the state has experienced over the last decade and revealed in the most recent census data. They must also provide fair and equal representation for *all* New Hampshire residents, and uphold the 14th Amendment’s guarantee of equal protection.

We at the ACLU of New Hampshire will continue to monitor this process to ensure it heeds the fundamental principles of democracy, representation, and equality, and we encourage all Granite Staters to get involved in advocating for a fair, transparent redistricting process this year. To learn more about our Redistricting Campaign and to get involved, contact Lily Jackson at 603-225-3080.



This is the current gerrymandered map of the Executive Council. The ACLU of NH advocated for creating an independent redistricting commission in 2019, 2020 and 2021, but all three times Governor Sununu vetoed these bills because he declared that “issues of gerrymandering in the state are rare”



Here is the current shape of the New Hampshire Executive Council district map but the districts have been filled in based on which political party represents them — blue for the Democratic party; pink for the Republican party. It’s clear that these districts have been gerrymandered using the technique known as packing: that’s when map drawers cram certain groups of voters into as few districts as possible. In these few districts, the “packed” groups are likely to elect their preferred candidates, but the groups’ voting strength is weakened everywhere else.

PROTECTING IMMIGRANTS’ RIGHTS IN THE COURTS

“The government cannot just take away a person’s liberty, including those of a non-citizen, without showing it is necessary to do so,” according to SangYeob Kim, ACLU of NH’s immigration attorney. “If the government wants to detain an asylum seeker or an immigrant, then they have to show why they should be detained, not the other way around.”

SangYeob’s above statement was in response to our legal victory at the First Circuit Court of Appeals in August. This case centered on Ana Ruth Hernandez-Lara, a 34-year-old asylum seeker from El Salvador who was incarcerated at the Strafford County Department of Corrections in Dover, New Hampshire in 2018. She was unable to prove she was not a flight risk or danger to the public due to her detention, but because of SangYeob’s successful lawsuit, ICE had to release her on bond while her asylum request works its way through the courts.

This ruling from the First Circuit coincides with an ongoing federal class action lawsuit filed by ACLU affiliates in Massachusetts and New Hampshire. In this case, a federal judge ruled in November 2019 that the government’s practice of detaining certain immigrants by default violates both due process and the Administrative Procedure Act. The ruling holds that class members (immigrants) are entitled to bond hearings at which the government bears the burden of justifying an immigrant’s detention, and at which the immigration court must



Pictured above, SangYeob Kim, center, with the cooperating attorneys working on the Hernandez-Lara case.

consider someone’s ability to pay when setting a bond amount. Our victory in this case is on hold because the government has appealed it to the First Circuit.

Both lawsuits are part of the ACLU of New Hampshire’s Immigrants’ Rights Project, which was launched in 2018. Our Project uses targeted impact litigation, advocacy, and public outreach and collaborates with over a dozen organizations to protect the rights and liberties of immigrant and refugee Granite Staters.

CENSORING CONVERSATION ABOUT DIVERSITY AND INCLUSION

On June 29th, ten members of the Governor’s Advisory Council on Diversity and Inclusion resigned over the governor’s decision to sign into law legislation that censors free speech and restricts inclusive education. The law will limit the ability of public school students to have important discussions about race and gender, and puts teachers at risk of professional discipline and lawsuits if they choose to cover significant topics like systemic racism.

ACLU of NH executive director Devon Chaffee, a former member of the council, said the new law will stifle conversations essential to advancing equity and inclusion in our state. Another consequence of this bill has been

the verbal attacks on teachers and school boards, which have been seen in nearly every corner of the state, especially in Nashua where a nationally-known white supremacist group showed up to multiple school board meetings.

“One of the central problems with this bill is its ambiguity in what constitutes a banned so-called ‘divisive’ concept,” said Devon Chaffee. She added: “It is deeply problematic and shameful that New Hampshire is advancing confusing and ambiguous legislation that would censor the classrooms of its young people, robbing them of an inclusive education.”

New Hampshire:

Draw fair maps
that represent
all Granite Staters!

MESSAGE FROM THE EXECUTIVE DIRECTOR



Devon Chaffee

This year's tumultuous legislative session saw unprecedented attacks on New Hampshire's civil rights, and ultimately culminated in Governor Sununu signing into law an abortion ban, an ultrasound mandate, and state censorship on classroom discussions of racism, sexism, and more. These unacceptable assaults on civil liberties do not represent the voice or values of Granite Staters, and we are looking into every possible option for overturning them.

In addition to the State House, we are busy on multiple fronts in communities and in the courts. We launched our first-ever campaign for fair redistricting this year. Our new Redistricting Organizer Lily Jackson is energizing volunteers as part of our statewide effort to ensure that the state's electoral maps are drawn fairly, transparently, and without gerrymandering. Because these maps will be irreversibly settled for the next ten years, it is imperative that everyone take action. Please consider starting by signing our petition at www.aclu-nh.org/redistricting.

We recently saw a major federal court win in our immigration work, and argued in front of the New Hampshire Supreme Court five times, in five separate cases, in two months on police transparency and accountability. Our legal and organizing teams are working tirelessly to ensure that police misconduct is not kept secret and that the rights of immigrants' are respected.

We are thrilled to welcome Frank Knaack to our team, who will serve as our Policy Director. Frank's extensive experience working with state legislatures, community groups and coalition partners is a major asset for us as we gear up for the 2022 legislative session. As our point person at the State House, Frank will be working to protect assaults on our rights and seek out bipartisan opportunities to advance them.

We could not do this work without our coalition partners, our allies, and you. Together, we will keep defending and protecting civil liberties in New Hampshire.