



ACLU

NEW HAMPSHIRE
CIVIL LIBERTIES UNION

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LAYING THE ROAD FOR 2014 DEATH PENALTY REPEAL

The NHCLU has long opposed the death penalty as an inhumane practice that violates the rights to due process and equal protection. It is also applied disproportionately, imposed on people of color, whose victims are white, and who are poor and uneducated.

Others will also point to the immorality of the death penalty, its exorbitant expense, the high risk of mistake, and will question whether the government should be given the authority to decide who lives and who dies. Still others will point to its lack of deterrent value and the many surviving victim family members who assert that the death penalty fails to meet their needs.

For these reasons, a bipartisan group of state Representatives and Senators recently introduced legislation to repeal the death penalty in New Hampshire. These legislators are supported by a broad base of religious leaders, law enforcement officials, prosecutors, former judges, libertarians and progressives who have come together to end the practice of capital punishment in our state.

In late October, dozens of legislators and repeal supporters launched their campaign in Concord. Their message was why it is past time for the state to repeal the death penalty.

Law enforcement officers highlighted the unacceptable risk of error. "Our criminal justice system is a good system, but it is not perfect," said retired Marlborough Police Chief Raymond Dodge. "It is a system designed and administered by imperfect human beings. Mistakes are inevitable."

Religious leaders highlighted the counter-productive impact on society. "The death penalty neither deters others, nor brings the perpetrator to understanding, but instead, in the worst of ironies, publicly validates the very act of taking a human life," said Bishop Peter Libasci of the Catholic Diocese of Manchester.



*Pictured at left,
Catholic Bishop
Peter Libasci
and Episcopal
Bishop Robert
Hirschfeld
at October 24th
Press Conference*

Still others pointed to the expense. Former Superior Court Chief Justice Walter Murphy said, "Why don't you go to your constituents and tell them you want to spend one million to two million dollars a year on a program that the only ones getting anything out of it are lawyers. What do you think their reaction would be?"

There are so many valid reasons to oppose the death penalty. We at the NHCLU look forward to hearing from you about which reasons you find most compelling as we turn to you for your active support in persuading our legislators to do the right thing and pass the repeal bill in 2014.

If we all work together in the coming months, we can ensure that New Hampshire becomes the next state on a growing list of states throughout the country to eliminate this unfair and inhumane practice.



BY DEVON CHAFFEE
EXECUTIVE DIRECTOR

THE STATE OF OUR CIVIL LIBERTIES

We've had an especially busy fall at the New Hampshire Civil Liberties Union defending fundamental freedoms. Here's a snapshot of what we're working on.

At the Court House: Our growing litigation docket includes a number of appearances before the New Hampshire Supreme Court. We recently presented oral arguments on critical First Amendment issues implicated in the *Montenegro* case with the help of pro bono attorney Anthony Galdieri from the law firm of Nixon Peabody. We are also scheduled to appear before the Court to challenge ex post facto punishment in the case of *Doe v. State of New Hampshire*. On voting rights, we continue to fight to permanently remove misleading language from the voter registration form.

At the Legislature: We remain active on a number of bills held over from the 2013 legislative session. These include measures that would require government employers, including contractors, to enter new employee information

into the flawed "E-Verify" federal database; a bill that would allow police to use license plate scanners, currently prohibited by state law; and an "ag-gag" bill that wrongly restricts the free speech rights of reporters investigating animal cruelty. We expect the House of Representatives to vote on each of these bills in early January.

At our Office: Barbara Keshen, longtime NHCLU staff attorney who built our legal program, retired at the end of August. We are extremely grateful for her past work and her willingness to be an ongoing resource for us.

Moving Forward: We now have a talented and dedicated team—welcome Gilles Bissonnette, Staff Attorney, and Paul Racioppi, Director of Development—that is ready and eager to move forward on challenging new issues. We'll keep you updated on our expanding efforts around the state.

We invite you to join us on December 8th for our Annual Membership Meeting at the Portsmouth Library, from 2:00-4:00, which will feature a panel discussion on access to justice.

As always, we look forward to hearing from you.

BILL OF RIGHTS AWARD DINNER

On Sunday, November 3rd, the New Hampshire Civil Liberties Union Foundation celebrated our 27th Annual Bill of Rights Award Dinner by honoring Valerie Cunningham, human rights activist and co-author of *Black Portsmouth: Three Centuries of African-American Heritage*.

Over 100 people attended the celebration to honor Valerie for her outstanding contributions to African American history in New Hampshire and to civil rights. ACLU's Dennis Parker spoke on the status of racial justice in America today, and the organization's work around the country.



Valerie
being
presented
with the
2013
Scales
of
Justice
Award
by
NHCLU
Executive
Director
Devon
Chaffee



NEW STAFF ATTORNEY IS A ‘SUPER’ LITIGATOR

Gilles Bissonnette comes to the NHCLU with extensive civil litigation experience, which has included aggressive advocacy in both the freedom of speech and privacy arenas. He was named a “New England Super Lawyers Rising

Star” in the 2013 edition of *New England Super Lawyers* magazine.

Prior to joining the NHCLU, Gilles was a civil litigator in Boston at the law firms of Choate Hall & Stewart LLP, Todd & Weld LLP, and Cooley LLP.

One of his most significant successes was defeating an attempt by a congressional candidate to obtain a preliminary injunction restraining a Massachusetts congressman from engaging in political speech protected by the First Amendment. While in private practice, Gilles also was a pro bono immigration advocate and engaged in significant privacy work in the context of automobile computing and Internet commerce.

Gilles received his J.D. from the UCLA School of Law where he was the Chief Comments Editor of the UCLA Law Review and published an article on federal sentencing issues. He received his B.A. and M.A. degrees in history from Washington University in St. Louis.

DEVELOPMENT’S EXPANDING CAPACITY

Paul Racioppi joined our team this summer as our new Director of Development. With a professional career that spans more than two decades, Paul brings a range of experience and expertise in many facets of nonprofit fundraising. Prior to joining the NHCLU, Paul was a planned giving officer at the University of New Hampshire and before that the development director at a major New York City community organization in Greenwich Village.

Paul brings enthusiasm and eagerness to his work with the NHCLU. His collaborative style and broad experience are valuable assets that are critical to planning and implementing a robust fundraising plan.



A TRAILBLAZING CAREER CONTINUED

This summer Barbara Keshen resigned after seven years of groundbreaking work as the NHCLU’s first staff attorney but she is still active. Picking up right where she left off, Barbara has been active in leading the charge to

repeal the death penalty in the state as the Chair of the New Hampshire Coalition to Abolish the Death Penalty. Barbara has been a tireless advocate on this and other issues. In 2012, she received the Granite State

Advocate Award from the New Hampshire Association for Justice in special recognition of her work to pursue and help achieve substantive changes in the law that improve our civil justice system and/or preserve constitutional rights. Barbara started her career as a prosecutor and for five years worked in the Criminal Justice Bureau of the state Attorney General’s Office. From 1992 to 2006, she worked for the NH Public Defender’s Office, defending serious felony and homicide cases. Barbara joined the NHCLU in 2007 working on some landmark cases defending our constitutional rights.



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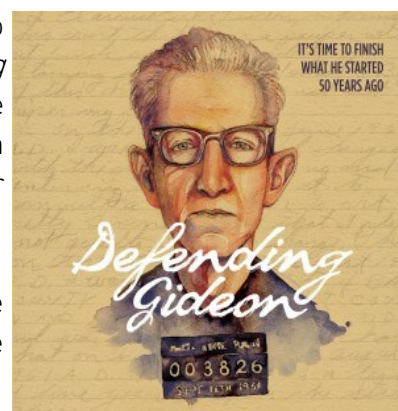
New Hampshire Civil Liberties Union Annual Membership Meeting

December 8, 2013 2:00 – 4:00

Portsmouth Public Library, 175 Parrot Avenue, Portsmouth, NH

The 2013 Membership Meeting will examine the issue of access to justice, nationally and in our state. A brief documentary, *Defending Gideon*, will be shown to highlight the personal story of Clarence Gideon, who could not afford a lawyer and whose case resulted in the 1963 landmark *Gideon v. Wainwright* which guarantees poor defendants the right to counsel in criminal cases.

The film will be followed by a panel of experts who will discuss the ability of all people in New Hampshire to access counsel and the courts fifty years after *Gideon* was decided.



Panelists: Malcolm Smith, Associate Professor, University of New Hampshire
Randy Hawkes, Executive Director, New Hampshire Public Defender
Larry Vogelmann, Partner, Nixon, Vogelmann, Barry, Slawski, & Simoneau

For more information, call Sheila Pappas at 603-225-3080