AMERICAN CIVIL LIBERTIES UNION of CONNECTICUT

Connecticut Civil Liberties News

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Legislative Update

ACLU-Connecticut At The Capitol

By Betty Gallo

Civil liberties issues have been front and center during the current legislative session. With the end of the session less than a month away, ACLU-CT has experienced both victories and temporary setbacks with our legislative agenda.

Working in collaboration with Connecticut Sexual Assault Crisis Centers and the Coalition for Choice, we lobbied heavily to require that all hospitals provide emergency contraception to rape survivors. Until recently, all Connecticut hospitals were required to administer emergency contraception to sexual assault survivors.

Despite heavy opposition from the Connecticut Catholic Conference, our coalition secured enough support to pass the bill through the Public Health Committee. Unfortunately, the Committee brought the bill up for vote with only fifteen minutes remaining before their deadline. The opponents debated the bill thru the allotted time, leaving the Committee no time to vote, so the bill died in Committee.

We are committed to protecting reproductive freedom rights as guaranteed by the Constitution, and are working to revive this bill – in the next session, if not this year.

This session has also brought issues of privacy to the forefront. We experienced an early victory by defeating a bill that would have provided for cameras at traffic lights and elsewhere on roadways. Supporters of the bill said such robot cameras would be effective in reducing accidents, speeding and other traffic violations.

In his testimony to the Judiciary Committee, ACLU-CT Executive Director Roger C. Vann noted that not only would this bill violate privacy concerns, but such measures have not proven effective in curtailing the very behavior they seek to reduce.

We were also instrumental in securing amendments to a bill concerning access to adoption records. Under this bill persons (age 18 and older) who are adopted after the passage of this bill will be able to view their original birth certificates; thus, gaining access to the names of their birth parents.

We fought successfully to ensure, however, that the privacy of birth parents who relinquished a child for adoption prior to the passage of this bill will continue to have their identity protected as originally provided, unless they choose to amend their decision.

Immigration issues have also surfaced at the Capitol this session. The "Real I.D." bill, which died in the Transportation Committee, would have essentially set up a national ID card and limit access to driver licenses for legal immigrants.

Freedom of speech has become an issue under Connecticut's campaign finance reform law. While ACLU-CT supports the public financing of campaigns, we are also working to ensure that the campaign finance law protects free speech by allowing contributions and endorsements from all interested parties and does not limit access for third parties.

Renee Redman, our new legal director and a member of the Interagency Task Force on Trafficking in Persons, went before the Judiciary Committee in February to seek support of two bills implementing the Task Force anti-trafficking recommendations.

We are also working with an anti-discrimination group on legislation to add the phrase "gender identity expression" to our anti-discrimination statutes. The Commission on Human Rights and Opportunities has issued a declaratory ruling stating that gender identity and expression is covered under "sex" in the currrent statute.

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Save The Date

Ann Beeson to Kick-Off ACLU-CT Conference

Ann Beeson, National ACLU Associate Legal Director and lead attorney on the historic Patriot Act "Library Case" will deliver the keynote address for **ACLU-CT's 2006 Membership Conference on June 10 at Quinnipiac University Law School in Hamden.**

Ms. Beeson has led the ACLU's legal effort to prevent further erosion of civil liberties in the name of national security and has fought the growing use of foreign intelligence powers to spy on U.S. citizens.

The Conference is open to the public and will begin at 12 PM. For schedule and registration information call 860-247-9823 or visit www.acluct.org.

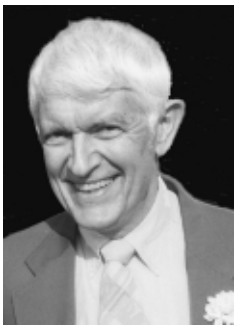
Inside this issue...

Connecticut Civil Liberties News
ACLU Foundation of Connecticut
32 Grand St., Hartford, CT 06106

Report From The Chair

Fix Fatal Flaws In Campaign Finance Law

By Don Noel



Before the General Assembly adopts any law affecting the budget, it must have a "fiscal note" from the non-partisan OFA (Office of Fiscal Analysis) on what the new law would cost.

Let me tell you what the OFA said last year about the fiscal impact of the new campaign finance law – a law that purportedly lets minor-party and petitioning candidates qualify for the same public campaign financing as major-party candidates.

In effect, the OFA said, the minor parties wouldn't qualify, so the fiscal impact could be disregarded.

Some background: Before receiving public financing, candidates must show grass-roots support by amassing small contributions -- $100 or less – to reach a threshold that varies with the office sought (up to $250,000 for gubernatorial candidates), and must agree to spend only that initial kitty plus the public financing ($2 million for a gubernatorial race if there is no primary).

Minor party candidates must collect equal amounts in small contributions to qualify. They face an additional hurdle, however: Unless their candidates for the office sought got 20 percent of the vote in the last election, they must collect signatures from as many as 20 percent of voters in the district or constituency.

That's a hurdle that only Lowell Weicker's A Connecticut Party in its prime could have gotten over – and might not today.

Depending on the hypothetical scenario in any given year – unopposed candidacies, primary contests and other variables – the OFA said a general election might cost $20 million in public funding for the major-party candidates.

And minor-party or petitioning candidates? "The number of candidates that fit into this category [meeting the thresholds] is expected to be minimal," said the OFA; "therefore the fiscal impact would be minimal."

In other words, the new law makes challenges to Republican and Democratic Party candidates all but impossible. Never mind A Connecticut Party; it poses probably-insurmountable obstacles to, for instance, Conservative, Libertarian, Green, Concerned Citizen, Independent American, Working Families or Reform Party candidates.

That's just one of the constitutional flaws in the law.

Another is language barring lobbyists and state contractors from contributing to campaigns, or from urging their constituencies to contribute.

That would punish virtually all state contractors, including non-profits that run group homes and the like, for the Rowland scandal.

And it would punish virtually all lobbyists, including those who work for non-profit, issue-oriented volunteer organizations.

Citizens have a First-Amendment right to lobby – to "petition the government." And it's logical for many public-interest groups (but not the ACLU, which is apolitical) to urge their members to support legislators or candidates who share their goals.

To bar lobbyists from urging support for the candidates they find sympathetic to their cause is to "abridge the freedom of speech," in the Bill of Rights language.

The ACLU has long urged public financing as the right way to take special-interest money out of the political process.

But doing so while effectively shutting out minor parties, and denying all contractors and lobbyists their right to equal participation in the electoral process, is unconstitutional.

As I write this, it's too early to tell which of the new law's flaws will be corrected by the time the General Assembly adjourns in May.

If legislators won't fix the flaws, however, we will ask the courts to order the repairs.

An Interview With ACLUF-CT Legal Director Renee Redman

Q. You joined ACLU-CT on January 17th. Have you stopped running yet?

A. No, I've been able to take a few rest stops but am still going full-force. There is a lot to do, which is exciting.

Q. Give us a quick overview of some of the litigation now in the works.

A. Well, we have several cases that were pending when I arrived. The case seeking the right to marry by same sex couples is before the Superior Court in New Haven. We also represent a woman seeking membership in a social club that denied her membership because she is a woman. That case is on appeal. The "library case," Doe v. Gonzales, is on appeal to the Second Circuit Court of Appeals.

Other pending cases include an Establishment Clause challenge to a post office operated by a religious organization; a police misconduct case; and a case involving torture in Abu Ghraib prison. We also continue to monitor consent decrees, including two having to do with mental health care of inmates in state prisons.

We're also looking at other issues that may result in litigation. For example: the new campaign finance law. Also, compliance by schools with the 'opt-out' provisions in the No Child Left Behind Act. Under that law, schools that accept federal money must turn over to the military branches, the names and contact information of their students. However, the law also provides that parents and students may request that their names not be disclosed to the military. We are concerned that some schools are not adequately notifying parents and students of that right or affording them a reasonable opportunity to opt out.

Q. You and one staff attorney can't possibly handle all those cases! Tell us how we get help from sympathetic attorneys.

A. We actually are fortunate to have the support of many fine attorneys. They handle cases on a pro bono basis and are ready, willing and able to render advice on a moment's notice. I am thoroughly enjoying meeting and working with them and will expand that pool. I've both worked as a pro bono attorney and mentored pro bono attorneys, and have found that busy lawyers are more than willing to assist if the case is interesting and if it has been properly vetted. We, of course, have more than our share of interesting cases and only ask attorneys to assist in cases that have a reasonable chance of success.

Q. One of the pending lawsuits is the "library case," a challenge to one aspect of the USA Patriot Act that began in Connecticut but was taken up by the national ACLU. Explain to us the relationship. Does the Connecticut affiliate decide independently what to challenge in court? When does national get involved?

A. Yes, we decide which cases to bring in court, but we often work with the national ACLU. It is my understanding that the library group came to us first, and that it was our decision to take the case. But the national ACLU recognized it as a major test of the USA Patriot Act, and we welcomed national's participation. (The lead lawyer was Ann Beeson, who will be the featured speaker at our June membership meeting.)

That is an example of one way in which we work with the national ACLU. There are several groups and individuals in the national ACLU that specialize in particular subjects including women's rights, immigrants' rights, voting rights, prisoners' rights and national security issues. They are a great resource.

Q. You came to ACLU-CT from a position as the Director of Immigration Counseling at the International Institute of Connecticut in Bridgeport. Is that experience relevant to the challenges facing the ACLU?

A. Absolutely! At the Institute, I provided direct immigration services to immigrants, which allowed me not only to practice immigration law but to learn about the immigrant communities in the state and understand the difficulties they face. I also established relationships with various constituencies, including social service agencies, the Department of Children and Families, and the immigration bar. I also developed and supported *pro bono* attorneys.

Q. Tell our readers a bit more about yourself.

A. I grew up in East Hartford, graduated from Penney High School. My parents encouraged us go to college outside of the East Coast – they felt it was part of our education to experience different environments. I insisted on obtaining a degree in music and went to Michigan State. After graduation, I spent about a year and a half in San Francisco studying horn and working as a waitress at a Japanese restaurant. On two weeks notice, I went to play in the orchestra in Guadalajara, Mexico where I also played in a jazz band for weddings and parties. My next job was with the Jerusalem Symphony in Israel where I was for about five years. After returning to the United States with my former husband, I went to law school. That was followed by three years of clerking and about eight years at Hughes Hubbard & Reed in New York City. I loved working at the firm – my work was interesting, I liked my clients, and I developed a very active pro bono practice – but it was time to leave New York.

Q. Do you still play the horn occasionally?

A. Well, I try. I stopped playing for six years through law school and clerkships, and only resumed playing after I began working at Hughes Hubbard in New York. Music and law are both very demanding professions. I play a little in various groups and go to chamber music camp every summer at Bennington College. It's very nerdy.

A Word From The Executive Director

Restore The Rule Of Law: End The NSA Domestic Spying Program

By Roger C. Vann

The people of Connecticut may differ on emergency contraception. But there are some principles that unite us all. We believe in democracy and we respect the rule of law. We know that America stands as a shining example for the world. Our "experiment" in democracy has endured, despite sometimes fierce ideological divides, because we work within a delicate balance of power between the executive, judicial and legislative branches. But the actions of our president threaten the very essence of our democracy.

In violation of the Constitution and federal law, President Bush authorized the National Security Agency to conduct illegal surveillance activities.

In drafting and later revising the law that governs surveillance, the Foreign Intelligence Surveillance Act (FISA), Congress made the law flexible and responsive to rapidly changing threats. For example, under FISA, the NSA has the authority to utilize a wiretap without a court order so long as a FISA judge is notified within 72 hours.

But under President Bush's program, FISA judges were not asked to issue warrants for this surveillance. And rather than ask Congress to amend FISA, President Bush simply decided he could get away with not following the laws he swore to faithfully execute. When the illegal program was revealed in media reports, the White House took a firm position against any judicial or Congressional oversight. In short, President Bush told Congress that he was not beholden to them or the law.

Make no mistake about it: The NSA wiretaps violate the law. And the precedent, if allowed to stand, threatens us all.

Some have called on Congress to change the FISA law to make the NSA program legal – to allow the government to conduct surveillance without a warrant or any judicial oversight. To change the law now, after it has been flagrantly violated, would be a grave mistake. It would excuse the president for breaking the law in the first place. And it would send a message that Congress is not willing to stand up to an abuse of presidential power, a violation of the Constitutional system of checks and balances.

The people of Connecticut might think this debate does not impact them, that it is about terrorists living in far away lands. Think again.

This abuse of power can easily ensnare Americans exercising their Constitutional rights to free speech and dissent. The ACLU filed a Freedom of Information Act request and found that the FBI, Defense Intelligence Agency and local police have infiltrated political, environmental, anti-war and faith-based groups.

Why would the FBI and DIA invade the privacy of legitimate political and religious groups? Perhaps some in this administration hope that under the guise of fighting terrorism, they can intimidate the voices of dissent, those who believe that our democratic system must be maintained and defended, *especially* in a time of war.

Fortunately, Americans increasingly are raising concerns. A recent poll conducted by the ACLU found 54 percent of Americans oppose the warrantless surveillance program. Sixty percent of respondents believe the president should work with Congress and the courts, within the time-honored system of checks and balances established in the Constitution, to combat terrorism.

And if you think that only Democrats oppose the president's policies, you would be wrong. At least a third of Republican voters polled expressed concern that President Bush is operating outside of the law. Meanwhile, senior Republicans in Congress are demanding more information and oversight.

The voices of opposition are growing louder, in Connecticut and across the country. People are saying if we are in fact a nation of laws then no one should be above the law, not even the president. After all, how can America fight for democracy in Iraq and Afghanistan when we allow the president to break the law here at home?

CFAR's 13th Annual Milton Sorokin Symposium To Focus On Freedom Of The Press

On Monday, May 8, 2006, the Center for First Amendment Rights (CFAR) will hold its 13th annual Milton Sorokin Symposium entitled: "Freedom of the Press: A Two Way Street?" It will address the question of whether or not the press and the broadcast media reciprocate the freedoms of the First Amendment by giving the public accurate, adequate, and timely information.

The event will take place at the University of Connecticut School of Law in the Starr Hall Reading Room, and will begin at 7:00 P.M.

Participants will include former Governor and Senator Lowell Weicker, Jr.,; David Shribman, executive editor of the Pittsburgh Post Gazette; and Laurel Leff, a former Hartford Courant editor and author of Buried By The Times.

Ongoing Battle To Reform Patriot Act Yields Results

On March 9, 2006, President Bush signed a Patriot Act reauthorization bill that did not include commonsense reforms that would target our precious anti-terrorism resources on suspected foreign terrorists rather than invading the privacy of innocent people through fishing expeditions into their financial, medical, library and Internet records.

While the ACLU is disappointed and deeply concerned with Congress' capitulation to the White House's opposition to modest but meaningful changes to the law to better protect the privacy and civil liberties of all American residents, there are signs of progress on the issue.

The Patriot Act debate has come a long way in the last four years. When the Senate first voted on the Patriot Act, only one Senator opposed it—on this year's reauthorization vote, that number increased ten-fold. And a bipartisan group of 52 Senators stood up to the administration and filibustered the reauthorization bill late last year.

In the House, bipartisan majorities supported bills to limit the reach of the Patriot Act by placing better checks and balances into the law - moves that were ultimately overridden by the Republican House leadership at the behest of the Bush administration's knee-jerk opposition to common-sense reforms.

The Patriot Act debate is far from over. The bill puts a new four-year sunset date on three provisions:

Section 215 (known as the "library records" provision, but which actually applies to "any tangible thing") which does not require any individualized suspicion to get a court order for any record wanted in intelligence investigations;

Section 206 (known as "John Doe" roving wiretaps in intelligence investigations, which allow multiple phones to be tapped) which does not require law enforcement to ascertain that a suspected foreign terrorist is using the phones being listened to by government agents;

The lone wolf provision (added by the 2004 intelligence bill) which applies the Foreign Intelligence Surveillance Act's secret surveillance powers to non-US citizens in this country but without requiring that they be acting for a foreign power and without sufficient safeguards.

Even before the next debate over sunsetting powers in 2009, Congress can do the right thing. Lawmakers should pass the SAFE Act, as well as the amendments sponsored by Senators Russ Feingold (D-WI), Patrick Leahy (D-VT), Jeff Bingaman (D-NM), and Arlen Specter (R-PA), which would help cure many of the problems that are left unfixed in the law. Those amendments, along with legislation by Congresswoman Jane Harman (D-CA) and others, would put needed checks on the National Security Letter powers that are being used to gather the financial and internet transactions of tens of thousands of Americans.

The ACLU will continue to press for meaningful reforms. Along with our bipartisan allies, the ACLU will continue to push for common-sense changes to be made to the Patriot Act to bring it in line with the Constitution by restoring much needed checks and balances.

More than 400 communities across the nation (cities, towns, counties and eight states) have passed resolutions seeking reforms of the Patriot Act. These communities range from the conservative state of Montana to the progressive state of Hawaii; and from cities as large as New York to small towns like Elko, Nevada. For a full list of these resolutions, go to: http://www.aclu.org/resolutions. Unfortunately, due to pressure from the White House, Congress did not listen to the people.

The reauthorization of the Patriot Act does not make it constitutional. Through lawsuits filed in federal court the ACLU has challenged the constitutionality of Section 215 of the Patriot Act and the National Security Letter (NSL) provision expanded by the Patriot Act. We won our two challenges to the NSL powers in federal district court, which have been appealed by the government. It's clear that some sections of the Patriot Act went too far, too fast and violate the fundamental freedoms of Americans.

Fortunately, Congress did reject efforts, supported by administration allies, to expand the Patriot Act to further encroach on constitutional liberties. Lawmakers flatly rejected the "Domestic Security Enhancement Act," the so-called "Patriot Act 2." Congress also refused to act on the completely unwarranted proposal by the administration last year to allow the FBI to subpoena "any tangible thing" without court approval in intelligence investigations, which was spearheaded by Senator Roberts (R-KS), chair of the Senate Intelligence Committee.

The Patriot Act debate has been about preserving fundamental American values. Unfortunately, despite all of the changes the Patriot Act made to the Foreign Intelligence Surveillance Act (FISA) back in 2001, President Bush has arrogated to himself the unconstitutional power to ignore FISA's requirement of judicial oversight over all wiretapping of US persons. Even if we were to win all of the reforms needed to fix the Patriot Act until Americans demand that the president be required to follow the law any such changes could be ignored under the current regime.

President Bush's instigation of warrantless eavesdropping on Americans by the National Security Agency violates the Americans' Fourth Amendment rights and demonstrates a total disregard for the rule of law. Our system of government requires that the power of any president must not be unchecked—Americans demand a strong system of checks and balances. Presidents must faithfully execute the laws passed by Congress and cannot simply ignore those laws.

This administration has taken an extreme view on executive power. Congress must restore the rule of law and insist that Americans' rights be protected. Our great nation can, and must, be both safe and free.

From The Desk Of The Legal Director

Well, the last three months have been busy, busy, busy. We are appealing the Superior Court's decision in a case in which we represent a woman who was denied membership in an all-male social club due to her gender. Motions were argued in a case challenging the state's denial of marriage licenses to same-sex couples. We are continuing to monitor compliance with the consent decree we reached with the state requiring quality mental health care of inmates at the prison in Niantic. We, together with the Office of Protection and Advocacy, are also monitoring a similar agreement regarding inmates at Northern and Garner Correctional Institutions.

Even in this short time, we have also investigated and begun pursuing many infringements on civil liberties in the state. Many have involved rights of privacy and freedom of speech, including cases of racial profiling and denial of access to public forums. We are also watching the state legislature closely to see whether it amends last year's campaign financing law to bring it more in line with the Constitution. We are particularly concerned about the absolute prohibitions on contributions by lobbyists, state contractors, and their immediate family members, and the financing law as it affects third party and independent candidates.

We sent Freedom of Information Act requests to every school superintendent in the state requesting documents relating to the provision of student information to the military under the No Child Left Behind Act. The Act requires all schools that fall under the Act to provide student names and contact information to the military branches upon request. Many people do not know that students and their parents may choose to not have their information given to the military. However, under the Act, they must affirmatively notify the school that they wish to opt-out. We have not yet finished analyzing the results of our requests but it is very clear that schools, often within the same district, have very different policies regarding the opt-out provision. Some send forms to parents that they can sign if they wish to opt out. Others make a statement about the right to opt-out in their student handbooks. It appears, however, that many do not notify students or parents. We believe that this is unsatisfactory and bears some further investigation. Please let us know if you would like more information about the right to opt-out.

I look forward to a very productive spring and summer.

Yours In Liberty,

Renee C. Redman
Legal Director

Legislative Update: ACLU-CT At The Capitol

(Continued from page 1)

However, we are working, in support of the transgender community, to have this language codified into legislation.

We continue our work to protect the due process and equal protection rights of sex offenders. The General Assembly is reviewing legislation to determine the risks to communities when convicted sex offenders re-enter society.

ACLU-CT has been following this issue closely to be sure that this assessment is done by the appropriate professionals. We seek to have only the most dangerous sex offenders listed on the Internet-based sex offender registry.

Furthermore, we oppose proposed "civil commitments" which would confine sex offenders in a psychiatric hospital after they have served their sentences, even if they do not have a psychiatric diagnosis.

Currently, under Connecticut school zone laws, anyone convicted of possessing and/or selling drugs within 1500 feet of a school, day care or public housing will receive an enhanced penalty. In our cities, because the area is condensed, these zones cover virtually the entire city. As a result, these school zone laws do not serve as a deterrent to selling or possessing drugs in the designated zone areas as the penalty is the same virtually everywhere in the city.

In effect, these school zone laws have made the penalty for the crime of possessing or selling drugs in our cities higher than it is in the suburbs or rural areas.

In addition to this obvious discrepancy, the enhanced penalty provisions are disproportionately affecting racial and ethnic minorities because cities, more than suburbs or rural areas, are home to these residents. Ultimately the impact of this enhanced penalty is discrepancy contributing to the racial and ethnic disparities in our prisons.

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Coalition Corner

One Year Later...

By Robert Nave

March 30, 2005, marked a major turning point for the movement to abolish the death penalty in Connecticut. At the height of the most tense time in our state's modern history in relation to our criminal justice system, the Connecticut House of Representatives debated and voted on a bill to abolish the death penalty. Although the vote failed (by only 15 votes) it was a huge victory in many ways. It showed that there were at least 60 legislators who voted for what was right and were willing to do so in the worst of times. I find that to be very hopeful. We also learned the reasons why the majority voted against HB 6012 to abolish the death penalty, and from there we are going to address those very issues this year.

The Connecticut Network to Abolish the Death Penalty has gained great strength and momentum in the last year. In addition to the "usual suspects" in the abolition movement, other groups have come forward vowing support for abolition. The NAACP has just come out with their strongest statements against the death penalty and has now made abolition a priority. Every day another group comes out in support of abolition and we carry that momentum with us as well.

Despite the growth of the Network, what has become apparent in this state is that the death penalty has no place in Connecticut. With the knowledge that the death penalty no longer has a place in our state and is so out of synch with modern ethics, it is with great confidence that we move forward to build the coalition that will dismantle "the machinery of death."

Robert Nave is State Death Penalty Abolition Coordinator for Connecticut-Amnesty International and Executive Director of the Connecticut Network to Abolish the Death Penalty. He can be reached at robertnave@cnadp.org. Or visit www.cnadp.org for more information.

Save The Date
ACLU-CT 2006 Membership Conference
Saturday, June 10 @ Quinnipiac University Law School

In The Courts

Connecticut Marriage Equality Suit Moves Forward

Arguments in Connecticut's lawsuit seeking marriage equality for same-sex couples, Kerrigan & Mock v. Department of Public Health, were heard in New Haven Superior Court by Judge Patty Jenkins Pittman on March 21. Ben Klein, Senior Attorney at Gay & Lesbian Advocates & Defenders (GLAD), argued that the state has no justification for excluding gay and lesbian couples from one of the most defining choices that a person can make – the right to marry the person you love – and that creating an entirely separate system called "civil union" for one group of citizens - solely for the sake of separation and exclusion - violates the most fundamental principles of equality in the Connecticut Constitution.

In addition to Klein, the eight same-sex plaintiff couples are represented by GLAD Civil Rights Director Mary Bonauto, ACLUF-CT Legal Director Renee Redman, Ken Bartschi and Karen Dowd of Horton Shields & Knox, and Maureen Murphy of Murphy, Murphyand Nugent.

The plaintiffs focused their argument on their claims that 1) marriage is a fundamental protected right under the Connecticut Constitution and 2) the denial of marriage to two people of the same sex is sex discrimination. Such discrimination violates the prohibition "segregation" because of sex in Connecticut's Equal Rights Amendment that became part of the Constitution in 1974. The plaintiffs argued that preventing Beth Kerrigan from marrying Jody Mock because Beth is a woman is sex discrimination, plainly prohibited by the ERA.

Judge Pittman agreed that excluding gay and lesbian couples from marriage is sex discrimination. She was also very interested in exploring the question of what harm comes to same-sex couples from the creation of a separate system for them. The plaintiffs argued that under the equal protection section of the Connecticut Constitution, segregation itself is the harm that is prohibited. Our history has taught us that separate is inherently unequal; a separate status is destructive and unequal in and of itself and marks the disfavored group – here gay and lesbian couples – as inferior and less worthy members of society. The plaintiff also contended that marriage itself, a unique and privileged legal, social and cultural status, provides unique protections that civil unions can never offer.

The arguments on the legal merits of the case took place in a packed courtroom that included all eight plaintiff couples, several other Superior Court judges who came to watch the proceedings, and a variety of news media. Judge Pittman is expected to issue her decision in the case in the coming months.

Development Update

What Will Your Legacy Be?

By Danielle S. Williams, J.D.

Accept the ACLU Legacy of Liberty Challenge and leave your family a legacy of liberty by helping us defend against the constant government assault on our privacy and personal freedoms.

Under the Legacy Challenge, if you name the ACLU Foundation to receive a bequest through your will or living trust, our generous challenge donor, Robert W. Wilson, will make a cash donation today equal to 10% of your bequest's value, up to a maximum match of $10,000. Moreover, there is no overall limit on the matching donations within the timeframe of the Challenge. Never before has your commitment to the ACLU Foundation been able to accomplish so much.

When you accept the Challenge you are taking action that makes a difference right now; your legacy gift will provide the support to defend the civil liberties of future generations of all Americans and; best of all, you don't have to write a check today. Your gift is part of your family's estate plan.

If you state your bequest as a percentage, it will be matched according to its current estimated value. Gift annuities are also eligible and will be matched at 10% of the present value of the annuity up to $10,000 per donor.

We've had a tremendous response from people who've decided that this is the time to put a gift in place, and take advantage of the match. Since the Challenge began in January 2005, Connecticut residents collectively have made gift plans worth $1,030,000 and, nationwide the ACLU has secured over $1.2 million in matching funds. Both the matching gift and the bequest itself go to support the work of the state affiliates like us, as well as the national ACLU Foundation.

2006 marks the final year of the Legacy Challenge. Matches will be made to all new provisions which qualify under the matching grant provisions. If you would like to qualify for the match, please contact me at (860) 247-9823, ext. 221, and I will send you more details, including the required matching form to complete.

Danielle S. Williams is Development Director for ACLU Foundation of Connecticut.

ACLU of Connecticut
32 Grand Street
Hartford CT 06106
(860) 247-9823
www.acluct.org