



CIVIL LIBERTIES BEACON

Newsletter of the American Civil Liberties Union of Connecticut

FALL
2008

Author to Kick Off
Banned Books
Week!
See page 7.

ACLU and CFAR Merge

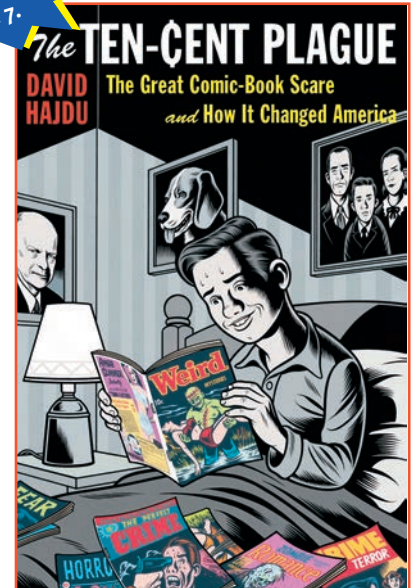
This past May, the Center for First Amendment Rights (CFAR) announced its plan to merge with the ACLU of Connecticut. CFAR has been dedicated to promoting First Amendment rights by educating youth through educational conferences, contests and symposiums for 15 years. The ACLU of Connecticut is excited to take over responsibility for the programs that CFAR has provided. At the annual Milton Sorokin Symposium in May, Ethel Sorokin, co-founder of CFAR, proudly announced the merger by telling the audience, "We pass this baton to younger hands." Don Noel, ACLU-CT's board chairman, said, "We are pleased and honored to assume responsibility for the programs Ethel Sorokin and her colleagues have developed. She pioneered a vital program of public outreach." The ACLU-CT merger with CFAR

occurred officially in June.

CFAR's mission was to "enhance the understanding of and appreciation for the First Amendment of the U.S. Constitution throughout the population of Connecticut and to serve as an action-oriented resource center for First Amendment issues, information and education." By merging with CFAR, the ACLU of Connecticut hopes to reach more young people in order to help them recognize and value their First Amendment rights. According to Noel, the goals of CFAR and those of the ACLU of Connecticut, "mesh seamlessly."

One of CFAR's annual events was a high school conference that was focused on a specific issue related to the First Amendment. These conferences were designed to make First

—Please see CFAR Merger, back page



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New Settlement in Landmark *Sheff v. O'Neill* Desegregation Case

June 11th brought a huge victory for the Connecticut civil rights movement when Judge Marshall Berger approved the most recent settlement of the 1989 *Sheff v. O'Neill* school desegregation case. This Stipulation and Proposed Order, the second settlement since the case's 1996 decision in favor of the plaintiffs, heralds potential for progress in the previously stalled integration process for Hartford area schools.

In 1996, the court declared that the state has a constitutional duty to provide a fair and equal education to its citizens. It found that the de facto segregation of minorities in the Hartford area had created an unequal educational environment and ordered that this situation be remedied. The first settlement came in 2003, when all parties agreed to a plan in which 30% of Hartford's minority students would be enrolled in

racially integrated schools after four years. This agreement expired on June 30, 2007, having achieved none of its goals. The actual number of students being educated in an integrated environment was closer to nine per cent.

However, this newest settlement builds on the shortcomings of the original one. The integration process will now be driven by demand. This means that the long term goal is to integrate at least 80% of the thousands of students who have been on waiting lists to get into Hartford area magnet schools. Should this goal not be achieved, the integration process will still be deemed successful if 41% of minority

children are educated in an integrated environment after five years. There will be an annual review of the state's progress in meeting its benchmarks starting after the second year.

—Please see Desegregation Victory, p. 8



Milo Sheff in 2008.

A Word from the Executive Director

ANDREW SCHNEIDER
Executive Director



It has been said that civil liberties battles never stay won. Certainly, as long as politicians continue to compete for the distinction of being “tough on crime” as if it were Olympic gold, these civil liberties battles will keep recurring. What does being “tough on crime” mean? If being tough means being effective, few politicians qualify. If being tough means sounding tough but being ineffective, then most politicians pass with flying colors.

When I arrived in Connecticut a year ago as the new Executive Director of the ACLU of Connecticut, I was disappointed—but not surprised—to see politicians clamoring to sound tough on crime with their ineffective and constitutionally flawed crime-fighting proposals in response to the tragic murders in Cheshire. Fortunately, the “three strikes” legislation being proposed at the time was ultimately defeated. (See page 3 for more about the “three strikes” bill.)

Last month, only a year later, Hartford suffered a weekend of daytime gun violence and again the “sound tough” response was predictable and wrong-headed—this time imposing a thirty day curfew after 9:00 p.m. on children under the age of 18. In 2003 the ACLU-CT successfully challenged a similar curfew law in Vernon. The ACLU has long opposed curfews because they criminalize legitimate and constitutionally protected activity. Also, studies have consistently shown that curfews do nothing to reduce violence. If you consider that federal crime statistics show that most violent crime takes place between 2:00–6:00 p.m., then the 9:00 p.m. curfew really leaves you wondering how it constitutes being “tough on crime.”

I know we can expect many more politicians who profess to be “tough on crime” to actually be “tough on liberty.” Make no mistake. These lawmakers are trying to win cheap political points and give us a false sense of security. While it is true that civil liberties battles may never stay won, you can count on the ACLU of Connecticut to persevere in its aggressive and innovative efforts to protect our constitutional liberties.

From the Chair

DON NOEL
Chair



Half of American students think the government ought to approve stories before publication in newspapers. When the text of the First Amendment was read to them, one in three thought it “went too far.”

Those are among the results of a survey of 100,000 students for the Knight Foundation three years ago; two UConn professors were principal investigators. (To read the entire survey, go to our website www.acluct.org and from the EDUCATION pull-down menu choose Center for First Amendment Rights. There's a link at the bottom of that page. Please download and forward the survey to friends, or forward them the link; help us engage new members!)

Those survey results help explain why we're so excited to merge the CFAR programs into our own outreach to schools. We're confident the synergy will make the sum greater than the two parts. It's going to take some work, and additional support from you, our members, to sustain a new staff position; but we're confident we can make a difference in students' appreciation of their Constitutional rights.

Public education has always been, along with litigation and legislation, one of the three legs of our program, but it's been the weakest leg. We're going to change that. And by the way, there's room for your volunteer help as well as your financial support.

You can read details elsewhere in this issue, but here are a few highlights:

We'll take our challenging Constitution Day program to more schools this year (and would

welcome volunteers to spend a morning preparing and a day or two visiting a nearby school.)

We'll combine our Banned Books Week effort with CFAR's and that of the American Library Association to draw attention to censorship. (A few Hartford area volunteers welcome.)

We'll hold a high school conference, a CFAR legacy, on October 30th with more such programs during the year at all levels of learning.

We'll encourage participation in the CFAR student essay contest and the national ACLU's video-essay contest.

We're developing a program to put an educational video in the hands of every civics teacher in the state; you can read about that, too, on the website page mentioned above.

The website itself is a growing part of our outreach. With the help of two volunteer webmasters, Richard Siddall of Southbury and Peter Schay of Greenwich, we've grown the site from almost no visits a year ago to as many of 60 visitors daily. We'd like to quintuple that in the next year. There is regularly fresh information every week; make a stop part of your weekly news routine.

And let us please of civil liberties news in your local papers or on the air or online. Many issues are covered only locally; with your help we can provide an overview. When there's news in your area that you suspect hasn't gotten statewide coverage, e-mail us the URL at headlines@acluct.org. We'll get a link up on the website so everyone can read about issues—and ACLU of Connecticut activities—in all parts of the state.

It's going to be a year to remember!

Civil Liberties Beacon Fall 2008

Membership in the ACLU of Connecticut includes a subscription to *Civil Liberties Beacon*. For Membership information, visit our website at www.acluct.org or contact us at 860-247-9823 ext. 214.

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Legislative Report



The ACLU-CT had a very successful year defending civil liberties in the Connecticut State Legislature. Every bill that we opposed was killed or defeated, and the Legislature gave the green light to our Sheff settlement. The credit for these successes primarily goes to our tireless, dedicated, and effective lobbyist, Betty Gallo, and her talented staff. The following is a brief rundown of our efforts:

“Three Strikes” Bill

The tragic murders in Cheshire in August 2007 prompted calls for a special legislative session to enact tougher laws for prison sentences, probation, and parole. The Republican leadership in the Legislature hoped to pass a “three strikes” law that would remove judicial discretion in sentencing and would impose automatic life sentences for people convicted of certain third felony offenses. The ACLU-CT opposed this proposal. At the Judiciary Committee’s public hearing, John Watson, ACLU-CT Board of Directors Legal Committee Chair, testified for the ACLU-CT. He pointed out that “three strikes” laws in other states have had little effect on crime rates and have had detrimental consequences for the operation and fairness of the criminal justice system. A “three strikes” law would exacerbate the already serious overcrowding problems in Connecticut prisons.

During the one-day special session in January, the Democratic leadership introduced a criminal justice bill that did not include a “three strikes” provision. Then the Republican leadership offered a “three strikes” amendment to the Democrats’ bill. The amendment was defeated in the Senate on a vote of 15-21. When the “three strikes” amendment was introduced in the House, it was defeated by a vote of 48-91.

Even after the special session, the Governor and Republicans continued to call for passage of a “three strikes” law. The Governor introduced such a bill as part of her leg-

islative package. The bill died in Judiciary Committee.

But just when we thought the issue was behind us, there was a home invasion in New Britain where two women were murdered. The Governor used the incident to renew her call for a “three strikes” law. In the end, the Republicans again offered a “three strikes” amendment to the Democrat’s criminal justice legislation. That amendment died in the Senate on a vote of 16-19 and died in the House on a vote of 63-77.

Time Limitations for Habeas Appeals in Death Penalty Cases

Senate Bill 320, introduced by the Legislative Judiciary Committee, would have drastically reduced the time that prisoners have to file habeas appeals in capital cases. A habeas petition is an appeal to the court by a prisoner challenging the legality of his/her imprisonment. The ACLU-CT opposed this bill. In testifying against the bill, ACLU-CT Executive Director Andrew Schneider argued that death penalty cases are extraordinarily complex and errors in such cases frequently occur and so, by cutting short the time limit for the filing of habeas petitions, the state would deny reasonable and realistic opportunities for death row inmates to present their defense. The result would not only deprive prisoners of their constitutional rights but could also deprive them of their lives.

Vouchers

Donors to educational foundations would have earned state income tax credits for these donations under House Bill 5594, which was introduced by the Education Committee. The ACLU-CT opposed this bill on the grounds that it was a back door attempt to fund private, religious schools with public money in violation of the First Amendment guarantee of religious freedom. After a similar law was passed in Rhode Island, Catholic schools were the predominate beneficiaries of these donations.

DNA Testing of Arrestees

In her opening day address at the State Legislature, the Governor proposed DNA testing of all people who are arrested, even if the arrested person is never convicted. The Governor’s office staff lobbied for the DNA bill—Senate bill 692. In its testimony against the bill, the ACLU-CT pointed out that the cornerstone of the American legal system is that a person is innocent until proven guilty. This basic principle is turned on its head when innocent people’s DNA is stored in a

criminal databank. Representatives of the ACLU-CT met with both minority leaders—Senator McKinney and Representative Cafero—who then asked the Governor to remove arrestees from the DNA bill. Before the DNA bill was voted on in the Judiciary Committee, the section covering arrestees was deleted. Senate Bill 692 ended up dying on the Senate calendar.

Traffic Cameras

Governor Rell introduced Senate Bill 41 to install highway speed enforcement cameras on I-95 in Old Lyme. The ACLU-CT opposed this legislation because of its infringement on privacy rights and its violation of due process. When a police officer stops a car and issues a traffic citation, the driver is immediately aware of the alleged traffic violation. However, when highway speed enforcement cameras are used, it may take weeks for a person to receive notification of a citation. The longer time between the alleged traffic violation and the issuance of the citation makes it difficult for a driver to recall details of the alleged infraction (or even if they were the driver at that time) so the driver’s ability to challenge the ticket is adversely affected. The bill died in the Public Safety Committee on a vote of 9-13.

Robo Calls

Two bills to ban political robo calls were introduced in the State Legislature. Political robo calls are those automated calls you receive during election season asking you to vote for or against a candidate or, at other times, asking you to support or oppose a political issue. Many people find such calls annoying even if they support the particular candidate or issue. So it was not surprising that ACLU-CT Executive Director Andrew Schneider found an unsympathetic audience when he testified against one of these bills in the General Law Committee. He said that the ACLU-CT opposed banning robo calls with political content because that would be an unconstitutional ban on free speech. As civil libertarians we appreciate that the First Amendment, if it stands for anything, is for the protection of speech we find unpopular, offensive or even annoying. We lobbied against these bills vigorously. When the bill that was moving made its way to the Judiciary Committee, we succeeded in getting a constitutionally harmless amendment that simply said that robo calls must start by stating the name of the person or entity that is paying for the call. The bill eventually died in the Senate without a vote.

Court Rules Social Club Can't Ban Women

In a victory for gender equality, a Connecticut Superior Court ruled that a social club in Mystic can no longer ban women from membership. The ruling came in a lawsuit filed by the American Civil Liberties Union and the ACLU of Connecticut on behalf of Sam Corcoran, who was denied membership in the German Social Society Frohsinn, Inc. because she is a woman. The court upheld an appellate court's ruling that the social club was a public accommodation—not a private club—and, therefore, subject to Connecticut's civil rights laws banning discrimination.

"If a club accepts everyone who applies for membership except women, then it can't pretend to be a private club," said Emily Martin, Deputy Director of the ACLU Women's Rights Project. "Being a woman cannot be the only attribute that bars someone from being a member of a club."

Sam Corcoran, a small business owner in Mystic and a regular visitor to the club, was eager to explore the networking possibilities available through membership in the 200-member club. She attempted to apply for admission, but the club refused to give her an application because she is a woman.

The organization has only once rejected an adult male applicant in memory and has long ago abandoned any requirement of German heritage. When the case went to trial in 2005, the lower court erroneously ruled that the club was exempt from the state's public accommodation laws, which forbid public clubs from discriminating against applicants on the basis of sex, race and other criteria. The ACLU appealed the decision, and the appellate court sent the case back to the Superior Court, which found that because the single criteria for membership to the club was being male, it qualified as a public club.

Attorneys on the case included Sarah Poston and Jon Orleans, cooperating attorneys for the ACLU of Connecticut, and Emily Martin and Lenora Lapidus from the ACLU Women's Rights Project.

H&R Block Ends Gay Couple Surcharge

After pressure from the American Civil Liberties Union, H&R Block has agreed to give \$100 coupons or free TaxCut software to all gay couples who incurred additional costs because they were barred from using the company's online tax service, TaxCut Online. The coupons can be applied towards the costs of future tax preparation expenses with the company for the 2008 tax season. The company has also agreed to direct future tax filers with civil unions to a free online support specialist to help couples complete their taxes.

On March 25, 2008, the ACLU sent a letter to H&R Block demanding that it stop penalizing gay couples with civil unions by barring them from filing their taxes through the company's online tax preparation service. Because the online tax preparation software wasn't programmed to accommodate couples with civil unions, those couples were forced to do their taxes in person with an H&R Block tax preparer for an added charge. The ACLU sent the letter on behalf of Jason Smith and Settimio Pisu, a Connecticut couple who attempted to use the company's online service but were told through the website that "We Don't Support Connecticut Civil Union Returns." Connecticut law makes



Settimio Pisu and Jason Smith

it illegal to discriminate based on civil union status.

"No one enjoys doing their taxes. But it's especially annoying when you're reminded in a not-too-subtle-way that your relationship is considered inferior," said Smith. "We're glad H&R Block came through in the end."

Andrew Schneider, Executive Director of the ACLU of Connecticut added, "While this story has a happy ending, these kinds of problems will continue for gay couples as long as the state insists on barring gay people from marriage."

The \$100 coupon is available at www.taxcut.com/tax_tips/aclu.html.

ACLU-CT Fights to Prevent Force-feeding of Hunger Striking Inmate

The ACLU of Connecticut has filed suit on behalf of Bill Coleman, an inmate at Osborn Correctional Institute, who is engaging in a hunger strike as a protest of what he believes is Connecticut's corrupt judicial system.

The suit asks a Superior Court judge to prevent the Department of Corrections officials from force-feeding Coleman through a nasogastric feeding tube without his permission. The suit argues that this highly invasive and painful procedure will end Coleman's hunger strike and violate his rights to protest and to deny unwanted medical treatment.

Hunger strikes remain an important form of political protest. Over the years, this type of expressive conduct has been employed by Mahatma Gandhi and Nelson Mandela to grab the world's attention to their plights when nothing else would do the same.

ACLU-CT argues in its motion that Coleman's hunger strike, which is non-disruptive to the administration of the prison system, is a recognized form of free speech protest that has a long history of use in the fight for social justice.

Since the fall of 2007, Coleman has refused to

consume solid foods and has lost approximately 100 pounds. Coleman has been examined by doctors who have concluded that he is competent and is aware of the consequences of his actions. Coleman has a living will, executed on a Department of Connecticut form, that explicitly states that he should not be resuscitated or force-fed.

"A person has a constitutional right to determine what happens to his or her body," said David McGuire, ACLU-CT Staff Attorney. "Inserting a feeding tube against Mr. Coleman's will is a violation of his right to bodily integrity and his right to deny medical treatment."

Due to the intrusive nature of forced tube feeding, doctors around the world have condemned the practice. The World Medical Association, of which the American Medical Association is a part, has declared: "Forcible feeding is never ethically acceptable. Even if intended to benefit, feeding accompanied by threats, coercion, force or use of physical restraints is a form of inhuman and degrading treatment."

William Murray of Edwards, Angell, Palmer, & Dodge LLP is acting as cooperating counsel for the ACLU of Connecticut.

ACLU Prevails in Canterbury Free Speech Case



Jeanette Kildea

In a region known for the participatory democracy of its town meetings, it was ironic, not to mention unconstitutional, when a public school teacher Jeanette Kildea was banned from

speaking during the public comment period at Canterbury Board of Selectmen meetings for criticizing the policies of a Canterbury Selectman. Last April The American Civil Liberties Union of Connecticut was pleased to announce a successful resolution in the case of Kildea. According to the settlement agreement, the town of Canterbury will pay Kildea \$60,000.

"Jeanette Kildea has been attending public meetings in Canterbury for many years because she believes that citizen participation is the lifeblood of democracy at the local level," said Andrew Schneider, Executive Director of the ACLU of Connecticut. "This settlement makes it clear that the First Amendment protects this great tradition of American democracy."

At the December 5, 2006 Canterbury Board of Selectmen meeting, First Selectman Neil Dupont Sr. ordered that Kildea alone could not speak during the public participation portion of the meeting, stating "I don't need to be

lectured. I don't need to be talked down to. I don't need to have someone's different opinion of every move I make."

The ACLU-CT sent a letter to the town charging Dupont's actions violated Kildea's constitutional right to free speech. Rather than ceasing its unconstitutional behavior, the board responded by banning speech by any member of the public at all board meetings unless and until the ACLU-CT stopped insisting on free speech rights for Kildea and others. The town failed to respond to a second letter from the ACLU-CT demanding that the public comment period be reinstated, and the ACLU-CT filed suit against the town of Canterbury in Connecticut Superior Court in June 2007. The suit was later removed to federal court.

"Our constitutional rights retain their vitality because people like Jeanette Kildea are willing to make personal sacrifices to preserve our freedom of speech," said David Cohen of Wofsey, Rosen, Kweskin & Kuriansky, LLP, the ACLU-CT cooperating attorney who represented Kildea.

Kildea will donate her share of the proceeds to the Town of Canterbury to support the process of open government. She says, "I envision the library as the perfect vehicle for raising awareness about the historical and continued importance of open government." Kildea is optimistic that the donation will move the Town of Canterbury in a positive direction.

Jon Matthews joins ACLU-CT as New Legal Director



Jon Matthews

The ACLU of Connecticut is pleased to announce the selection of Jon Matthews as the organization's new Legal Director. Jon brings to the position a passion for

civil liberties and a track record of accomplishment as an ACLU cooperating attorney and Legal Chair of the ACLU of West Virginia Board of Directors. For the last six years he's been a civil rights attorney in Charleston, WV.

"I worked with Jon for many years when I was Executive Director of the West Virginia affiliate, and there are few people more dedicated to the cause than he is," said Andrew Schneider, ACLU-CT Executive Director. "I am confident he will take our legal program to new heights and I am eager to work with him again."

Jon was introduced to the ACLU when he was in law school at West Virginia University College of Law. He and some friends were unhappy about the University's restrictive speech zone policy, euphemistically called "free speech zones." He helped the ACLU to draft a legal demand letter to challenge this unconstitutional policy. Shortly thereafter, he helped to establish the first ACLU chapter at the WVU College of Law.

He has since successfully litigated civil rights and civil liberties cases before the West Virginia Supreme Court, the Fourth Circuit Court of Appeals and at the trial level. In one First Amendment religious freedom case in which he served as ACLU cooperating attorney, he represented a Mormon student who was denied a deferment of his state scholarship so he could serve his religious mission upon turning 18. He got the state to settle eventually by granting the scholarship deferment and changing its policy regarding religious deferments.

Jon begins work here September 22nd.

ACLU-CT Speakers Bureau

The ACLU-CT Speakers' Bureau is looking for volunteers interested in presenting programs for middle school, high school, and college students year round. Training is provided. If you are a good speaker and have an interest in civil liberties, you are qualified!

For more information the ACLU

Speakers' Bureau please go to: <http://www.acluct.org>, select "Education" from the drop-down menu, and click on "Speakers Bureau."

To express interest in becoming a Speaker, please contact the ACLU-CT Hartford office by phone at 860 247-9823 ext. 213 or by e-mail at info@acluct.org.

ACLU-CT Speakers' Bureau 32 Grand Street Hartford, CT 06106
860-247-9823 (main) 860-728-0287 (fax) info@acluct.org

Chapter News

ACLU Expert to Keynote October 5 Fairfield Event

Christopher Calabrese, Project Counsel for the American Civil Liberties Union's Technology & Liberty Project since 2004, will be keynote speaker at the first annual meeting of the Fairfield County Chapter of ACLU-CT on Sunday, October 5 at 5:00 p.m..

The meeting will take place at the First Congregational Church at 3 Lewis Street in Norwalk.

A graduate of Georgetown University Law School and Harvard University, Calabrese has been in his present position since 2004. He has discussed technology and privacy issues before a variety of audiences including regulatory agencies, bar associations, librarians and the public. He has appeared on radio and television programs including CBS Evening News, Fox News and National Public Radio and has been quoted in a variety of publications including the *New York Times*, *Washington Post* and *Associated Press*.

In addition to his communications outreach, Calabrese also oversees ACLU legislative and public education campaigns, initiates Freedom of Information Act requests and provides legal guidance on the impact of

new technologies on civil liberties. The Technology & Liberty Project is focused on cutting edge technologies including large-scale databases, communication technology, biometrics, video surveillance, wiretapping, genetics and the Internet.

Calabrese is currently opposing the implementation of the Real ID Act of 2005 and the creation of a National ID card, encouraging state public utility commissions to investigate telecommunications companies' illegal cooperation with the NSA, monitoring the use of video surveillance by municipalities and scrutinizing the use of biometrics and radio frequency identification (RFID) chips in identity documents. He has worked in the past to battle data surveillance efforts by law enforcement authorities such as the Multi-state Anti-Terrorism Information Exchange (MATRIX), Secure Flight and CALEA (which increased law enforcement surveillance of the Internet). The Project works collaboratively on ACLU litigation and legislative priorities and frequently reports on surveillance activity in American society.

Calabrese previously served as the Legal



Christopher Calabrese

Counsel to the Massachusetts Senate Majority Leader. In that capacity he helped draft the Massachusetts Genetic Anti-Discrimination and Privacy Law and a number of other measures aimed at preserving individual rights.

The Government's Insatiable Appetite for Surveillance: ACLU Attorney to Speak at Northeast Chapter

Catherine Crump, a staff attorney for the national ACLU, will be the keynote speaker at the Northeast chapter's an-



Catherine Crump

nual meeting on Friday, October 17th.

Because of her concerns about the erosion of privacy rights, Catherine Crump will speak about the impact of

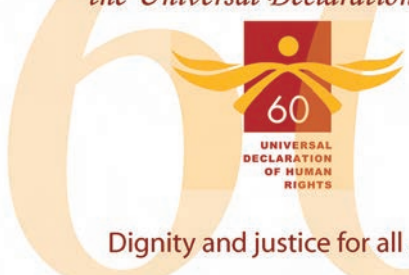
the Bush Administration's expansion of surveillance techniques on individuals' right to privacy. She will expose some of the current trends in the government's use of technology and will focus on the ACLU's recent lawsuit against the U. S. Justice Department regarding the government's use of cell phones as tracking devices.

Catherine Crump litigates privacy and free speech cases for the ACLU around the country. She has been involved in various cases involving Internet censorship and the NSA's warrantless surveillance program.

The Northeast Chapter's annual meeting will begin at 7:00 p.m. followed by Attorney Crump's speech at 7:30 p.m. on Friday, October 17th at the First Church of Christ at the intersection of Routes 195 and 89 in Mansfield Center. Her speech is free and open to the public.

The CT Coalition for Human Rights Presents:

*Fulfilling the Promise of Human Rights;
the Universal Declaration at 60*



Dignity and justice for all of us

The CT Coalition for Human Rights presents:
Fulfilling the Promise of Human Rights;
the Universal Declaration at 60

A conference that will assess how governmental policies at the state and federal level measure up to the principles of the Universal Declaration of Human Rights

SAVE THE DATE!
Saturday, December 6, 2008
9:00 a.m. to 4:00 p.m.
Quinnipiac University ~ Hamden, CT

Banned Books Week: September 27–October 4

The ACLU of Connecticut and the Connecticut Library Association have teamed up to bring you two events during Banned Book Week—September 27 to October 4—to promote awareness that misguided fears of ideas can result in censorship. These events are a talk on the burning and banning of comic books in the 1940's–1950's, and a concert of music that has been banned at some time.

Banned Books Week was founded by the

American Library Association 27 years ago. Banned Book Week was designed to draw attention to the fact that, despite the First Amendment's sweeping protection of free speech and expression, censorship has been a constant presence throughout our country's history. Almost immediately after our country's founding, the Alien and Sedition Acts made it illegal to publish anything that spoke out against our government.

More recently, such books as the Harry Potter books and the Webster's Dictionary have been banned from school libraries. You can see a list of 43 well known and classic novels that have been banned at some place and time and the reasons for which they were banned at this American Library Association link: the Radcliffe Publishing course's 100 Top Novels of the 20th Century. Nearly half of the novels on this list have been banned at some time.

Holy Smokes! Burning and Banning Comics Books

Now that comic books are valued as collectors' items, many people forget that the comic book industry was surrounded by hysteria in the late 1940's and early 1950's.

David Hajdu's recent book, *The Ten-Cent Plague: The Great Comic Book Scare and How It Changed America*, explores how comic books were once considered the root cause of juvenile delinquency because of their glorification of sex, violence, and drugs.

David Hajdu will kick off the ACLU-CT's Banned Books Week with a talk about his book on October 1st. In his book, Hajdu describes in detail how residents in communities such as Binghamton, New York went from house to house finding and confiscating comic books to destroy at public mass burnings. The absurdity didn't end there. There were accusations that Batman and Robin promoted homosexuality, that children would get the wrong idea about the laws of physics because Superman could fly, and that any comic with the words, 'crime,' 'horror,' or 'terror' in the title would corrupt the youth of America. The city of Chicago

arbitrarily banned all comic books with crime themes. These fears even spurred a full Senate investigation!

David Hajdu's talk about the great comic book scare will be at R. J. Julia's Bookstore at 768 Boston Post Road in Madison, CT on Wednesday, October 1st at 7:00 p.m. He will answer questions about this little known assault on freedom of speech. After his talk, there will be a reception and book signing by the author. The event is free and open to the public.

First Annual First Amendment Rock Off

Books are not the only form of expression subjected to censorship in the United States.

As part of Banned Book Week—Celebrating Freedom of Expression—the ACLU of Connecticut and the Connecticut Library Association are hosting a performance of censored music on October 2, the First Annual First Amendment Rock Off.

The First Annual First Amendment Rock Off will feature live performances by The Teague McDonald Band. Tim McDonald and Burt Teague are part of a four-person band that has performed across Connecticut for many years. Burt Teague won the *Hartford Advocate's* Best Guitarist Award three times and *Guitar Player Magazine's* award for best blues guitarist. They will be playing music that has been censored throughout the United States

at some time within the last 50 years, including music by Jefferson Airplane, The Beatles, The Rolling Stones, Bob Dylan, and more.

Authorities have acknowledged the influence and power music can have over American society and have repeatedly turned to censorship to silence alternative views. In 1955, Elvis Presley was threatened by the police in California with arrest and obscenity charges if he moved at all during his performances. By 1963, the FBI had files on singers like Phil Ochs, Bob Dylan, and Jim Morrison who were under surveillance for their anti-war and "subversive" attitudes. Following the September 11th attacks, Clear Channel Radio released a list of over 150 "lyrically questionable" songs to radio stations to consider removing from their playlists. The list included Pat Benatar's

"Hit Me with Your Best Shot," Steve Miller Band's "Jet Airliner," Billy Joel's "Only the Good Die Young," and Dave Matthews Band's "Crash Into Me."

The First Annual First Amendment Rock Off is dedicated to appreciating the music and the artists who refused to let authorities dictate their art and freedom of expression.

This performance will take place on Thursday, October 2, from 8:00–11:00 pm at Black Eyed Sally's at 250 Asylum Street in

downtown Hartford. There will be a \$10 cover charge at the door/\$5 dollars with student ID and the proceeds will help support the ACLU's longstanding fight against censorship.



Burning comics in Binghamton, NY, 1949.

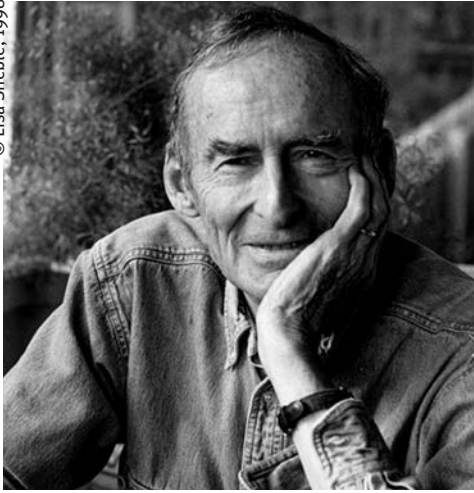


Censorship threatened Elvis Presley.

In Memorium

Connecticut Loses Two Great Defenders of Civil Liberties

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John Zinsser

John Zinsser, of West Cornwall, CT, died at age 84 on May 27. His career as editor for *Reader's Digest Condensed Books* brought great literature closer to millions of people, but his service to the community didn't stop there. A passionate member of the ACLU, John tied his love of books to an enthusiastic interest in civil liberties. After becoming a member of the ACLU through his wife Anne, John became especially appalled by the Patriot Act. By writing letters to newspapers and volunteering at the Cornwall Free Library, he worked tirelessly to educate the public about the Bush Administration's

continuous erosion of the Bill of Rights.

A lively and enthusiastic friend, he was described by Amy Cady, director of the Cornwall Free Library and a close friend, as someone whose "exuberance about reading and books and the community just overflowed. This was a man who had such humor and love of life and human beings and getting to know people, he's one of those special people who will be missed."



Ruth Pulda

Ruth Pulda, of West Hartford, CT, succumbed to her five year battle with cancer on June 9, at the age of 53. She began her

career with the ACLU as a summer legal intern and later served on the state board from 1985-1993. Her most well known work includes litigation to get adequate health care coverage for women at the Avon Surgical Center, and legislation that would protect access to abortion clinics. Martha Stone, who was Legal Director for the ACLU of Connecticut during Ruth's time on the board, said "She mentored a whole other generation of law students. She had a passion and commitment to social justice that never wavered during her entire legal career."

Her persistent commitment to public service brought her positions on countless legislative task forces, organizations, and state commissions. She was especially devoted to the cause of employment and women's rights, having worked closely with the Connecticut Women's Education and Legal Fund. She was honored by this organization on several occasions, including receiving their 2006 One Woman Making a Difference Award. Some of Ruth's other services include time as both Chair and Secretary of the State Permanent Commission on the Status of Women, and as an Adjunct Professor at the University of Connecticut School of Law, where she was both co-founder and a teacher at the law school's Women's Rights Clinic. Stone said, "She was a very loyal friend, very giving, compassionate, and an unending well of friendship."

Desegregation Victory

Desegregation Victory, continued from page 1

Unlike its previous efforts, the state has finally adopted a detailed plan to accomplish these goals. The current agreement allows for greater flexibility in the way the state can reduce segregation. Hartford will continue to increase the number of regional magnet schools, but it will also make other options for students available, including greater enrollment opportunities, an enhanced Open Choice program, and greater financial incentives for families who choose to send their children to suburban school systems. Also, there will be greater coordination efforts between participating schools and the City of Hartford.

Dennis Parker, attorney for the plaintiffs

and Director of the ACLU's Racial Justice Program, is hopeful that the state will meet its new goals, although he said it would depend on how diligent the state is in getting the program up and running. One of the most significant advantages of this settlement is that it will be far more enforceable than the last. The development of a Comprehensive Management Plan will ensure that the state is held accountable for achieving its annual benchmark goals. If it does not, the Sheff Oversight Office—another element that was missing from the 2003 settlement—will be responsible for enforcing these goals, with the potential consequence of further court action by the plaintiffs if the goals are not met.

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Staff News

Patrick Doyle joins staff; filling new position



Patrick Doyle

—such as the First Amendment conferences

Patrick Doyle joins the ACLU-CT as the new Education Program Manager. This position was created as a result of the CFAR-ACLU-CT merger to continue CFAR's former programs

for high school and middle school students—but to also help advance the ACLU's public education and communications activities.

Patrick's experience is well suited for this position. Through his work at the Points of Light Foundation where he was Director of Capacity Building for Youth and Family Outreach and his work at WHUS-FM at the University of Connecticut he helped young people to become more active participants in our democracy.

"Patrick has a strong creative mind and a

proven track record of engaging young people in civic activities," said Andrew Schneider, ACLU-CT Executive Director. "Those qualities will serve him well in this position"

His experience is not limited to educating and organizing young people. Patrick most recently served as Program Coordinator for Volunteer and Chapter engagement at AARP Connecticut where he was responsible for voter education and get-out-the-vote efforts among the state's seniors.

Patrick's first day here will be September 2nd.



Thank you ACLU-CT summer interns for all your hard work.

From left to right: Barra Cohen, Harry Pike, Ariana Davis, Andrew Schneider, Dan Labreque, and Max Margulies.

ACLU National Membership Conference

Report on the National Membership Conference: Stand Up for Freedom

by **ARIANA DAVIS**

The 2008 ACLU National Membership Conference, “Stand Up For Freedom,” was an outstanding success. ACLU members of all ages came from all across the United States to the conference in Washington, D. C. in June. They listened to a variety of panel discussions, asked questions, attended workshops, listened to comedians and musicians, heard anecdotes, shared stories, watched award-winning documentaries, and lobbied on Capitol Hill.

Conference attendees had opportunities to learn about topical issues, such as capital punishment and immigration, from remarkable people who discussed these issues in insightful and provocative ways. ACLU Executive Director Anthony Romero particularly emphasized issues that are relevant to young people and the importance of young people being involved and represented in the ACLU.

Capital Punishment

The panel on capital punishment was one of the most powerful events of the conference. Darryl Hunt, who was wrongfully convicted for the rape and murder of a white woman, spoke personally about his 20 year prison stay. His attorney also described the difficult legal and emotional journey that Darryl Hunt endured.

Reverend Carroll Pickett spoke of his experiences as a death row chaplain at Huntsville Prison in Texas, where he accompanied 95 men to their death. The 2008 Oscar-winning documentary about Reverend Pickett’s work on death row—*At the Death House Door*—was shown. The film makers and actor, Kal Penn, participated in a panel discussion about the documentary.

Tribute to retiring ACLU President Nadine Strossen

One of the conference’s highlights was the tribute to the incredible career of retiring ACLU President Nadine Strossen. She had served as the organization’s charismatic president since 1991. One of her primary goals as president has been to increase young people’s involvement in the ACLU. Her non-stop schedule of speaking engagements at universities and law schools across the country throughout her tenure reflected that commitment. This year’s conference was attended by a record number of young people (25 and



ACLU-CT Executive Director and members meet with Congressman Courtney. From left to right: Andrew Schneider, Ariana Davis, Barra Cohen, Max Margulies, and Rep. Courtney

under)—more than 500! Supreme Court Justices Ruth Bader Ginsberg, Antonin Scalia, and David Souter were special guests at the tribute to Nadine Strossen. Justice Ginsberg, whose history with the ACLU made her the most admired of the guests, gave a beautiful speech about Nadine Strossen and the far-reaching influence of her work for civil liberties.

Lobbying on Capitol Hill

The most common question asked throughout the conference was: “How can I get involved?” Lobbying was an excellent way to get involved. Members who wanted to participate in lobbying on Capitol Hill received valuable lobbying tips and information about the voting records and positions on ACLU issues of their respective Senators and Congresspersons.

ACLU of Connecticut members, board members, staff, and interns spent an afternoon on Capitol Hill. ACLU-CT board members and interns met with aides from Senators Dodd’s and Senate Lieberman’s offices. ACLU-CT Board Chair Don Noel and other members met with aides to Representatives John Larson and Rosa DeLauro to thank the Representatives for voting 100 per

cent with the ACLU’s positions and to remind them of the ACLU’s legislative priorities. There were also face-to-face meetings with Representatives Joe Courtney, Chris Shays and Chris Murphy. It was the first time on Capitol Hill for many of the interns. ACLU-CT summer intern Max Margulies remarked, “It was an interesting experience to be on the Hill and see how things work there, and to see how accessible our Representatives were.” ACLU-CT summer legal intern Dan Lebreque commented on his lobbying experience: “I think that it is great that in America we can approach our elected representatives and tell them exactly what we think about the issues and what we want them to do in Congress. It was very empowering; it makes a citizen feel like he/she can make a difference.”

Even outside the conference center, discussions about civil liberties continued at all hours. In the hostel, filled primarily with young people attending the conference, discussions and debates could be heard everywhere. People seemed inspired by the stories and accounts they had heard, and they appeared to be motivated to further their involvement on behalf of civil liberties.

Why ACLU-CT Members Should Vote Against Calling a Connecticut Constitutional Convention

JONATHAN B. ORLEANS
ACLU-CT Board member and cooperating attorney



The November election ballot will have a referendum question on whether a state constitutional convention to propose amendments to the Connecticut constitution should be held. As a small “D” democrat—one who wants to believe that more democracy generally leads to better government—arguably, I should be in favor of a constitutional convention. But I plan to vote against it, and I urge you to do so, too. Here’s why:

First, although the Connecticut constitution *requires* that voters be asked every 20 years whether we favor calling a constitutional convention, we don’t *need* a constitution convention in order to amend the state constitution. The Connecticut constitution provides another, more thoughtful and deliberative procedure for amendment. A proposed amendment that is passed by a three-fourths majority of each house of the legislature, or by a simple majority of each house in two successive legislatures, may then be submitted to the statewide electorate for approval.

History suggests that constitutions should not be amended lightly, and perhaps that is why this method of amending the Connecticut constitution has been used rarely. The very cumbersomeness of the procedure provides some assurance that proposed amendments to the state constitution would be carefully considered and thoroughly debated by state legislators. State legislators’ debates are more likely to be informed by legal precedents, consciousness of people’s constitutional rights, and the likely implications of any proposed amendment than the debates at a constitutional convention, which would

be dominated by groups with narrow, special interests.

Second, one of the principal goals of the organizations who are currently advocating for a constitution convention is the establishment of an initiative and referendum procedure for Connecticut voters. This strikes me as a bad idea. In states where voters can bypass the state legislature and enact laws through initiative and referendum, the majority tends to restrict the rights of minorities and to attack civil liberties, including limiting or abolishing affirmative action, limiting marriage rights to heterosexual couples, restricting women’s access to abortion, crippling state funding that provides equal access to good public education, etc. Having an initiative and referendum procedure would be an invitation to impose restrictions on civil rights in Connecticut. We should oppose it.

Third, the backers of a Connecticut constitutional convention have been explicit about their intentions to use the convention to propose amendments to the Connecticut constitution that would restrict our civil rights. The Family Institute of Connecticut is advocating for a constitutional convention in order to pass a proposed amendment that would define marriage as the union of a man and a woman. FIC also opposes abortion rights. The Connecticut Constitution Convention Campaign lists “immigration reform” as one of the issues a convention could address. By “immigration reform,” they surely mean amending the state constitution to restrict the rights of undocumented immigrants.

In short, it seems very likely that a constitutional convention would become a vehicle for a variety of anti-civil liberties proposals. Opponents of our civil rights and liberties are often better-organized, better-financed, and more ideologically motivated than the ACLU-CT and its allies. It is important to get the word out about the negative implications for civil liberties of having a constitutional convention.

I acknowledge that there is a certain tension between my belief in democratic principles and my desire to protect civil liberties. A preference for representative democracy over direct democracy is one solution to this tension. In any event, this is an occasion for pragmatism. *When I vote in November on the question of calling a constitutional convention in Connecticut, I plan to vote pragmatically—“NO”—and I urge other ACLU-CT members to do the same.*

“Those who expect to reap the blessings of freedom must undergo the fatigue of supporting it.”

— Thomas Paine

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Max Margulies and Barra Cohen staff ACLU-CT table at Fairfield County's June 2008 gay pride festival.

ACLU and CFAR Merge

CFAR Merger, continued from page 1

Amendment issues accessible and applicable to teenagers. On October 30th, the ACLU of Connecticut will assume responsibility for this former CFAR event: a conference for high school students to examine the First Amendment principles of freedom of assembly and freedom of association. Students from several high schools will have the opportunity to hear from experts and an individual with personal experiences to share. Former student activist, Micah M. White, who was silenced by his high school in Michigan nine years ago when he tried to start a controversial club, will talk to students about his struggle to exercise his First Amendment rights. The students will have a chance to discuss the issues in smaller groups and to work through their own understanding of how relevant these important rights are to their daily lives.

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