

CIVIL LIBERTIES NEWS

Newsletter of the American Civil Liberties Union of Connecticut



ISSUE 1, VOLUME 21, JANUARY 2008

IN THIS ISSUE...

EXECUTIVE DIRECTOR AND CHAIR REPORT	2
LEGAL DIRECTOR REPORT	3
BOARD BALLOT	3

ACLU-CT PREVAILS IN RELIGIOUS POST OFFICE CASE

RENEE C. REDMAN
LEGAL DIRECTOR

The Full Gospel Interdenominational Church, through a non-profit subsidiary named Sincerely Yours, Inc. contracts with the U.S. Postal Service to operate a postal unit in Manchester, Connecticut.

There are about 5,000 contract postal units around the country in places such as colleges, grocery stores, pharmacies and quilting shops. Contract postal units may conduct non-postal business on the same premises but only in an area that is separate and distinct from the postal services. The Church was awarded a contract in

2001. Two years later, the contract was modified to replace the Church with Sincerely Yours, Inc. (SYI) which was set up for the purpose of running the postal unit.

The Church's mission is to "engage in the preaching of the Gospel of Jesus Christ in the State of Connecticut . . . the United States and . . . foreign lands." The SYI unit contains numerous evangelical displays, including posters, artwork, advertisements and photographs.

PLEASE SEE ACLU-CT PREVAILS, PAGE 4



U.S. POSTAL UNIT IN MANCHESTER, CT

CIVIL LIBERTIES EFFORT IN CONNECTICUT LOSES TWO CHAMPIONS

TWO CONNECTICUT CHAMPIONS OF LIBERTY, CATHERINE G. RORABACK AND FRANK MELVILLE II, DIED LAST FALL.



Catherine Roraback, of Canaan, who died October 17 at age 87, may have been best known for litigating the landmark *Griswold vs. Connecticut* case that established women's reproductive health rights and access to birth control and established a constitutional right to privacy. But she made it part of her 50-year career to protect, in her words, the rights of "dissenters and the dispossessed."

She litigated the counterpart to *Roe vs. Wade*, *Women vs. Connecticut*, which struck down the state's anti-abortion statutes. She defended the Black Panthers in New Haven,

civil rights workers in Mississippi and citizens threatened with denaturalization in the McCarthy era. She was once described as "the least flamboyant of radical lawyers."

A founder in 1949 of the New Haven Civil Liberties Union (now the ACLU of Connecticut), she served on the national board of the ACLU from 1973 to 1985. She also played a prominent role in Planned Parenthood of Connecticut, the Connecticut Women's Education and Legal Fund and the National Lawyers Guild.

Frank Melville, of Norfolk, who died December 5 at age 84, had focused his family Melville Charitable Trust since 1990 on finding ways to end homelessness. But throughout his life he and his family were also strong advocates of civil liberties, es-

pecially through the American Civil Liberties Union and its Connecticut affiliate.

A reserved, passionate philanthropist, he was described by Frank Hohler, executive director of the trust, as "one of the most modest persons I ever worked with, a thoughtful and generous spirit who really wanted the work to speak for itself. He never, ever sought attention – really avoided it."



A WORD FROM THE EXECUTIVE DIRECTOR

ANDREW SCHNEIDER
EXECUTIVE DIRECTOR



As civil libertarians, we have a big year ahead of us. This is a presidential election year with major consequences for civil liberties. The results of the election will have a far-reaching impact on critical issues like the restoration of habeas corpus, the detention camp at Guantanamo Bay, the use of torture as an interrogation technique, and the warrantless spying program. The candidates will need to answer this question: ‘will the Executive Branch continue to flaunt or follow the rule of law?’

Locally in Connecticut, there will be some big tests for civil liberties as well. The ACLU of Connecticut will be fighting any proposal by the state legislature to pass ill-advised mandatory minimum sentencing legislation during the expected special session. Such legislation would not make Connecticut residents safer and yet would strip the courts of judicial discretion, exacerbate the dangerous prison overcrowding situation and increase the racial disparity in the inmate population. Instead, the legislature should adopt diversion programs to treat non-violent drug offenders and fund more pre-arrest and post-arrest diversion programs for people with mental illness so that they are not inappropriately incarcerated at great expense and with little or no benefit to them or our society.

Our staff will undergo a major change this year. Renee Redman, our exceptional Legal Director, will be leaving us at the beginning of February for the New Haven Legal Assistance Association. We will miss her and we wish her well.

As a result, I have assembled a search committee to assist me in finding the next Legal Director. The job description and application instructions can be found at our website: www.acluct.org.

REPORT FROM THE CHAIR

DON NOEL
CHAIR



In the wake of the horrible Cheshire murders, the General Assembly has been urged to adopt Draconian measures, including the kind of three-strikes-and-you’re-out law that California and other states have found put people behind expensive bars for minor third offenses. Gov. Jodi Rell imposed a probably-unconstitutional moratorium (denying due process) on parole for violent offenders. Both a gubernatorial task force and the legislature’s Judiciary Committee heard extensive testimony.

We were among those urging a rational response to an emotional stimulus. (For details, please visit www.acluct.org, click on “About ACLU-CT” and then on “Press Room” to read the testimony of John Watson, chair of our legal committee (*ACLU Urges Caution in Sentencing Reform*). That page includes a link to my own op-ed in the Hartford Courant arguing that since almost all those convicted eventually are released, the issue should be how to manage successful re-entry – and how to avoid a crescendo of prison overcrowding, also a constitutional issue. There’s also an online link to The Sentencing Project, on whose expertise we draw.

The General Assembly is expected to be back in special session in January to consider changes in laws regarding sentencing and parole. There will also be a long list of other issues affecting civil liberties when the regular session resumes in February. That’s one of the reasons we’re here. And we need your help.

Not everyone understands that the ACLU of Connecticut is really *two* organizations. The *ACLU Foundation* of Connecticut accepts tax-deductible gifts that support our public-educational

efforts and our litigation in defense of civil liberties. Full disclosure: We plan to come to you in late spring asking for your contribution to those efforts. That’s our major fundraising effort.

But we also need support for our legislative lobbying, which cannot by law draw on tax-deductible gifts. That part of our work is sustained by your annual membership renewal. (From your perspective, that may be solicited by the national ACLU, which supports both national and state-affiliate efforts. Being a member of the national ACLU makes you automatically a Connecticut member.)

With the envelope enclosed in this newsletter, you’re asked to make an additional gift, beyond your basic membership, to what we call in shorthand the *Union*, our *non-tax-deductible* arm, to support our legislative program.

We’re also seeking your vote for a slate of members of the Board that governs both organizations. (And let me add that we will have a few unfilled Board slots; if you’re interested in spending serious time helping decide which issues we should (and can afford to) take on, please do contact us.)

If you’re a regular Internet user, you can do all this at our website. In fact, we hope you’ll visit our rejuvenated www.acluct.org often; almost every week you’ll find updated information about the broad range of issues we tackle on your behalf.

You can also, at that website, join our “E-mail Activist Network.” We’ll contact you when we need you to put your shoulder to the wheel by contacting your state senator and representative. On some issues, a few dozen messages from local constituents can turn a legislator’s vote. We promise not to deluge you with such requests.

Our aim is not more than a half-dozen notices during the legislative year. You don’t even need to know who they are. Our computer somehow (ah, cyberworld’s mysteries) will take care of that for you.

Bottom line: We need your support. Help us elect a Board to govern the next two years. Lend your voice occasionally to our legislative efforts. Chip in \$25 to \$100 to pay the costs of our lean, mean efforts.

And – again full disclosure – expect us to come back in a few months to ask for a major, tax-deductible gift to support the rest of our program.

Edmund Burke is credited with saying, “*Eternal vigilance is the price of liberty.*” Thomas Paine put it only a little differently: “*Those who expect to reap the blessings of freedom must, like men, undergo the fatigue of supporting it.*”

You get the picture. Give us a hand. Thank you.

ACLU of Connecticut

Staff

Andrew Schneider
Executive Director

Renee C. Redman
Legal Director

David McGuire
Staff Attorney

Deborah Noble
Legal Assistant

Shoshanna Silverberg
Human Rights Fellow

Denise Thivierge
Office Manager

Serena Soutar
Administrative Assistant

FROM THE DESK OF THE LEGAL DIRECTOR

RENEE C. REDMAN
LEGAL DIRECTOR



Our litigation docket continues to grow to include cases ranging from a challenge to parts of the state's new campaign finance law to a case seeking reversal of the complete ban on public participation at meetings imposed by the town selectmen of Canterbury. We enjoyed several successes over the last several months, including one in our challenge to the religious displays in a Manchester contract postal unit and another in our request to the state Department of Public Utility Control (DPUC) for an investigation of AT&T and Verizon.

Following several hearings, the DPUC granted our request that it conduct an investigation into the alleged disclosure by AT&T and Verizon of customer calling information (known as CPNI) without a court order, warrant or subpoena. The DPUC found that '[c]ontrary to the assertions of AT&T and Verizon as well as the United States of America

. . . the Department is seeking to 'intrude on foreign intelligence gathering and military activities,' . . . the initiation of this docket is to investigate the alleged illegal disclosure of Connecticut customers' CPNI information to the NSA. "The intent is not, nor has it ever been, to investigate the operations of the Federal Government or foreign intelligence activities." The DPUC concluded that the information is "germane to the issue of whether AT&T and Verizon illegally disclosed Connecticut customer records to private parties, government entities and law enforcement personnel."

However, the rights of many people continue to be in jeopardy. We have been combating, both in court and through advocacy, the Immigration and Customs Enforcement practice of raiding homes of suspected immigrants. ICE follows a policy of arresting every foreigner who happens to be present unless he or she is able to show proof of legal

immigration status. This practice spreads fear among our immigrant communities, breaks up families and will certainly not fix our broken immigration system.

We have also expressed our grave concern to Commissioner Lantz of the Department of Corrections about the overcrowded conditions in which inmates are living in our state prisons. We have learned, for example, that in many of our facilities, inmates are housed in places such as gyms, day rooms, hallways and card rooms, often with limited access to toilets and showers. Many cells and other areas have "ping pong" toilets – when one toilet is flushed, the waste comes up in another. While inmates cannot expect luxury in prison, surely they have the basic right to live as human beings? We met with the Commissioner to discuss these issues and look forward to her written response.

Ballot for Board of Directors for the ACLU of Connecticut

You may vote for the slate as presented below by going to our website, www.acluct.org. Click on VOTE in the upper right-hand corner of the home page. You may use the paper ballot if you prefer not to vote online. To vote only for individuals you must use the ballot below; put a check mark to the left of the names of those you support, tear off the ballot and mail it back. Thank you for including a contribution to the ACLU of Connecticut.

Please cast my ballot for all candidates **or** choose individually (*committees in italic*)

Laura Victoria Barrera -- Farmington. Public health worker specializing in reaching medically underserved communities. Long-time Board member. *Executive Committee; Chair, Board Development.*

Nancy Barton -- Old Greenwich. Retired lawyer. Town Finance Board for Greenwich & other volunteer work. Former Senior Vice President, General Counsel & Secretary for General Electric Capital Corporation.

Cicero Booker -- Waterbury. Retired Waterbury Police Lieutenant. Board member since 1982, currently ACLU-CT's National Board Representative. "A strong believer in the civil rights of all people, works diligently to protect those rights." *Board Development, Personnel.*

Rosa Browne -- Middletown. Community Access Program coordinator, Yale-New Haven Hospital; MBA, MPubHlth candidate. Native of Panama, naturalized citizen. Board member since January 2005. *Public Education, Board Development.*

Virge Carstens -- East Hartford. Associate Attorney with Leete, Kosto & Wizner, LLP, with specialty in Immigration. *Legal Committee; Board Secretary, renominated as Board Secretary.*

Robin Chase -- Hartford. Marketing professor. Board member since 2005. *Budget & Finance, Development, Public Education.*

Lola Elliott-Hugh -- West Hartford. Senior Aide to the President, Universal Health Care Foundation of Connecticut, Inc. Board member since 2000. *Executive Committee; Co-chair, Personnel.*

Diana Hossain -- Bolton. Professor English as a Second Language and Spanish at Manchester Community College. Active with the Great Hartford Muslim community and works for and with them on the issues of interfaith dialogue, immigrants' rights, peace education and volunteerism. *Board Development.*

Khalil Iskarous -- Activist in human and civil rights of oppressed communities, especially the undocumented, prisoners, and Arabs and Muslims. Believes successful activity in these areas requires simultaneous work on mobilization, legislation, and

litigation. Senior researcher, Linguistics PhD, Yale's Haskins Laboratory.

Karl Fleischmann -- West Hartford. Attorney who has been a cooperating attorney with the ACLU-CT. Practiced and taught education, military & commercial real estate law. Currently semi-retired. *Chair; Budget & Finance, co-chair, Fund Development; Treasurer. Renominated as Treasurer.*

Rob Grover -- West Hartford. Retired Professor of Ethics, Political Philosophy & Philosophy of Law at UConn, Torrington. Active American Assn. of University Professors. Volunteer with arts organizations. *Co-chair, Fund Development.*

David Jaffe -- West Hartford. Attorney, Brown, Paindiris & Scott, Hartford; long-time Board member; *Budget & Finance.*

Willajeanne McLean -- Hartford. Professor, Uconn Law School. Long-time Board member; *Personnel & Legal.*

Paulette Mebane -- New Haven. RN, BS, BSN; Program Coordinator, community-based asthma programs, Yale-New Haven Hospital. *Board Development.*

Gavan Meehan -- Hartford. Attorney. Law clerk for Retired Chief Justice Ellen Ash Peters. JD, Uconn School of Law '07; M.Div., Yale Divinity School. *Chair; Public Education; Personnel.*

Don Noel -- Hartford. Retired print and broadcast journalist. Board member since 1998. Chair. Renominated as Chair

David Schafer -- Hamden. Retired medical scientist, West Haven USDVA Hospital. Board member since 1999. *Public Education.*

Andy Schatz -- West Hartford. Founding & senior attorney of Schatz Nobel Izzard, P.C., with a national practice representing investors, employees and consumers against corporations that commit fraud or violate fiduciary duties. *Legal Committee. Nominated as Vice Chair.*

John Watson -- New Haven. Practicing attorney, New Haven. *Chair; Legal Committee.*

ACLU-CT PREVAILS

CONTINUED FROM PAGE 1


These include a display informing customers about Jesus Christ and inviting them to submit a request if they “need a prayer in their lives;” prayer cards and a box for customers to submit their cards; a framed advertisement for World-Wide Lighthouse Missions, the missionary organization incorporated by the Church to which SYI’s profits are donated; and a television monitor playing various religious programs created by the Church.

The ACLU of Connecticut, and attorneys from Wiggin & Dana LLP working pro bono, brought a case on behalf of Bertram Cooper, a veteran, seeking removal of the displays on the ground that they violate the Establishment Clause of the First Amendment to the United States Constitution. The Church later intervened on the side of the Postal Service and is now a party in the case.

The federal District Court ruled in favor of Mr. Cooper. It ruled that the religious displays at the SYI unit violate the Establishment Clause and issued an injunction ordering their removal. The Court found that the SYI unit “is so entwined with the Postal Service that

the [unit]’s actions may be considered the actions of the Postal Service.” It found that the signs outside of the SYI unit most likely indicate to customers that it is an official Post Office and not that it is a private business operating on private property. Thus, SYI’s conduct was deemed to be state action – or government action.

The Court went on to find that, as a state actor, SYI had violated the Establishment Clause. It noted that the religious displays do not have a secular purpose, but rather, they are meant to assist the Church in its mission to promote Christianity. It also found that the displays are clearly meant to advance that religion. The Court noted that the First Amendment does not prohibit all interaction between church and state. It prohibits entanglement that is excessive such that it has the “effect of advancing or inhibiting religion.” The Court concluded that the entanglement of the Postal Service with the SYI unit is excessive because, to an outsider, the displays could indicate that the Postal Service endorses the purpose and message of the religious displays.



On October 17, 2006, Habeas went missing. Habeas Corpus needs our help. Get involved and help us restore Habeas Corpus to his rightful place in our Constitution!



AMERICAN CIVIL
LIBERTIES UNION OF
CONNECTICUT
32 GRAND STREET
HARTFORD, CT 06106

T/ 860.247.9823
F/ 860.728.0287
www.acluct.org

NON-PROFIT ORG
HARTFORD CT
U.S. POSTAGE
PAID
PERMIT No. 3699