



New Law Reforms Police Use of Tasers



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A groundbreaking new law that sets state-wide standards for how police use electronic weapons will take effect on Jan. 1.

The bill passed the state legislature May 7, less than a month after 22-year-old José Maldonado was stunned with a Taser at East Hartford police headquarters and died. Gov. Dannel P. Malloy signed the bill June 6.

Maldonado was at least the 14th person to die after being Tasered by police in Connecticut since 2005. Ten of those people, or 71 percent, were African American or Latino, an alarming racial disparity.

The latest death prompted a renewed push from the ACLU of Connecticut and the NAACP of Connecticut for a Taser reform bill. The legislature's Black and Puerto Rican Caucus took up the cause and backed a bill that passed the state House of Representatives 102-38 on May 2 and the state Senate 35-1 on May 7, the final day of the legislative session.

Public Act 14-149, the first law of its kind in the nation, will require police depart-

ments to adopt a policy on Taser use at least as stringent as a model policy developed by the Police Officer Standards and Training Council. They will also have to report the details of each Taser deployment to the state Office of Policy and Management.

The ACLU of Connecticut has learned of cases where police used Tasers against children, people in mental crises, people who were restrained and people who were not resisting police or threatening anyone, Staff Attorney David McGuire said.

"The policy requirement and the reporting requirement are both vitally important for reform," he said. "The policies will help ensure that Tasers are used appropriately and the reporting will provide the data needed to continue to improve the guidelines and protect the public."

The Connecticut Police Chiefs Association opposed similar legislation in 2011 and again in 2013 but did not oppose the bill this year. (See related story on page 6: *Deaths After Taser Shocks Prompt Change in Tactics*)

ACLU-CT Fights for Teen Imprisoned Without Charge

It seems unthinkable that a 16-year-old who has not even been charged with a crime could be incarcerated in an adult prison, but it happened here in Connecticut.

Using an obscure state law, the state Department of Children and Families sought a court order to transfer an abused and traumatized 16-year-old transgender girl to the custody of the Department of Correction. The DCF contended the girl, known as Jane Doe to protect her privacy, was too violent for its new, secure facility for girls in Middletown.

The ACLU of Connecticut submitted a brief arguing against the transfer on constitutional grounds, but the juvenile court judge refused to consider it and issued the order.

On April 8, Jane was incarcerated at the York Correctional Institution in Niantic, held in isolation because federal law prohibits imprisoning her with adult offenders. A month later, Gov. Dannel P. Malloy's office released a statement saying that Jane "must be moved to another setting as quickly as possible."

Meanwhile, Jane's lawyers filed a federal lawsuit seeking her release. While that suit was pending and this newsletter was going to press, DCF announced that it would transfer Jane within days to the Middletown facility while awaiting final approval of her admission to a private treatment center in Massachusetts.

"Jane should never have been in prison and we will press for repeal of the enabling statute so that nothing like this ever happens again," said ACLU of Connecticut Legal Director Sandra Staub.





Melvin Medina Joins ACLU of CT Staff

Melvin J. Medina joined the ACLU of Connecticut in January as office coordinator and special projects assistant.

Born and raised in Waterbury, he received his B.A. in history in 2010 from the University of Connecticut, where he won the New England Scholar award for academic excellence.

He is finishing his M.A. in Latino Studies with a graduate certificate in Human Rights from the Institute of Latina/o, Caribbean and Latin American Studies program at UConn.

Medina said that his studies have taught him that the outcome of a struggle for civil rights rests largely on the strength of the framework that supports those rights.

"It may seem as if our histories are sharply defined by key moments when civil liberties are lost or won, but the groundwork for the deterioration or securement of civil rights are in place long before victories or defeats," he said. "In recognition of this, I joined the ACLU to work with a talented staff that is consistently and effectively laying the groundwork for securing and defending our civil liberties."

David McGuire Appointed to Civil Rights Committee

David McGuire, staff attorney for the American Civil Liberties Union of Connecticut, has been appointed to the Connecticut State Advisory Committee of the U. S. Commission on Civil Rights. His two-year term began May 16.

The U.S. Commission on Civil Rights advises the president and Congress on civil rights matters and issues a federal civil rights enforcement report. State advisory committee members conduct reviews and produce reports and recommendations concerning local civil rights issues.

"I'm honored by the appointment and excited about the work ahead of us," McGuire said. "It's an impressive committee with an important role to play."

McGuire joined the ACLU-CT in 2007 after graduating cum laude from Western New England University School of Law and clerking for the judges of the Connecticut Superior Court.

"I can't think of a better choice than David to take on this work," said Sandra Staub, legal director of the ACLU of Connecticut. "The expertise, skill and collaborative spirit he has employed so effectively for the ACLU will make him a valuable asset and contributor."

"David has done great work to protect the rights of people of Connecticut, particularly on privacy and police accountability issues," said Andrew Schneider, executive director of the ACLU of Connecticut. "We continue to be proud of his great achievements."

Civil Liberties Beacon, Summer 2014

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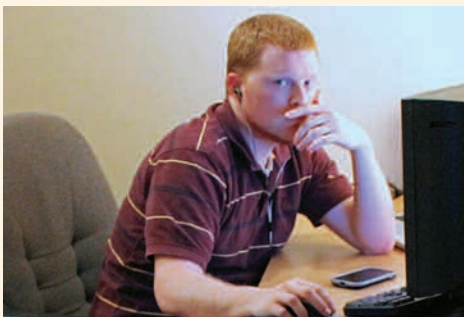
Isa Mujahid
Field Organizer

Ruth Sovronsky
Development Director

Melvin Medina
Office Coordinator & Special Projects Assistant

The 15-member committee will meet for the first time in July to consider its plans and priorities. Alex A. Knopp, a law professor who has served as a state legislator and as mayor of Norwalk, will be its chairman.

Jason Lamanna 1984 - 2013



Jason 'Jay' Lamanna, who worked as a full-time legal intern for the ACLU of Connecticut in the summer of 2013, was honored posthumously May 16 with the student award of the Massachusetts Chapter of the National Lawyers Guild.

Jay, a student at Western New England University School of Law and a leader in its Guild chapter, died in his sleep on Dec. 27, 2013, at the age of 29. He left his wife, Olayemi Ajayi-Lamanna, who gave birth to their son, Ayodele, in March.

Jay worked on several projects with the ACLU of Connecticut, including research on the use of Tasers by police. His work helped lay the foundation for reform legislation that passed the Connecticut General Assembly in May.

"Jay cared passionately, spoke out unreservedly and worked tirelessly for justice," said Sandra Staub, legal director of the ACLU of Connecticut. "We're inspired by his life and deeply saddened that we have lost him."

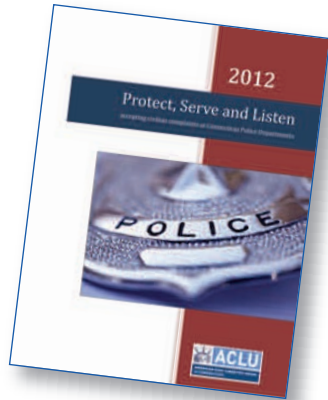
Law Reforms How Police Accept Misconduct Complaints

Police departments will have to meet new standards for accepting complaints of misconduct under a new law that was prompted by an ACLU of Connecticut report.

Public Act 14-166 directs the Police Officer Standards and Training Council to develop a model policy that addresses many of the issues raised in the 2012 report *Protect, Serve and Listen: Accepting Civilian Complaints at Connecticut Police Departments*. (Available online at acluct.org/protect) Police departments will have to adopt that policy or a more stringent one, make copies available at the police station and another municipal building, and post it on the Web.

"Nobody should be turned away when they want to report mistreatment or inappropriate behavior by a police officer, but we hear too often from civilians who are ignored when they try to register concerns about racial profiling or other forms of misconduct," said David McGuire, staff attorney for the ACLU of Connecticut. "This legislation will improve and standardize the process to benefit everyone."

The report found considerable inconsistency in how police departments in the state handle misconduct complaints. Many departments fail to make complaint forms available, refuse to



accept anonymous complaints or impose time limits on receiving complaints. Some require sworn statements or threaten criminal prosecution or a civil lawsuit for false statements. Many threaten or will not rule out immigration status checks on complainants.

The ACLU of Connecticut has heard from many people who have had difficulty simply filing a complaint of police misconduct, Executive Director Andrew Schneider told legislators in his testimony for the bill. These included a man who was told, when he tried several times to file complaints with his local police department about what he considered harassment by its officers, that the department won't accept "unfounded complaints;" a woman who said she was threatened with arrest and thrown out of her local police station when she tried to file a formal complaint about her treatment by officers; and a mother who was summoned to police headquarters to submit to a videotaped interview after she complained about excessive force in the arrest of her son.

The report's recommendations, which will be taken up by the training council, reflect best practices supported by law enforcement experts, including the Department of Justice, the International Association of Chiefs of Police and the Commission on Accreditation for Law Enforcement Agencies.

The bill passed the state Senate 35-0 on May 2 and the state House of Representatives 95-50 on May 7. The governor signed it June 11.

"This important new law advances transparency and accountability in law enforcement, which will in turn build community trust and enhance the safety of the public and of police officers," Schneider said. "It's a great step forward."

Progress Continues in Fight Against Racial Profiling

Progress continues in the prolonged struggle for compliance with a state law against racial profiling, with nearly all the state's police departments now providing comprehensive data on traffic stops and race.

In a report released in March, the Racial Profiling Prohibition Project reported that 94 percent of law enforcement agencies required to report data under the Alvin W. Penn Racial Profiling Prohibition Act were in full compliance. The remaining 6 percent are working toward compliance.

ACLU of Connecticut Legal Director Sandra Staub, a member of the project's Racial Profiling Prohibition Advisory Board, said the last year has brought remarkable progress in meaningful enforcement of the act.

"We finally have, 14 years after the law was enacted, a functioning system to record, report and compile the details of traffic stops by police in Connecticut," she said.

"We can't end racial profiling until we understand it, and for that we need this data."

The ACLU of Connecticut supported changes to the law that were enacted in 2012 and 2013, including a requirement that police inform drivers of their right to file a complaint of racial profiling and a provision giving the state Office of Policy and Management responsibility for collecting traffic stop information.

Data collection began Oct. 1, 2013 and the Racial Profiling Prohibition Project plans to release its first analysis of it in July. A more comprehensive analysis is expected by January 2015.

Meanwhile, a disagreement with the Manchester Police Department over its own interpretation of its traffic stop data demonstrated the need for improvements in the quality of the data and analysis provided by the new system.

The police department reported that its

data indicated its officers were not engaging in racial profiling. The ACLU of Connecticut said the data was insufficient to reach a solid conclusion but might indicate the opposite. Both sides agreed ultimately that the new system will provide better answers.

The advisory board and project staff continue to work on implementing the law. In recent discussions about using automated license plate scanners to provide underlying data about the commuting patterns of drivers, Staub urged the board to respect the privacy of individual drivers by restricting access to identifying plate information and discarding it as soon as possible.

"Without careful regulation, the mass collection of data on the movements of motorists threatens fundamental privacy rights," Staub said, noting that there is growing concern about license plate scan data being archived and marketed by private companies.

Criminal Justice Reforms Left on the Table—Again

Two important bills to reform criminal justice for juveniles failed in the state legislature for the second year in a row, although each had easily passed one chamber.

House Bill 5221 would have required a parole hearing for people sentenced to more than 10 years in prison for an offense committed before they reached the age of 18. The **juvenile sentencing** legislation, recommended by the non-partisan Connecticut Sentencing Commission, passed the state House of Representatives overwhelmingly but never got a Senate vote.

The change is needed to bring Connecticut into compliance with U.S. Supreme Court rulings that forbid sentences of life without the chance of parole for juveniles. The bill also would have established other sentencing standards consistent with scientific findings that juveniles have greater prospects for rehabilitation than adults. Because the legislature failed to pass the bill, dozens of legal challenges based on



the Supreme Court rulings are expected to go forward in the federal courts.

The Senate failed to pass a bill intended to keep students out of the **school-to-prison pipeline**. Studies have shown that when police are assigned to work in schools as resource officers, students are arrested at a much higher rate, often for minor disciplinary infractions such as skipping class, insubordination and swearing

That trend can be reversed with agreements, known as memoranda of understanding, that lay out which offenses will be treated as crimes handled by police and which will be handled by school officials as routine disciplinary matters.

House Bill 5355, which would have required such agreements for all school resource officers in the state, was supported by law enforcement officials, educators and advocates for civil rights and children. Yet after it passed the House, it was tabled in the Senate on the last day of the session.

A third and more controversial bill, Senate Bill 259, would have reduced the size of so-called **drug-free zones**. It passed two committees but didn't reach the floor of either chamber for a vote.

Existing law imposes extra penalties for drug offenses within 1,500 feet of any school, public housing complex or day care center. The bill would have reduced the radius to 300 feet, mitigating the unequal impact on urban residents.

Privacy Struggle Continues on Multiple Fronts

As long as advances in technology provide new ways to track and monitor individuals, the fight will continue to update our laws to protect personal privacy. There was some progress in the 2014 session but most of this work lies ahead.

House Bill 5217 would have required a warrant for police to deploy **drones**—unmanned surveillance aircraft—except in emergencies. It died in the Judiciary Committee after evincing strong opposition from the Connecticut Police Chiefs Association.

Although this was disappointing, it's encouraging that the Legislative Program Review and Investigations Committee has decided to study the issue and report its recommendations to the legislature for its 2015 session.

License plate scanners that capture the numbers of passing vehicles can help police identify stolen, unregistered and uninsured vehicles. But when those records are amassed in databases, they can also provide detailed dossiers on the movements of innocent drivers.

House Bill 5389 would have allowed law enforcement to keep

the data for up to five years, far too long in our opinion. We opposed the bill, which did not pass, and will continue to press for data retention of days or weeks, not years. There is now no limit on how long the records may be kept.

Senate Bill 423 would have protected **student privacy** by prohibiting schools that administer the Armed Services Vocational Aptitude Battery (ASVAB) from automatically giving military recruiters the test results and personal information that students who take the career exploration test are required to provide. Instead, students and their parents would choose whether to give that information to recruiters.

The legislation passed the Education Committee but was diverted to the Veterans Affairs Committee, which killed it.

Senate Bill 317 would have protected **employee privacy** by forbidding employers or prospective employers from seeking access to employees' or applicants' personal social media and email accounts. The legislation passed the Senate but did not get a vote in the House.



BRIANA BARDO

WVIT reporter Jeff Saperstone interviews Staff Attorney David McGuire in the Legislative Office Building about drone legislation.

Holding the Line for Free Speech, FOI

The defense of civil liberties demands vigilance, especially in identifying and opposing legislation that threatens constitutional rights and government accountability. We helped defeat several such bills in the 2014 session.

Senate Bill 489 sought to protect people from so-called **revenge porn** but was written so loosely that it would have made it a crime not only to distribute intimate images of former partners but also to publish constitutionally protected images. An amended bill passed the legislature's Judiciary Committee, but proceeded no further after the ACLU of Connecticut protested that the amended version still threatened freedom of speech and of the press.

House Bill 5535 was intended to prevent **anti-abortion crisis pregnancy centers** from posing as health care providers. The bill was so poorly written that it threatened free speech on all sides of the issue. After we objected, the offending language was removed and the amended bill passed.

House Bill 5449, which would have imposed residency restrictions on **sex offenders**, died in committee after the ACLU of Connecticut testified against it. We argued that the exclusion zones, measuring 1,000 feet from any school or day care center, would be so large that offenders would have

to choose between homelessness and not registering. We cited statistics showing disastrous results when similar laws were enacted in other states. We were joined in opposition to the bill by the Office of the Chief Public Defender, the Department of Correction and Connecticut Sexual Assault Crisis Services.

Senate Bill 178 would have banned registered sex offenders from housing for the elderly, senior centers and other places where senior citizens congregate. The bill passed but was amended to remove the restrictions and create a task force to study the issue.

Two bills were proposed to extend and amend controversial exceptions to the state's **Freedom of Information** law that were passed in 2013, after the Sandy Hook massacre of schoolchildren and educators. We joined other advocates for government transparency in opposing Senate Bills 381 and 388. Neither passed.

Another piece of legislation, House Bill 5125, would have exempted a broad swath of public records regarding probation officers from disclosure to the people they supervise. We negotiated more acceptable language that reinforces existing exemptions for personal information while allowing full access to job performance material.

Display Restored at State Capitol

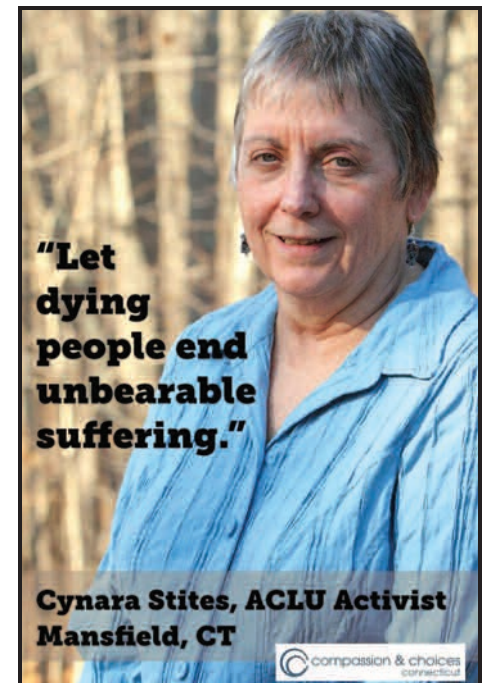
A bill modeled on an Oregon law allowing terminally ill, mentally competent patients to choose aid in dying did not get past the Public Health Committee during the 2014 legislative session.

But while House Bill 5326 was pending, a display at the Capitol by its advocates kicked up a controversy over freedom of speech.

Compassion and Choices placed a portrait gallery in the concourse between the Capitol and the Legislative Office Building that featured people who support end-of-life choice. The Office of Legislative Management had approved the display but removed it a week ahead of schedule after a legislator complained that it was inappropriate because it advocated for a pending bill.

The ACLU of Connecticut intervened, pointing out that other displays in the same space had taken advocacy positions. The Office of Legislative Management agreed, as a result, to restore the display for a week.

The display included portraits of two ACLU of Connecticut members and of Field Organizer Isa Mujahid. We also testified in favor of the bill. Executive Director Andrew Schneider urged the Public Health Committee to "honor until the very end of life the self-determination that is so valued in our culture and our Constitution."



"Let dying people end unbearable suffering."

**Cynara Stites, ACLU Activist
Mansfield, CT**



Freedom of Speech Controversy Resolved in Meriden

Responding to objections from the ACLU of Connecticut, the Meriden City Council voted in February to change a proposed rule on comments from the public at its meetings.

The successful intervention was our latest to address free speech issues at the municipal level in Connecticut. We have reached similar resolutions with the Waterbury Board of Aldermen and the Winchester Board of Selectmen regarding their public comment policies and practices.

The Meriden council had discussed prohibiting speakers from “using offensive or abusive language and personally attacking

any public officials.” In a letter to the council, ACLU of Connecticut Legal Director Sandra Staub and cooperating attorney Martin Margulies described such a ban as “blatantly unconstitutional.”

“It is bedrock law that ‘attacks on government and public officials’ are protected even when ‘vehement, caustic, and sometimes unpleasantly sharp,’” they wrote, citing several U.S. Supreme Court cases. The council could adopt viewpoint-neutral regulations, such as a ban on vulgarity or profanity, without violating speakers’ First Amendment right to freedom of speech, the letter said.

On February 17, 2014, the council adopted a new rule that prohibits “vulgar, obscene or indecent” language in public comments. The new rule also lifts a restriction on the topics the public may address. Discussion had been limited to issues on the meeting agenda but is now open to any topic.

“This is a better policy and we commend the Meriden City Council for its efforts to expand opportunities for public comment,” Staub said. “We would like to think it will be applied as carefully and narrowly as possible in order to provide the greatest possible protection of the public’s free speech rights.”

Deaths After Taser Shocks Prompt Change in Tactics

On June 9, 2013, 43-year-old Noel Mendoza appeared in parking lot of the Meriden police station, distraught and asking for help. According to police officers, his hands were bleeding, he was irrational and he appeared to be high on drugs.

Police said Mendoza became combative. Video from a surveillance camera in the police station parking lot showed an officer shocking Mendoza with a Taser as he sat on a stretcher outside an ambulance. He was taken to a hospital, where he was declared dead, the third person to die after being Tasered by police in Meriden since 2008.

Discussing the incident afterward, police insisted it was handled in a way consistent with their training. When dealing with a subject suffering from what they considered to be “excited delirium,” they were in-

structed to subdue the person as quickly as possible, with a Taser if warranted.

In a news conference at the police station and in a meeting with police and town officials, the ACLU of Connecticut and the NAACP of Connecticut urged the police to reconsider that policy in light of research indicating that Taser shocks can be lethal, especially to agitated subjects.

Nearly a year later, on May 29, 2014, police were called to Ceppa Field Park in Meriden, where an unidentified man was reportedly running around the parking lot, screaming and taking off his clothes. When police arrived, they took a new approach, one adopted after Mendoza’s death.

This time, officers performed a maneuver they called swarming, which they had learned in a recent training exercise. Offi-

cers grabbed the man in a “bear hug” and then four officers each grabbed one of his limbs and lowered him to the ground. He was taken to a hospital and medicated.

“Now we know that we are not gonna use Tasers, we are going to swarm and control,” Lt. Sal Nesci, a police spokesman, told the Record-Journal of Meriden.

The NAACP of Connecticut and the ACLU of Connecticut commended the Meriden police for changing the policy even before the governor signed the new Taser reform bill. (See story on page 1).

“As we learn more about the risks of Tasers, we need to adjust how they are used,” said David McGuire, staff attorney for the ACLU of Connecticut. “The Meriden police have shown admirable adaptability and leadership on this issue.”

Without any government funds, the ACLU’s work is possible only because of you, our members and donors. In this challenging civil liberties environment, we make a difference when we stand together.

Here is my tax-deductible gift of \$_____ toward the work of the ACLU Foundation of Connecticut.

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Outreach



PHOTOS BY RUTH SOVRONSKY

Piper Kerman, whose memoir, *Orange is the New Black*, is the basis of a popular Netflix series, was the featured speaker at the 2014 Milton and Ethel Sorokin Symposium, sponsored by the ACLU of Connecticut and the UConn School of Law. Kerman spoke with David McGuire, staff attorney for the ACLU of Connecticut, about censorship and prisoners' First Amend-

ment rights and took questions from the audience of about 200 people in the law school's Starr Reading Room.



People come to the ACLU of Connecticut's annual Lobby Day at the state Capitol to learn how to lobby their legislators on civil liberties issues. The 2014 event, held March 18, featured Kade Crockford, director of the ACLU of Massachusetts Technology for Liberty Project, at left, who explained the challenges to privacy presented by government surveillance with cameras mounted on drones. Among the other speakers were ACLU of Connecticut President Andy Schatz, center, and Field Organizer Isa Mujahid.



PHOTOS BY VIVIAN DENNIS



Suzanne Sheridan, playing guitar at left, performed the music of Joni Mitchell and Leonard Cohen in a benefit concert for the ACLU of Connecticut May 31 at the Long Wharf Theater in New Haven. The event honored the memory of Manny Margolis, a long-time ACLU-CT board member and legal adviser, for his dedication to equal marriage rights. Among those attending were ACLU of Connecticut Executive Director Andrew Schneider; Margolis' widow, Estelle, at center, and event organizer Rozanne Gates.



PHOTOS BY RUTH SOVRONSKY





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How ACLU of Connecticut Inspired a Young Activist

I was barely aware of the ACLU in 1997 when, as a 17-year-old senior at Manchester High School (MHS) in Manchester, Conn., I was working hard to start a Gay Straight Alliance (GSA). Before the year was out, the ACLU, and the values it represents, had become a guiding force in my life.

I was about ready to give up on the GSA when a fellow student activist introduced me to then-CCLU Director Joe Grabarz. My efforts had been met with forceful resistance by the MHS administration and Christian Coalition members on the local board of education, and, though I was convinced that a GSA was needed to combat the school's toxic anti-gay atmosphere, it seemed beyond my power to get the club off the ground.

Joe changed my mind. He told me about the 1984 Equal Access Act, which forbids public schools from practicing viewpoint discrimination against student-led organizations. If a school allows any student-led organizations to meet on school grounds, it can't deny others on the basis of the content of their speech. In denying my application to start the GSA, MHS was in clear violation of this law.

Armed with this information, I redoubled my efforts. Over the next several months, Joe was an invaluable source of strategic advice. Although it took a meeting between Joe and the administrators to make the club a reality, the experience inspired optimism about democracy that was powerful enough to set the course for my future career. I decided that whatever I did, I wanted to embody the spirit of the ACLU and push for the kind of change



it made me believe was possible.

That's why, as an undergraduate, I interned at the ACLU's national headquarters in New York City. It's why I decided to become a journalist. And it's why, when in 2010 I was offered a journalism fellowship at the Southern Poverty Law Center's (SPLC) Intelligence Project, which tracks hate and extremism, I barely thought twice before relocating from Brooklyn to Montgomery, Ala.

Four years later, I still live in Montgomery. The fellowship has ended, and while still freelancing for SPLC, I now work in the Capital Habeas Unit of the Middle District of Alabama Federal Defenders,

where I assist lawyers attempting to obtain justice for condemned men who, because they were indigent at the time of trial, were convicted without adequate access to counsel.

In all of my career decisions, I have been guided by the lessons I learned from my early contact with the ACLU. The Gay-Straight Alliance I started is still going strong, and its history was recently the subject of an article in MHS's student paper. I remain grateful to Joe and the ACLU for showing me how to fully participate in America's democracy, and for setting the standard against which I measure my ongoing efforts to fight hate and injustice.

Leah Nelson is a 1998 graduate of Manchester High School and a 2006 graduate of Columbia's Graduate School of Journalism. She lives in Montgomery, Ala., with her husband, James, and daughter, Naomi.