



Making Progress Against Racial Profiling by Police

Connecticut moved onto the cutting edge of the fight against racial profiling on Oct. 1, when enforcement began of a long-ignored law requiring police to collect and report data about every traffic stop they make, including the perceived race of the driver.

With a state-of-the-art system of data collection in place, Connecticut will be able to quantify and analyze what has been anecdotally known for decades: that race and ethnicity of drivers unlawfully influence whether they are stopped and, if they are stopped, whether they are searched.

Since 2010, the ACLU of Connecticut has been at the forefront of efforts to enforce and strengthen the state's racial profiling law. The new data collection system that went into effect on Oct. 1 is the result of that work, and the ACLU-CT has followed up with a new campaign and public service announcement to raise awareness of the issue.

"This is an enormous step forward," said Andrew Schneider, executive director of the ACLU of Connecticut. "We can finally determine the scope of this problem and use that information to find a solution."

While the original law, the Alvin W. Penn Racial Profiling Prohibition Act, mandated that police officers report the race of drivers in traffic stops, no statewide form was developed and most police departments failed to comply with the law.

"We had to use the Freedom of Information Act to document how completely the state had neglected its duty to enforce the



The ACLU-CT produced a public service announcement on racial profiling by law enforcement, urging victims to come forward.

Penn Act and we had to apply relentless pressure to hold state officials and local police departments accountable for that," said Sandra Staub, legal director of the ACLU of Connecticut. "When the U.S. Department of Justice found a pervasive pattern of racial profiling and civil rights violations in East Haven we pointed out that not only East Haven but most municipalities in the state were ignoring the law on racial profiling."

The East Haven investigation led to the conviction of four police officers for violating the civil rights of Latinos. The city entered into a consent decree to reform its police force and a federal lawsuit on behalf of several Latino residents is in litigation.

Staub serves on the Advisory Board of the Connecticut Racial Profiling Prohibition Project, which developed the form police officers must use to report all traffic stops and the instructions for filing a complaint they must give each driver. Those documents are crucial, she said. The reporting forms will provide consistent data suitable for analysis and the instructions will empower motorists who have been profiled.

The ACLU of Connecticut's new public service announcement, created with a small grant from the national ACLU, is part of the "Don't Suffer in Silence" campaign, encouraging victims to report all incidents of racial profiling by law enforcement. The spot, which can be seen at www.acluct.org/profiling, provides a toll-free number and urges victims of racial profiling to contact the ACLU of Connecticut.



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Fight Continues for Victims of Sexual Abuse in the Military

The Department of Veterans Affairs is significantly less likely to grant disability claims for post-traumatic stress syndrome (PTSD) when the claim is related to sexual assault and abuse than when other causes are cited, according to a report issued in November by the American Civil Liberties Union of Connecticut, Service Women's Action Network, the national ACLU and

the Veterans Legal Service Clinic at Yale Law School.

Because female veterans are more likely than male veterans to file PTSD claims related to what the government calls military sexual trauma, women are disproportionately affected by this disparity. The report also showed considerable inconsistency

—Please see **SEXUAL ABUSE**, p 5

Message from the Executive Director



Andrew Schneider

DOUG SCHNEIDER PHOTOGRAPHY

THIS OCTOBER MARKED the fifth anniversary of the Connecticut Supreme Court ruling in *Kerrigan v. Commissioner of Public Health* which established marriage equality in Connecticut. More than 7,500 same-sex couples have married in Connecticut in the past five years. This successful ACLU-CT and GLAD lawsuit made Connecticut only the second state to allow gay and lesbian couples to marry. Since then, the march toward marriage equality nationwide has

accelerated. In June, the ACLU won a historic victory in the U.S. Supreme Court overturning the Defense of Marriage Act (DOMA) allowing federal benefits (previously available only to heterosexual couples) to be extended to more than 100,000 legally married gay and lesbian couples. Even more recently, Hawaii and Illinois became the 15th and 16th states to permit marriage equality. We've made progress, but important work remains to be done.

In only 27 years the U.S. Supreme Court went from ruling that gays and lesbians were not free to engage in sexual intimacy in the privacy of their own homes to ruling that the federal government cannot discriminate against married lesbian and gay couples for the purposes of determining federal benefits and protections.

While the Supreme Court victory that overturned DOMA will require that all same-sex marriages be recognized under federal law, many states still have anti-gay, anti-marriage laws. The constitutions of 30 states expressly ban such marriages. The ACLU is challenging these bans in state and federal court as well as by referendum and in state legislatures.

In Connecticut the advance of lesbian, gay, bisexual and transgender (LGBT) equality is even more impressive thanks in part to the efforts of the ACLU-CT. In 1990 we helped pass a law that included gay people among those protected under a hate crimes law. The following year we helped to pass a housing and employment non-discrimination law. In 2000 we won legislation making it easier for lesbian and gay couples to adopt children. Two years ago, we successfully lobbied for a bill banning discrimination on the basis of gender identity and expression.

Even in Connecticut our work toward LGBT equality continues. Many of our schools still fail to provide an inclusive environment for our transgender and gender non-conforming youth. In addition, many schools' health education programs remain non-inclusive towards their LGBT students. And the LGBT people incarcerated in Connecticut continue to be denied adequate mental and medical health care. The state often fails to protect this vulnerable prison population from physical assault and sexual abuse.

With your support, we can fight and win these battles too.

Message from the President



Andy Schatz

ROGER BALDWIN, the founder of the ACLU over 90 years ago, warned that civil liberties battles never stay won. Litigating civil liberties has, indeed, been frustrating, as victories often lead to legislation almost identical to that struck down (witness abortion and voting legislation in many states). But lasting victories can be achieved if supported by legislative, executive or law enforcement officials who might otherwise deprive civil liberties. Once adopted,

legislation in favor of civil liberties lasts, and prior fears prove unfounded (witness gay marriage).

Civil liberties are part of America's DNA. Although the ACLU is only 90 years old, civil liberties have been the basic principle of the American dream for 237 years. Civil liberties are for Republicans and Democrats, conservatives and liberals, for the great majority who don't want to be told whom to love, how to live, what to believe.

The time is ripe to achieve legislative and administrative victories. Many ACLU positions have broad support across political, social and economic lines. Federal and state agencies embrace technology, but Republicans and Democrats recognize that just because the government can spy on us doesn't mean it should. Conservatives and liberals recognize that excessive drug regulation and imprisonment have been a disaster. Racial profiling is rejected even by those who unknowingly engage in it.

Even beyond death penalty abolition, gay marriage and marijuana reform, we have already achieved many lasting victories in Connecticut—but much remains to be done through education and legislation. Our ACLU-CT staff has worked successfully with school districts on free speech, but we must now reform school resource officers, to end racial profiling and the school-to-prison-pipeline. We have worked successfully with police departments on racial profiling, but we must now protect against their misuse of Tasers, license plate readers, cellphone tracking and drones. We will continue to litigate vigorously when necessary, but the key to lasting success remains education of policy makers and voters—making them aware that civil liberties is good policy.

You are important to our success. We have a staff of only eight, but we have nearly 8,000 active members and/or financial supporters. Among us, we probably know most of the policy makers in Connecticut and its 169 towns. Don't be shy. Let us know whom you know among your town's representatives and leaders—governmental, economic, religious and social. If you don't feel up to meeting with them, you might introduce our staff or board members. Email information to officemanager@acluct.org. And you may always contact me at andy@andrewschatz.com.

Because freedom can't protect itself!

Privacy Leads Legislative Agenda

Privacy issues are at the top of the ACLU of Connecticut's legislative agenda for 2014, with emphasis on restricting police use of license plate scanners, drones and warrantless cellphone tracking.

Other priorities include setting guidelines for law enforcement use of Tasers and for accepting complaints of police misconduct from civilians.

At least 13 people have died in Connecticut since 2005 after being Tasered by police officers. We will again urge legislators to adopt statewide standards for training police officers in Taser use, deploying the weapons and reporting Taser fires.

We'll also push once again for limits on the retention of license plate scan data. Some police agencies are keeping the data indefinitely and pooling it, amassing millions of scans and creating massive databases of the movements of innocent drivers.

Drones, another emerging technology, also threaten personal privacy and Fourth Amendment rights. We support sensible restrictions to prevent law enforcement from using them as flying spy cameras, crossing constitutional lines the officers themselves can't violate.

We also want to roll back a state law that police in Connecticut have been using to obtain cellphone records, including location records, without warrants. And we'll push again for statewide standards requiring police departments to accept complaints of misconduct from civilians.

We also plan to support legislation requiring memoranda of understanding between schools and the school resource officers assigned to police them. Such agreements, outlining which offenses will be handled as crimes and which as school discipline matters, can greatly reduce the number of students entering the school-to-prison pipeline.

Legislation to protect students from unauthorized disclosure of their personal

information to military recruiters is also a priority. In some cases, students who take the ASVAB vocational aptitude test at Connecticut schools may have their test results and personal information released to the military without their consent, or that of their parents.

Death with dignity legislation, modeled on the Oregon law allowing terminally ill people to obtain medication to end their suffering, is also expected to come up

before the legislature. The ACLU of Connecticut supported the bill in 2013 and will again.

As always, we stand ready to defend individual rights when legislation arises to threaten them. One bill we have fought off year

after year would allow cities to install red light cameras to issue automated tickets to motorists, violating due process rights and threatening privacy. We're ready to stave it off again.



The state Capitol in Hartford.

Civil Liberties Beacon, Winter 2014

Membership in the ACLU of Connecticut includes a subscription to **Civil Liberties Beacon**. For membership information, visit acluct.org/join or call 860-523-9146, ext. 8465.

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March 18 is Lobby Day

Please plan to join us at the state Capitol in Hartford on March 18 for Lobby Day 2014, where you will learn how to lobby your legislators on civil liberties issues and hopefully meet with them.

We're already geared up to take on a wide range of concerns in the next legislative session. These include police accountability issues such as Taser reform and civilian complaint procedures, as well as privacy issues such as drone surveillance and automated license plate scanners. You can help us.

Lobby Day works. Lobby Day in 2012 added crucial momentum to the suc-

cessful movement to repeal the death penalty and restrict racial profiling. Participants in Lobby Day 2013 helped push legislation to reform police use of surveillance and Tasers and to restrict detention of people under the federal Secure Communities program, a successful piece of immigration reform.

So mark your calendar now. And if you'd like to reserve your place (and lunch!) please RSVP to Field Organizer Isa Mujahid at imujahid@acluct.org. He'll be in touch to confirm the date and firm up the details, and you can write to him with any questions.

Protecting Student Athletes' Right to Free Speech

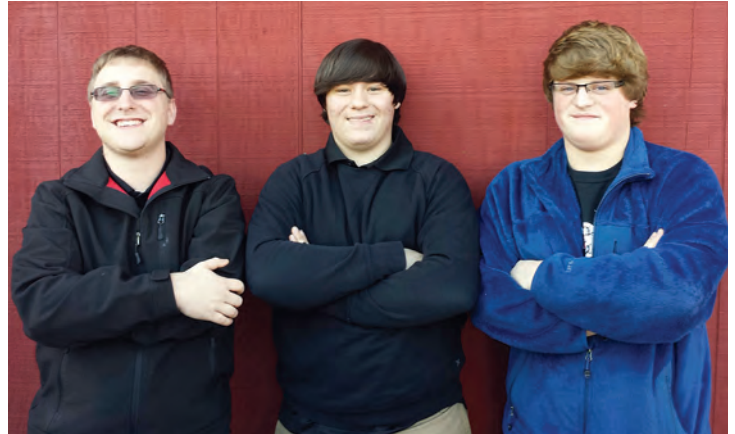
After a warning from the ACLU of Connecticut, the Torrington Board of Education changed course on proposed rules that would have censored the speech of student athletes.

The policy would have allowed school officials to punish student athletes for speech deemed “inappropriate” or “offensive” or behavior that would “cast an adverse reflection” on the school. Writing to School Superintendent Cheryl F. Kloczko, ACLU of Connecticut Legal Director Sandra Staub called the policy “an unconstitutional invitation for coaches and administrators to violate the First Amendment rights of student athletes.”

As the policy was written, a student participating in a school sport could have been punished for speech that would clearly be protected by the Constitution, Staub said. Examples could include a complaint that a course is poorly taught, a polite disagreement over a coach's strategy or an expression of sincere belief that an opposing team used unfair tactics.

She wrote the letter on behalf of the Torrington High School Commission for Student Rights, a student group that objected to the proposed speech restrictions.

“CSR is grateful for the assistance we've received from the ACLU. Our cooperation sent a message to board members that infringing on constitutional rights is not acceptable,” said CSR president, Tomasz Kalinowski, who founded the organization with Chris Beyus and Nick Tomchik.



From left, Tomasz Kalinowski, Chris Beyus and Nick Tomchik.

After reviewing the letter, the school board sent the proposed policy to the school district's attorneys for review. On Nov. 20, the Torrington Board of Education voted to adopt much less restrictive guidelines on student athlete conduct.

“The Torrington Board of Education did the right thing, and ended up conveying an excellent message to students about the tradition of free speech under the U.S. Constitution,” Staub said.

Standing Up Against Segregation by Sex

Separating Connecticut public school students on the basis of sex would be illegal, as well as educationally unsound, the ACLU of Connecticut and the ACLU Women's Rights Project wrote in October to Connecticut Education Commissioner Stefan Pryor.

The letter was written in response to a report from the State Education Resource Center that suggested single-sex classrooms as a possible strategy for addressing the gender achievement gap. The report disregarded the prohibition on segregation by sex in the Connecticut Constitution as well as restrictions on the practice under federal law, the letter pointed out.

“We wrote the letter to dispel the impression that any current models for separating students into boys-only or girls-only classrooms or campuses would be legal in Connecticut,” said David McGuire, staff attorney for the ACLU of Connecticut. “Our state Constitution prohibits it.”

The letter asked the state Department of Education to reject the report and to notify local school officials that sex-segregated education is not a legal option for public schools in Connecticut.

You Can Have Your Say Even if You Have Nothing Nice to Say

The Winchester Board of Selectmen abandoned a policy that prohibited “personal complaints or defamatory comments” from the public at its meetings after the ACLU of Connecticut warned that the policy was unconstitutional.

Acting on behalf of resident Jay Budahazy, who often speaks during the citizens' comment period of Board of Selectmen meetings, ACLU of Connecticut Staff Attorney David McGuire sent a letter to the mayor and selectmen advising them that the policy violated the free speech protections of the First Amendment to the U.S. Constitution and similar provisions of the Connecticut Constitution.

The policy governing citizens' comments at selectmen meetings, which was printed on the meeting agendas, said: “Speakers may offer objective

comments that concern them. No one will be permitted to express personal complaints or defamatory comments about Board of Selectmen members nor against anyone connected with the Town or any individual, firm or corporation, nor against other members of the audience.”

McGuire noted that when Budahazy spoke at the July 1, 2013 Winchester Board of Selectmen meeting, two selectmen interrupted and censored his comments. One of them instructed Budahazy repeatedly to be respectful and to word his comments differently.

“In the United States we don't require people to be respectful, however that might be defined, when speaking about the government or to its representatives,” McGuire said. “We're encouraged that town officials recognized this and dropped the policy.”

Defending the Right to Know What Police are Doing

A debate over the public's right to information about police investigations will continue in 2014, a legacy of the tragedy at Sandy Hook Elementary School.

In the last legislative session, lawmakers passed a bill excluding crime scene photographs and certain 911 recordings from disclosure under state Freedom of Information law. The legislature also appointed the Task Force on Victim Privacy and the Public's Right to Know to gather information and make recommendations about whether to extend or modify that bill.

In October, ACLU of Connecticut Staff Attorney David McGuire testified before the task force in favor of transparency. While acknowledging the suffering and concerns of victims' families, he said the public interest is not served by secrecy. Not only the press but watchdog organizations like the ACLU rely on access to documents about police investigations to ensure accountability, he said.

McGuire noted that there have been proposals to restrict access to death certificates, which are now public documents. Such restrictions would have prevented the ACLU of Connecticut from examining the death certificates of people who died after being Tasered by police in Connecticut, he said, an examination that revealed a high proportion of those people were African American or Latino.

"This racial disparity is a matter of great public concern," he said.

McGuire also described how the ACLU of Connecticut needed details from police reports, including the names of individuals, to determine the accuracy of statistics on police use of force.

"Hiding this information would not protect these individuals, or the public at large, but it would certainly obscure police misconduct," he said.

Ensuring the Right to Vote in Hartford



Hartford City Hall

The ACLU of Connecticut's renewed efforts to reform Hartford's handling of its voter registration lists advanced in October when a federal judge refused to release the city from a long-standing court order.

The judge denied the city's motion for relief from judgment and ordered it to turn over documents requested by the ACLU of Connecticut in the case of *Santa v. Cimiano*.

The 1992 order came after the ACLU of Connecticut, then known as the Connecticut Civil Liberties Union, sued the city on behalf of Latino voters who had been denied the right to vote because the city had improperly removed their names from the list of registered voters. It required the registrars to hire Spanish-speaking canvassers and to make other substantial efforts to

verify voters' addresses before striking them from the voting list.

The city argued in its recent motion that the court judgment was no longer necessary because it had been superseded by the National Voter Registration Act of 1993 and a state law passed to comply with the act. Those laws instruct registrars to maintain a list of inactive voters. Those voters who are designated as inactive can be

restored to the active list and permitted to vote with the approval of local registrars.

In practice, this has done little for voters in Hartford, where 17 percent of voters are listed as inactive. In November 2012, those voters whose names appeared on the inactive list were sent from their neighborhood polling places to Hartford City Hall, where many waited for three hours or more to request restoration to the active list and the right to cast a ballot.

Sandra Staub, legal director of the ACLU of Connecticut, said Hartford voters need to be protected from disenfranchisement. "We'll continue to work through the courts and with the city until citizens in Hartford can be assured of their constitutional right to vote," she said.

—SEXUAL ABUSE, continued from p 1

among regional Veterans Administration offices, some of which rejected PTSD claims related to military sexual trauma at far higher rates than others did.

Data analyzed in the report was drawn from statistics provided by the Department of Veterans Affairs to settle a lawsuit filed by the ACLU of Connecticut and the other organizations. Our claims against the Department of Defense in that lawsuit are still pending.

"The military has ignored female veterans and their complaints of sexual abuse and has denied their requests for benefits and treatment to help these veterans recover from the trauma they suffered," said Sandra Staub, legal director of the ACLU of Connecticut. "The data show that the cause is systemic discrimination. It has to stop."

The report recommends that the Department of Veterans affairs relax the evidentiary standard applied to survivors of military sexual trauma, reconsider denied claims, retrain or replace senior staff at regional offices that have high rates of claim denials and improve tracking and analysis of the performance of regional offices regarding PTSD claims related to military sexual trauma.

"We'll continue to litigate our request for records from the Department of Defense so we can get the information we need to address the very serious problem of military sexual trauma," said Andrew Schneider, executive director of the ACLU of Connecticut. "We must protect the veterans who have done so much to protect us."

The report, *Battle for Benefits: VA Discrimination Against Survivors of Military Sexual Trauma*, is available at www.acluct.org/va-report.

ACLU-CT Launches Redesigned Website

After more than a year of planning and hard work, the ACLU of Connecticut relaunched its website, www.acluct.org, in November.

The redesigned site has content from the previous site and many new features, including an events calendar, a reorganized issues section, an RSS feed and a mobile-responsive framework that adjusts automatically for viewing on the smaller screens of smartphones and other mobile devices. It's built on the WordPress content management system, which makes it easy to add text and photos to the site and to expand its features.

"We wanted a site that's



easier to update and easier to navigate so we can get more information to our members and the general public more quickly," said Jeanne Leblanc, communications and education manager for the ACLU of Connecticut. "We're very pleased with the result but we're also going to refine the presentation over the next several months, so we'd really appreciate feedback from our visitors."

While the website was in development, the ACLU-CT continued to expand its social

media reach with a Twitter feed at twitter.com/acluct and a YouTube video channel at www.youtube.com/acluct. In November the Facebook page at www.facebook.com/aclu.connecticut approached 1,000 "likes" for the first time.

OmniStudio of Washington designed and built the new website. Volunteer Vivian Dennis and intern Briana Bardos worked with Leblanc to transfer content from the old site. Volunteer webmaster Richard Siddall set up the forms.

Civil Liberties in Your Inbox

Want to stay informed in civil liberties issues in Connecticut—or encourage high school teachers in your town to become informed? Sign up for our weekly email, [Connecticut Civil Liberties in the News](http://www.acluct.org).

Each installment focuses on a particular issue in the news related to civil rights and civil liberties, with a brief explanation and links to news articles about it. Teachers and professors may appreciate particularly the links to original documents and other resources.

Recent topics included the treatment of sex assault survivors at the University of Connecticut, civil rights violations in East Haven, freedom of information and victims' privacy, and single-sex education in public schools.

In addition to the main topic, the email provides headlines, summaries and links to the latest news related to a variety of civil liberties issues in the state.

If you would like to receive the weekly email—or if you encourage local educators to receive it—you or they may send your email address to jleblanc@acluct.org or sign up directly at www.acluct.org/ccln. Back issues of the email are archived on that Web page.

Board Elections Coming Up Soon

The Board of Directors of the ACLU of Connecticut will be elected effective April 2014 for two years.

Ballots will be sent via email in February unless you specifically request that one be sent by mail. Please email info@acluct.org or call 860-523-9146 ext. 8465 to request that a ballot be mailed.

If you have not been receiving periodic event notifications and calls to action from the ACLU of Connecticut, you may not be on our email list and should send your email address to info@acluct.org and ask to be added.



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

— Thomas Paine

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or visit our website at acluct.org/donate

Outreach



▲ Author Wally Lamb, who read from his book *She's Come Undone*, meets Laura Victoria Barrera, a member of the ACLU of Connecticut Board of Directors, at the annual Banned Books Readout on Sept. 24 at the Hartford Public Library's Mark Twain Branch at Hartford Public High School.

Rebecca Duncan, a student ► at the Law and Government Academy, reads from *Fallen Angels* by Walter Dean Myers at the annual Banned Books Readout.



◀ Musician Lorena Garay reads from *How the Garcia Girls Lost Their Accents* by Julia Alvarez at the annual Banned Books Readout.

Anna Shafer ► expresses her displeasure with government surveillance of private email. She attended a rally, co-sponsored by the ACLU of Connecticut, on July 18 in Hartford with her family.



◀ Protestors line up in downtown Hartford at a July 18 rally co-sponsored by the ACLU of Connecticut to protest warrantless surveillance by the National Security Agency.



RUTH SOVRONSKY

▲ Racial profiling was the topic of a public forum co-sponsored by the ACLU of Connecticut on Oct. 21 at the Unitarian Universalist Church of Meriden. Pictured, from left, are Mui Mui Hin-McCormick, executive director of the Asian Pacific American Affairs Commission; Andrew Schneider, executive director of the ACLU of Connecticut; and Mongi Dhaouadi, executive director of the Council of American-Islamic Relations of Connecticut.

▼ Isa Mujahid, field organizer for the ACLU of Connecticut, speaks at the Gathering Of The Vibes musical festival in Bridgeport on July 28 about government surveillance.



LAURA SHINDALL



▲ David McGuire, staff attorney for the ACLU of Connecticut, speaks to the Task Force on Victim Privacy and the Public's Right to Know on Oct. 16 about the public's right to information about criminal investigations.



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ACLU-CT Donor Profile: John R. Bartels, Jr.

APPOINTED IN 1973 by President Nixon as the first administrator of the newly formed Drug Enforcement Administration, John Bartels, a Kennedy Democrat, has firsthand knowledge—and some strong opinions—about the efficacy of this country's drug laws. Even as a young assistant U.S. attorney, prosecuting many of the famous “French Connection” cases, John recognized that a majority of the arrests by the narcotics agents focused on low-level offenders, with a disproportionate emphasis on minorities.

In discussing what has often been described as this country's “failed war on drugs,” John observes that we rely on incarceration and punishment to address addiction problems requiring medical, not prosecutorial, solutions. His opinion is clear: arresting and incarcerating low-level and nonviolent users is a gross waste of money and resources, but an expected result of “the inherent human tendency to expand on the importance of the individual just arrested.” And, because many police departments are permitted to keep assets or cash seized as the suspected proceeds of drug sales, a practice known as civil forfeiture, inordinate pressure is placed on law enforcement to remain preoccupied with drug enforcement. Today, with a unique perspective gained from many years in drug enforcement, John believes that “softer” drugs, specifically marijuana, will be legalized.



Juggling priorities to spend more time with his wife, Jisun, John remains a practicing attorney, providing free legal representation to secure the release of wrongly convicted inmates who lack the benefit of DNA evidence to prove their innocence. The cases are complex and invariably long; he worked on one case for more than seven years until achieving the desired result.

On the importance of the ACLU, he says: “This country was built on certain values that guarantee protection of the underdog; the ACLU stands up for those values, even when circumstances make it inconvenient or unpopular to do so.” September 11th, he continued, “did far more damage than

killing people and destroying buildings. Once we give in to our fears and stop criticizing the increased power of government, we are facing a danger as great, if not greater, than the attack itself. There's always someone to criticize the ACLU, but the preservation of our critical right to dissent exists only because of the ACLU's enormous courage. And it takes brave people to match that courage or we could drift into an authoritarian government.”

A graduate of Harvard Law School, a Fulbright Scholar, and a “card-carrying” member of the ACLU, John became an ACLU-CT donor more recently. When asked what delayed his enhanced involvement as a donor, John, without missing a beat, responded, “Sloth and ignorance.” And then he smiled broadly.