

FREE FOR ALL



Governor Wolf vetoes abortion bans — page 6

SPRING 2018

SMART GROWTH TO DEFEND CIVIL LIBERTIES FOR YEARS TO COME



By Reginald T. Shuford
Executive Director

As the harsh reality of the Trump administration’s extreme agenda has settled in over the last year, we are honored that so many people have put their trust in the ACLU to defend civil liberties and to push back against the worst instincts of those

who govern.

In just over a year, the membership of the ACLU of Pennsylvania has jumped from a little over 15,000 households to approximately 60,000. The reason for that growth—President Trump’s ongoing debasing of civil liberties—is a predicament we wish we didn’t have to confront. But it is the world we live in right now, and we consider it our charge to take on that challenge and to manage wisely the growth it has brought.

The ACLU was founded 98 years ago. We could not have made it this far without being prudent in the administration of the organization. We intend to be prudent now, as the ACLU grows in the Trump era.

Last summer, I wrote in this space that there is always more to do in defending and enhancing civil liberties and that I looked forward to adding more talented people to our existing staff, which was already accomplished in its own right. As you’ll see later in this newsletter, we continue to add new staff, in new positions, and I am excited to watch our team grow into an even more robust defender of our rights in the commonwealth.

I am also conscious of being smart and strategic about our growth. Our goal is to build and maintain the ACLU-PA so that it is influential and robust for years to come.

We have already implemented some of that strategic growth in the last year. Our staff is leading an ongoing conversation with the transgender community, listening to the concerns of people in the community, centering their voices in our advocacy, and relying on their expertise about the trans experience.

We’re about to launch our Campaign for Smart Justice, with the goals of reducing Pennsylvania’s prison and jail population by 50 percent and eliminating racial disparities in the criminal justice system.

And we want to take advantage of the increased interest in the organization, which is why we’ve brought on volunteer coordinators in Philadelphia and Pittsburgh to complement the existing coordination that we already do with our regional chapters. The defense of civil liberties in Pennsylvania cannot be done solely by our staff; their work must be enhanced by volunteers who are willing to dedicate their time to the cause.

When you became a member of the ACLU, whether it was 50 years ago or 50 weeks ago, you signed up with an organization that would be fierce in its advocacy for civil liberties. That’s what we’re doing, and we’re in it for the long haul.

Onward,

Reggie Shuford
Executive Director
ACLU of Pennsylvania



DACA RECIPIENT PARTHIV PATEL GETS HIS LAW LICENSES IN PA AND NJ

In December, DACA recipient and ACLU-PA client Parthiv Patel was granted his law license in Pennsylvania, after initially being told his immigration status made him ineligible. Just a month later, he was also admitted to the New Jersey Bar, sworn in by New Jersey Attorney General Gurbir Grewal, with Governor Phil Murphy in attendance.

Patel graduated from Drexel University’s Kline School of Law in 2016 and passed the Pennsylvania bar exam a few months later. But his application for his law license was denied because he is undocumented.

Patel, who is now 26, came to the United States from India when he was five years old. The U.S. is the only country he remembers, and he didn’t know he was undocumented until he applied to college. In 2012, he applied for and received Deferred Action for Childhood Arrivals, or DACA, which granted him authorization to work in the United States.

Assisted by the ACLU of Pennsylvania and cooperating counsel, Patel appealed the denial of his bar admission to the Pennsylvania

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FROM THE PRESIDENT



Dear ACLU-PA supporter,

Some time in the spring of 1968, when I was a freshman in college, I first joined the ACLU. In other words, this column celebrates my 50th

anniversary as a proud, “card-carrying member” (as the first President Bush once sneeringly put it) of the ACLU. As I think about approaching our centenary in 2020, I realize that this means I have been part of the ACLU for more than half its history.

The spring when I joined the ACLU was the season when Dr. Martin Luther King was assassinated and then Robert F. Kennedy soon after. As best I can reconstruct the decision to mail in my \$3 membership fee, I think I chose the ACLU as a way of aligning myself with the best of America, with the promise of and constant struggle for equal rights for all. I was already an activist in non-violent resistance to the war in Vietnam and in opposition to the draft. I’m not sure I even knew that the ACLU had (somewhat controversially) by then begun to take on draft cases, raising issues of due process for all registrants and of religious non-discrimination among conscientious objectors.

My summer job that year was as a mail clerk and messenger for the New York law firm of Greenbaum, Wolff and Ernst. Founded in 1915, the firm no longer exists. I did not realize at first that one of the original partners was Morris Ernst, one of the few ACLU founders who was a lawyer (and with Roger Baldwin, a co-founder of the National Civil Liberties Bureau before that). In 1933, Ernst had succeeded in overturning the federal government’s ban on James Joyce’s modern masterpiece, *Ulysses*, and later a similar victory for Radclyffe Hall’s pioneering *The Well of Loneliness*, labeled “obscene” because of its sympathetic portrayal of lesbians. When I worked there, Ernst was still coming to the office several times a week, so I got to meet and speak with him. That summer, I also had the privilege of working for Harriet Pilpel, who co-authored the ACLU brief in *Griswold v. Connecticut* and argued other early birth control cases before the Supreme Court. Both Ernst and Pilpel were long-time general counsel of the national ACLU.

The principles and practices of the ACLU have been remarkably consistent since its founding. Through a coordinated strategy of public education, lobbying, member mobilization, and litigation, we seek to make real for all the promise of the Bill of Rights and other civil liberties. As president of the ACLU-PA board, I am excited to carry this tradition forward as the ACLU approaches our hundredth year.

Peter Goldberger
President, ACLU-PA

Patel, continued from page 1

Board of Law Examiners, arguing that the board has complete authority to regulate the legal profession and should admit all qualified candidates for the bar, regardless of their immigration status. As part of his appeal, the Board of Law Examiners received letters calling for his admission from six Pennsylvania law schools, two Pennsylvania bar associations, the Ethics Bureau at Yale, the city of Philadelphia, and the Pennsylvania Immigration and Citizenship Coalition (PICC).

After considering his appeal for over a year, the board finally relented. On December 18, he was sworn into the bar. After his success in Pennsylvania, and with some additional assistance by the ACLU of New Jersey, Patel was also admitted to the New Jersey bar on January 24. Patel is the first DACA recipient to be granted a license to practice law in either Pennsylvania or New Jersey.

For more information, including the numerous letters of support for Patel, visit aclupa.org/patel. ■

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The official registration and financial information of the American Civil Liberties Union of Pennsylvania may be obtained from the Pennsylvania Department of State by calling toll-free, within Pennsylvania, 1-800-732-0999. Registration does not imply endorsement.



ACLU-PA CHALLENGES PENNSYLVANIA'S USE OF PERMANENT SOLITARY CONFINEMENT FOR PRISONERS SENTENCED TO DEATH

Imagine an ordinary parking space. Now add walls and a ceiling made of thick concrete, closed off by a solid steel door. The lights are always on, so it's never dark. You eat there, you sleep there. You are alone. Three times a day an officer slides a food tray through a slot. There is a toilet. A few times a week, if you're lucky, you're taken to a small cage where you can "exercise," alone. If you are visited by family or clergy, you are not allowed to touch them. You cannot participate in any vocational, recreational, or educational programs or any form of communal religious worship or prayer.

This is life for a prisoner on Pennsylvania's death row.

The policy of the Pennsylvania Department of Corrections (DOC) is to house all prisoners with death sentences in solitary confinement until they are executed or released. One prisoner has been in solitary for

over 35 years. Of the 156 men currently sentenced to death in the commonwealth, almost 80 percent have been held in solitary confinement for more than a decade.

In January, the ACLU of Pennsylvania, the ACLU's National Prison Project, Abolitionist Law Center, and cooperating counsel from law firms Drinker Biddle & Reath LLP, and Kairys, Rudovsky, Messing, Feinberg & Lin LLP filed a class action lawsuit on behalf of five named plaintiffs—men held in solitary confinement for between 16 and 27 years—against the Pennsylvania DOC to end the policy. We allege that the long-term isolation—and its extreme physical, emotional, and psychological consequences—are an unnecessary, cruel, and inhumane punishment prohibited by the Eighth Amendment to the U.S. Constitution.

The devastating effects of prolonged isolation are well known among

mental health professionals and human rights experts in the United States and around the world. Prolonged solitary confinement causes painful, severe, and, sometimes, irreversible harm. A substantial body of literature over the last 200 years documents distinctive patterns of physiological and psychological harm when individuals are placed in long-term solitary confinement. The risk of self-harm, self-mutilation, and suicide is much higher for individuals in solitary confinement. Even healthy adults, if subjected to very short periods of isolation, display impaired neurological functioning.

We understand the cruelty of solitary confinement, which is why we must fight to end it.

To learn more about this case, *Reid et al. v. Wetzel*, visit aclupa.org/reid. ■

MEET OUR MEMBERS



Jim and Ed enjoy the moment while shopping for wedding bands.

James Armstrong and Edward Sarafino met as college undergraduates and committed to one another in 1966. They both taught college-level psychology for more than three decades and are now retired. They were married in Cape Cod in 2013. Jim and Ed have been ACLU members for over 50 years.

Do you remember when each of you first became an ACLU member? What sparked you to join?

We joined the ACLU in the 1960s because it was effectively promoting minority rights and free speech, and it had the guts and principles to take on cases that were unpopular in the general public. The main issues of the era that spurred our joining were racial discrimination, particularly in schools, and the Vietnam War.

In 2016, we at ACLU-PA were delighted to receive a notice about the 50th anniversary of your 1966 commitment ceremony. The last decade has seen an incredibly quick evolution toward affirming the rights of same-sex couples in America. Tell us about the experience of watching that evolution take place.

When we decided to commit to each other, we did not know any gay couples, and our decision was scary. Over the next 30 years, we remained closeted for the most part. Then changes in the US started to give us hope for equality, and in the early 2000s a sea change began to occur in the courts, thanks to the ACLU and similar organizations. For instance, the courts invalidated a major part of the Defense of Marriage Act, paving

the way for the approval of same-sex marriage.

If you had to single out one civil liberties advocate or civil rights hero whose legacy you particularly treasure, who would it be, and why?

Singling out civil liberties advocates in the US is difficult because so many individuals have fought for many different issues. For minority rights, Dr. Martin Luther King stands out, of course. For gay rights, the choice is much less clear—for example, there were hundreds of lawyers who took on cases in support of gay rights—but the team of David Boies and Theodore Olson may stand out for their work on same-sex marriage in the California and federal courts. ■



PITTSBURGH SETTLES FEDERAL LAWSUIT ON POLICE ABUSE AND RIGHT TO RECORD OFFICERS

Once again, the constitutional right of the public to take photographs and videos of police performing their official duties has been affirmed.

On February 6, Pittsburgh City Council approved a settlement in a federal lawsuit filed in 2015 by the ACLU-PA against the city of Pittsburgh and one of its police officers. The plaintiffs, three African-American Pittsburgh residents, including a constable, were verbally abused by a police officer, threatened with arrest for attempting to record the interaction, and, months later, falsely charged with disorderly conduct in retaliation for filing complaints

with city agencies.

On September 28, 2013, Oakland residents Teresa Brown, her daughter Monica Jackson, and her neighbor Anthony Grace were on Brown's porch when they witnessed several young men across the street who looked like they were about to start fighting. Brown walked over and defused the situation.

When Pittsburgh Police Officer Elizabeth Vitalbo arrived on the scene, Brown explained the situation, but instead of being commended for her quick thinking, Brown, Jackson, and Grace were instead subjected to

verbal harassment and threatened with arrest. When Jackson attempted to record the incident, she was again threatened with arrest. Soon after, nearly 20 police officers arrived at Brown's home, one of them slamming Grace against the porch railing before vigorously frisking him. The plaintiffs were detained for an hour, and none were issued citations until 5 months later, after they filed official complaints.

The city settled the case for \$40,000, including attorneys' fees. Read more about this and related cases at aclupa.org/copwatch. ■

MEET AKUDO EJELONU, THE 2017-18 FRANKEL ADAIR SCHOLAR



What were the most important events or influences that brought you to where you are today?

My family migrating to the United States from Nigeria. I grew up in inner-city Boston and had to fight against xenophobia, racial disparity, bullying, and socioeconomic inequality and even discrimination from other people of color. My parents worked two full-time jobs; I was responsible for caring for my younger siblings and maintaining the household. I had to grow up really fast.

What do you see as the critical issues facing the LGBT community at this time?

Shedding light on the treatment and lack of support for undocumented LGBT people, especially people of color. It is imperative that undocumented individuals be given the chance to step out of the shadows and away from the fear of deportation and continue the work they do every day to support themselves and their family. How they are treated by employers, family, romantic partners, friends, colleagues, classmates, and neighbors matters. How they are treated by the legal system, healthcare system, law enforcement, social services, and educational institutions matters. Their physical, emotional and spiritual safety matters.

Do you envision your own career having an impact on concerns of the LGBT community?

Yes, I do. I feel indebted to Bayard

Rustin and other people who history tried to erase because of homophobia. I want the work that I do to matter and to help communities grow and prosper.

What effect do you think being a recipient of the Frankel-Adair Scholarship will have on you?

This is the first time I am being recognized within the community-at-large. It bears a level of responsibility and gratitude. I stand on shoulders of giants. This is more than just an award, it is an affirmation, rite of passage and homecoming.

The Frankel-Adair scholarship provides \$1,500 in support of post-secondary education to an LGBTQ student residing in the Greater Philadelphia area. The scholarship honors the late Larry Frankel, former executive and legislative director of the ACLU-PA, and the benefactor, Thomas T. Adair. ■

PROTECTING ACCESS TO HEALTHCARE FOR TRANSGENDER PENNSYLVANIANS

At the end of 2017, transgender Pennsylvanians faced a significant threat to their access to healthcare. In an ugly two-step, the General Assembly attempted to first ban coverage of transition-related care for participants in the Children's Health Insurance Program (CHIP) and then followed up with a plan to prohibit coverage in both CHIP and Medicaid.

The trouble started brewing when a bill to renew CHIP moved through the legislature. In October, a committee of the state Senate amended the non-controversial legislation to renew CHIP, which had passed the state House 194-0 in June, with the discriminatory language restricting coverage for trans participants. This would have prevented transgender people from accessing critical health services, including hormone replacement therapy, gender-affirming surgical procedures, and even mental health counseling.

Working with allies, ACLU-PA sup-



ACLU-PA staff and volunteers pause before a day of lobbying at the state capitol.

ported transgender Pennsylvanians and their families who advocated against the bill. We organized three lobby days in Harrisburg, alerted the press, and articulated the danger of the bill through social media. While the CHIP bill passed the Senate with the trans-related amendment, cooler heads prevailed in the House, where the noxious language was removed. The bill was ultimately signed by Governor Wolf as a straightforward renewal of CHIP.

Immediately thereafter, though, some members of the state House cooked up a new plan to ban transition-related coverage in both CHIP and Medicaid. That bill moved initially with lightning speed, passing out of committee the day that it was introduced in December. But in the face of controversy and strident opposition, including from ACLU-PA, the House opted not to consider the bill before leaving for the winter holidays.

Because the General Assembly holds a full-time two-year session, the CHIP-Medicaid legislation, House Bill 1933, is still active and could receive a vote at any time. After years of advocating for nondiscrimination protections for LGBTQ people and after more than a year of dedicated advocacy specifically centering the voices and expertise of the transgender community, ACLU-PA is prepared to beat back any effort in Harrisburg to limit the rights of trans Pennsylvanians. ■



Educators and advocates discuss best practices to diminish students' involvement in the juvenile justice system.

ACLU-PA CONVENES ADMINISTRATORS AND ADVOCATES TO TALK ABOUT POLICE IN SCHOOLS

In January, the ACLU of Pennsylvania convened a daylong summit in Harrisburg with school administrators, advocates, and a retired police officer to discuss the ongoing challenge of law enforcement presence in schools. Seventeen administrators, including superintendents, school board members, and building principals from throughout the commonwealth, attended the event and engaged in thoughtful dialogue on student safety and diminishing the school-to-prison pipeline.

In recent decades, school administrators have increasingly relied on police to provide a daily presence in their buildings, to the detriment of student well-being. Data indicates that students with disabilities and students of color interact with police officers in their school at a significantly higher rate than their white classmates who do not have disabilities. Research also shows that children who attend a school with a full-time officer are more likely to be arrested for minor offenses on campus than those who

do not attend such a school. This data and the collateral consequences of being arrested were shared with the group at the summit, along with a presentation about Philadelphia's effort to end arrests for minor, non-violent offenses in schools.

The idea for the summit sprang from our staff's interest in introducing education decision-makers to best practices to reduce unnecessary involvement in the juvenile justice system. As the day went on, it became clear that educators were unaware of the full range of collateral consequences of student contact with police, even when they are not arrested, and that educators struggle with best practices when students with disabilities interact with police.

More police officers in schools is an idea that gains traction to enhance student safety, but the collateral consequences for children are significant.

To learn more about the ACLU of Pennsylvania's work on students' rights, visit endzerotolerance.org.

GOVERNOR VETOES DRACONIAN ABORTION BILL, PROTECTING PENNSYLVANIANS' REPRODUCTIVE RIGHTS

Senate Bill 3 was the most extreme abortion ban in the country, but, in a victory for reproductive rights, Governor Tom Wolf vetoed the bill in December.

The bill would have criminalized abortion after 19 weeks gestation, replacing the current ban at 24 weeks. It also would have banned doctors from performing the dilation and extraction procedure—a safe, medically tested, and commonly used procedure—at any point during a pregnancy. The bill included no exceptions for rape, incest, health, or fetal abnormalities.

SB 3 passed the state Senate on February 8, 2017, without a hearing, and the House Health Committee took the same approach in passing the bill on December 4.

Opponents of bans like those in SB 3 include the Pennsylvania Medical Society and the American Congress of Obstetricians and Gynecologists. The U.S. Supreme Court has consistently ruled that states may not ban abortion prior to fetal viability and may not impose an undue burden on women. This bill would have done both.

The ACLU of Pennsylvania joined with numerous allies in opposition to the bill.

To read our statements against the bill, visit aclupa.org/abortionbans. ■

NEW STAFF—AND NEW JOBS—AT THE ACLU OF PENNSYLVANIA

Since December, the ACLU of Pennsylvania has welcomed five new employees in five new staff positions.



Rebecca Cusumano-Seidel joined the ACLU of Pennsylvania staff as the volunteer coordinator in our Philadelphia office. Prior to joining the ACLU-PA, Becca was the coordinator of alumni affairs, development, and special events at an independent school in Washington, D.C. Becca brings over 10 years of recruitment, management, and leadership development to the position. Becca also coached collegiately for five years and earned her master's degree from Smith College in exercise and sports studies.



Amy Herlich joined the ACLU-PA as the assistant director of philanthropy, arriving most recently from the University of Pittsburgh, where she served as the director of constituent relations at the School of Information Sciences. She brings more than 11 years of fundraising and nonprofit experience in national and international organizations. Amy earned her MPA from The George Washington University and a BA from the University of Pittsburgh. Amy works in our Pittsburgh office.



Ian Pajer-Rogers is the communications strategist for the ACLU-PA's Campaign for Smart Justice. He joined the staff in April and works in the Pittsburgh office. Ian has worked on a variety of public policy issues over the past decade in the arenas of communications, grassroots organizing, training, and fundraising. That work has included ensuring the passage of the Affordable Care Act, stopping the construction of a for-profit immigration prison in Illinois, working to fight illegal foreclosures, lobbying Congress to pass a national pay-stub standard to stem wage theft, and more.



Shannon Parris joined the ACLU of Pennsylvania in April as the volunteer coordinator in the Pittsburgh office. Prior to her work at the ACLU-PA, Shannon was the program director of a nonprofit animal welfare organization in Pittsburgh where she built and ran a volunteer program for a retail/re-sale fundraising effort. She also provides marketing and administrative support as the community manager of a Pittsburgh-based nomadic artisan marketplace and serves on the Friends Board of a nonprofit supportive housing organization in Clairton, PA. She received her B.S. in psychology with honors from the University of Pittsburgh.



Terrell Thomas is the senior field organizer for the ACLU of Pennsylvania's Smart Justice Campaign in Allegheny County. Prior to joining the ACLU-PA in April, he was the executive director of The Isaiah Project youth development program, which caters to the needs of Pittsburgh area teenagers. Terrell is also the president of Power University, a community awareness program that educates and unifies Pittsburgh residents and organizations through community education initiatives in an effort to address challenges faced by residents that often lead to violence. Terrell was named one of the 40 under 40 by Pittsburgh Magazine in 2016.

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TAKING A STAND FOR CIVIL LIBERTIES



Above: ACLU-PA Legal Director Witold “Vic” Walczak (left) talks with clients from Mars Parents Against Fracking at the Greater Pittsburgh Chapter’s annual meeting in March.

Top left: ACLU-PA Executive Director Reggie Shuford with Helen Gym of Philadelphia City Council. Gym was honored with ACLU-PA’s Civil Libertarian Award in February.

Bottom left: ACLU-PA staff and volunteers joined Lancaster Against Pipelines at the Right to Be Heard rally in January, protesting state legislation to hamper protestors’ free speech rights.

PHOTOS: TOP LEFT, CHRIS KENDIG PHOTOGRAPHY;
BOTTOM LEFT, ANDY HOOVER; ABOVE, HEATHER MULL.