

LEGISLATIVE DEPARTMENT
Submitted by Larry Frankel
March 16, 2005

Even though the legislative session is just getting started, the ACLU of Pennsylvania is in the thick of various legislative initiatives. Here is a brief description of our activity.

In Harrisburg

LGBT Issues – I have already attended quite a few planning meetings to strategize how we will try to advance LGBT equality in Pennsylvania and fight any proposed anti-marriage amendments or legislation that would harm LGBT families.

Death Penalty and Mental Retardation – We have found prime sponsors for legislation that implements the *Atkins* decision barring the imposition of the death penalty on persons with mental retardation. We will have bills introduced in both the House and Senate. The bills will include a procedure that we believe is fair to the defendants and best complies with the Supreme Court's jurisprudence.

Free Expression – Students – On February 23, 2005, I testified at a House Education Committee hearing on proposed regulations governing students' conduct. I focused on proposed changes to the existing regulation of student expression and stated our opposition to the proposed changes which could lead to further attempts to censor students. On March 1, 2005, the State Board of Education withdrew the proposed regulations.

Pledge Bill – Yet another piece of legislation regarding the Pledge of Allegiance has been introduced. This time it is a mandate on teachers to start the school day with the Pledge or national anthem. Of course the media asked me to comment and I seem to have struck a chord with at least one newspaper that even quoted me in its editorial opposing the legislation.

Budget Hearings – I provided friendly legislators with questions to ask at the budget hearing on subjects such as counsel for defendants in death penalty cases, racial profiling, and secrecy in how the state spends homeland security money. I also prepared for those legislators talking points on domestic partner benefits just in case that issue was raised during the budget hearings.

Court Interpreters – There are several groups, including the ACLU of Pennsylvania, that have been working with Senator Costa (from Pittsburgh) on legislation that would improve the provision of court interpreters to persons with limited English proficiency.

Megan's Law – The State Police launched their new Megan's Law website and as a result of the State Police's big p.r. campaign, we received a lot of press calls and intake calls. We explained to the intake folks the ugly reality of the new law. When speaking

to the press, I tried to explain why this approach may actually be harmful to public safety as it makes it much more difficult for prisoners to successfully reenter society.

Emergency Contraception in Emergency Rooms – Carol Petraitis and I have been working with other advocates on drafting a bill and producing packets of information on the provision of emergency contraception in emergency rooms. I will be attending a meeting in Harrisburg next week to see if we can address any remaining objections to the legislation.

SR 149 – Task Force on Geriatric and Seriously Ill Prisoners – For the last two years Angus Love and I have been serving on a task force looking at the problems associated with the huge number of geriatric and seriously ill prisoners in Pennsylvania. We are nearing the completion of our work and I hope the Task Force will finalize its recommendations in the near future. From there it will be on to trying to convince the General Assembly to adopt some of the proposals we recommend.

Evolution – I have been working with Senator Connie Williams and her staff in drafting a resolution that acknowledges that the Pennsylvania standards on science education require the teaching of evolution. The resolution also encourages all school districts to teach evolution. We would love to see this come up for a vote as it will put some of the legislators on the spot if they oppose having our schools actually follow the standards that have been adopted.

Lobby Disclosure Legislation – I attended an informational meeting on the lobby disclosure bill that will be introduced. I had an opportunity to explain to several new legislators the ACLU's views on the importance of having a carefully drafted bill so that it would not impair the right to petition the government or the right of lawyers to zealously represent their clients.

Indigent Criminal Defense – A legislator approached me about helping him on the issue of indigent criminal defense. With the assistance of Vic Walczak and Malia Brink (our former staffer who is now working on indigent criminal defense issues for the National Association of Criminal Defense Attorneys), I drafted a resolution calling for a study of indigent criminal defense and how it is paid for in Pennsylvania. The legislator told me he liked what I drafted, but I do not believe he has actually introduced it as of today.

Felon Disenfranchisement - Working with fellow staffers, Amy Laura Cahn and Andy Hoover, I have been planning a campaign to increase awareness of the right of felons to vote in Pennsylvania and to clear up any misconceptions that the public may have as to the law in Pennsylvania. This campaign will include speaking to various community organizations, drafting op-eds and responding to news stories on this subject.

Surrogate Parenting – On Monday, March 14, 2005, I testified at a hearing of the senate Judiciary Committee on a bill that would allow, but regulate, surrogate parenting arrangements in Pennsylvania. I addressed the constitutional issues that were raised by the legislation.

MATRIX – Following the announcement that Michigan is withdrawing from MATRIX (Multistate Anti-Terrorism Information Exchange), we called on Pennsylvania to follow Michigan's lead.

Washington, D.C.

Some of our most interesting work so far this year has been in coordination with our D.C. office. One reason is that the Chair of the Senate Judiciary Committee is our own senior Senator. Furthermore, there are 3 new members of the House of Representatives who are from Pennsylvania and 2 of them served as state legislators. So the national office has been seeking our help with their efforts in D.C.

In the first two months of this year, we have published an op-ed piece urging Senator Specter to grill Gonzales at his confirmation hearing, alerted our members to contact our Senators and Congress people on the Department of Justice's failure to include emergency contraception in its guidelines on services for victims of sexual assault, written to Senate Specter on the REAL-ID bill, modified a model op-ed piece on abstinence only programs and had it published, and alerted our members to contact the new members of the House on a faith-based funding bill. Also, on February 24th, two of the staff from the D.C. office came to Philadelphia to meet with some of us to strategize how we can work with a range of groups to influence Senator Specter on issues like the sunset provisions in the PATRIOT Act and other post 9-11 measures. I get the distinct impression that the folks in the D.C. office are really counting on us in the coming year and we can definitely use your help in making sure we do not let them down.