ACLU-PA Files Federal Freedom-to-Marry Lawsuit for Same-Sex Couples in Pennsylvania

By MARY CATHERINE ROPER
Senior Staff Attorney

On July 9, the ACLU-PA and our co-counsel — the ACLU’s LGBT Project, Seth Kreimer of the University of Pennsylvania Law School, and a volunteer team from the law firm of Hangley Aronchick Segal Pudlin & Schiller led by Mark Aronchick — gathered in the Capitol Rotunda in Harrisburg to announce the filing of a federal lawsuit, Whitewood v. Corbett, we hope will bring the freedom to marry to all Pennsylvanians.

The plaintiffs assert that Pennsylvania’s refusal to allow marriages or recognize out-of-state marriages of gay and lesbian couples violates the fundamental right to marry as well as the Equal Protection Clause of the Fourteenth Amendment. The ACLU-PA and its partners started preparing the suit early in the year and filed less than two weeks after the U.S. Supreme Court declared the federal Defense of Marriage Act (DOMA) to be unconstitutional in an ACLU case, Windsor v. United States.

The 23 plaintiffs in Whitewood v. Corbett come from across the commonwealth and from all walks of life. They include an emergency room doctor, a nurse, a teacher, university professors, a truck driver, a bank executive, a psychologist, retirees, lawyers, a dog trainer, state employees, an artist, a stay-at-home mom, and veterans. The plaintiffs reflect Pennsylvania’s rich diversity: they are African-American, Caucasian, Latino, and Asian; they are Methodist, Baptist, Catholic, Quaker, Jewish, Buddhist, and secular. Many have been together for decades, and some are raising children together. The situations faced by these couples are similar to those faced by the thousands of same-sex couples in Pennsylvania who are being denied the basic rights that are afforded by marriage.

The lead plaintiffs in the lawsuit are Deb and Susan Whitewood of Bridgeville in Allegheny County, along with their teenage daughters, Abbey and Katie. Their family also includes two-year-old Landon, who was placed in foster care with Deb and Susan by the Allegheny County Department of Children and Youth Services when he was 11 months old and later was adopted by the couple. Deb and Susan have lived together in a committed relationship for 22 years. They are devout Christians and their family is actively involved in the Christ United Methodist Church of Bethel Park.

“We only want what every married couple wants — to express our love and commitment in front of friends and family and the security and protections that only marriage provides,” says Deb. “Our life is built around our relationship and the family we have made.”

Also from the Pittsburgh area, plaintiffs Dawn Plummer and Diana Polson have been together for 13 years. They have two adorable sons — a five-year-old, E.P., and a seven-month-old, J.P. Fredia and Lynn Hurdle of Pittsburgh met in 1990 when Fredia was a Greyhound bus driver and Lynn, a pediatric nurse, was a passenger. Fredia had been assigned to a new route and Lynn tried to help her out with directions (which turned out to be wrong, but that’s another story). They ended up dating via Greyhound about for about five months until Fredia moved to Pittsburgh.

Three couples hail from Philadelphia. Angela Gillem and Gail Lloyd have been together for 17 years. Helena Miller and Dara Raspberry of Philadelphia have been together for six years, and have a very new addition to their family, Zivah, who was born in May. Fernando Chang-Muy and Len Bieser are the proud parents of 21-year-old Isabel, whom they adopted when she was 10 months old. Isabel brought down the house at our press conference when she declared, “I am so over being a child out of wedlock!”

Also from Philadelphia, Maureen Hennessey is a widow who lost her wife after 29 years together. Because her Pennsylvania law, someone can be fired because he or she is lesbian, gay, bisexual, or transgender. LGBT Pennsylvanians can be denied a home or apartment or a table at a restaurant with no legal recourse. The only exception is in the 31 municipalities that have local ordinances that prohibit such discrimination.

IN THIS ISSUE

Harrisburg Hijinks: Update from the Capitol

By ANDY HOOVER
Legislative Director

The Pennsylvania General Assembly is never lacking for activity on civil liberties. It keeps us busy and gives me a job.

Here’s a quick and dirty — emphasis on the dirty — rundown from the state legislature’s spring session.

“Hey, at least we restricted abortion.” The legislature passed and Governor Corbett signed House Bill 818, a bill that prohibits insurance companies from covering abortion care in policies sold in the exchange created by the federal Affordable Care Act. Mind you, Corbett opted out of administering the exchange and left that job to the federal government. But he and the legislature were sure to restrict access to abortion coverage in the exchange that they refuse to administer.

Warrantless DNA collection. In June, the state Senate passed Senate Bill 150, which requires the collection of a DNA sample from people who have been arrested for but not convicted of certain crimes. The collection is done without a court order, and the sample is sent to the databases of the Pennsylvania State Police and the FBI.

The bill’s passage in the Senate was expected, and the real debate over this bill will be in the State House, where it died last year.

Government capture of online information. Sound familiar? But I’m not talking about the NSA. The state House passed House Bill 90 in April. This bill allows law enforcement to acquire personally identifying information from Internet service providers without a court order. As written, HB 90 would only grant this power in child sexual abuse investigations. But no third party will check what prosecutors are doing. Prosecutors can obtain the information by simply issuing an administrative subpoena, an order that is issued by the prosecutors themselves. Our system is one of checks and balances, not one in which people in government are expected to self-regulate.

HB 90 is now in the Senate Judiciary Committee. The ACLU of Pennsylvania opposes each of the above bills. But it wasn’t all bad news at the General Assembly.

An end to LGBT discrimination. Under current Pennsylvania law, someone can be fired because he or she is lesbian, gay, bisexual, or transgender. LGBT Pennsylvanians can be denied a home or apartment or a table at a restaurant with no legal recourse. The only exception is in the 31 municipalities that have local ordinances that prohibit such discrimination.

House Bill 300 and Senate Bill 300 amend the Pennsylvania Human Relations Act, the commonwealth’s non-discrimination law, to include “sexual orientation” and “gender identity or expression” as protected classes.

Plaintiffs and attorneys in the Whitewood case at the July 9 press conference announcing the filing of the lawsuit.

Meet Mark Aronchick, volunteer attorney in the Whitewood case, p. 5.

Learn more about the ACLU-PA’s Why Marriage Matters PA public education campaign, p. 4.
FROM THE PRESIDENT
DEAR SUPPORTERS OF CIVIL LIBERTIES:

That everyone talks about achieving diversity — and recognizes it as a core value of the ACLU of Pennsylvania — is a good thing. But what does that mean in practice? A par-amount component of the ACLU’s mission is working to protect the rights of minorities, advance equality, and to ensure not just “liberty and justice,” but liberty and justice “for all.” One path to advance these goals — effectively — is keeping diversity at the forefront of the process for selecting new board members.

No matter how deep each board member’s commitment to advancing civil liberties “for all,” there is no substitute for a board filled with a wide range of different voices. The board — and thus the ACLU — can achieve a better understanding of both longstanding and emerging issues only by hearing from colleagues with different perspectives based on their own personal experiences. That is why it is essential that the ACLU-PA board look like the broad and diverse community we serve.

While we have achieved a degree of broad representation on our board, we cannot rest on our laurels. We remain particularly interested in increasing our African-American, Latino, LGBT, and immigrant representation, as well as representation of those who have been wrongfully accused and the formerly incarcerated.

We would like your help in increasing the diversity of the ACLU-PA’s leadership across the state. One way to do that is by becoming involved as a volunteer with your chapter or in other local ACLU activities. We strongly encourage you to do that. (For contact information, see Chapter Roundup, page 12.) Another way to contribute to our efforts to creating a diverse board is to assist us in identifying future state board leaders. To do that, you can direct communications to Deputy Director Barb Feige at phinfo@aclupa.org, who will pass this information along to the board nominating committee.

As always, we appreciate your interest and involvement as a member and supporter of ACLU of Pennsylvania. We couldn’t do it without you.

Regards,

Kim M. Watterson
Board President

FROM THE EXECUTIVE DIRECTOR

Working Towards Diversity

Throughout my career, it’s been important for me to be at the places where I worked or been succeeded in working to make sure diversity and inclusion are not only part of our mission, but also at the forefront of what we do. In that, I’ve learned that the ACLU — and an organization like it — can achieve a better understanding of the people we serve and the issues they face only by hearing from people with different perspectives based on their own personal experiences. That’s why it is essential that the ACLU-PA board look like the broad and diverse community we serve.

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Kim M. Watterson
Board President
spouse was a woman, their marriage is not recognized by the commonwealth of Pennsylvania, and she is not provided the protections afforded to widows under state law.

Our Harrisburg couple, Marla Cattermole and Julie Lobur, met during Army basic training nearly thirty years ago. Marla served 12 years in the Army, but Julie was discharged during basic training after she was outed to her superiors.

Ed Hill and David Palmer of Bangor, in Northampton County, married this May shortly before their 25th anniversary. Even after a quarter century together, the act of marrying has had a profound impact on Ed and David. Today they live on property they purchased from the Christian retreat center where they met in 1988.

Heather and Kath Poehler of Downingtown have lived together for 10 years. They live off a country road on eight acres of land with three dogs that they rescued from an animal shelter, two cats, and seven chickens. Kath officiates and Heather skates for the Brandywine Roller Girls, a local roller derby league.

Ron Gebhardtsbauer and Greg Wright of State College have lived together for 19 years. Ron is a Clinical Associate Professor and head of the Actuarial Science Program at Penn State University. Greg is an acupuncturist in private practice.

Several of the couples were married in other states, but lost that recognition when they moved to Pennsylvania or returned home. That has frightening consequences for all of the plaintiffs, but especially seniors Ed and David and new parents Heather and Dara. Many of the plaintiffs have gone to great expense to put together legal protections for themselves and their families that mimic some of the protections of marriage, such as drawing up wills and powers of attorney. But they know that there is nothing they can do to access most of the protections available to married couples.

As Mark Aronchick explains, “We have filed this case because these families deserve the security of knowing that, in times of crisis, their loved ones will be protected and provided for.”

Things have moved very quickly since the filing of our suit. Two days after we filed suit, Pennsylvania Attorney General Kathleen Kane announced that she would not defend the lawsuit because she believes that the commonwealth’s discriminatory law is unconstitutional. Two weeks after we filed suit, the Montgomery County register of wills announced that his office would begin issuing marriage licenses to same-sex couples, reasoning that he could not be restrained by an unconstitutional law. Hundreds of couples have gotten marriage licenses from Montgomery County, and the commonwealth has sued him to stop the register of wills from issuing those licenses, contending that any resulting marriages are invalid. By the time this newsletter reaches you, at least two more lawsuits seeking marriage equality will likely be pending in the Commonwealth Court.

These different suits will be in different courts and follow different strategies, but all have the same goal: to secure the freedom to marry for all Pennsylvanians.

We hope to have a trial in our case by early spring or summer. The case has been assigned to the Hon. John E. Jones III in the United States District Court for the Middle District of Pennsylvania, who also happened to be the presiding judge in the Dover intelligent design trial.

The full legal team is: ACLU-PA Legal Director Vic Walczak, with staff attorneys Mary Catherine Roper and Molly Tuck-Hooper; ACLU LGBT Project Director James Esseks and staff attorney Leslie Cooper; Seth Kreimer of the University of Pennsylvania Law School; Hangley Aronchick Segal Pudlin and Schiller shareholders Mark Aronchick, Helen Casale, and John Stapleton, with associates Dylan Steinberg and Rebecca Melley.

Photos by Dani Fresh.
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Vinnie (front) and Melissa Morris
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Guilty Plea Necessary
I n the U.S., divorce rates have been steadily climbing as long as I've been
culminating in 8 p.m.
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mechanical. Therefore the law on
Voter ID Update
By WITOLD WALCZAK
Vot ing Rights Director

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Interviewed by MOLLY TACK-HOOPER  
Staff Attorney

Mark Aronchick leads the team of talented lawyers at Hangley Aronchick Segal Pudlin & Schiller — including Helen Casale, John Stapleton, Dylan Steinberg, and Rebecca Melley — who are co-counsel in Woodrow v. Corbett, the ACLU’s challenge to Pennsylvania’s restriction on marriage for same-sex couples, filed in federal court last month.

ACLU-PA: Tell me a little bit about your law firm, Hangley Aronchick Segal Pudlin & Schiller (HASPS).

Mark Aronchick (MA): We’re a mid-sized primarily litigation firm with offices in four locations. We’re almost 20 years old. A lot of people in the firm are recognized statewide and nationally for what they do. The firm prides itself on not only doing excellent work — among the best anywhere — but also on having a firm commitment to doing good in the community.

ACLU-PA: I know that in 1969, you were selling ice cream to hippies at Woodstock. Can you tell me more about your path from the ice cream business to representing historic legal cases?

MA: I think I’ve been on a zigzag journey. I’ve been blessed by God in a lot of things, and in having really great inspirational role models at all the right times. I’ve been very open to people and who they are, and what they have to say. I see a lot of worth in people.

A lot of my worldviews was developed during the 60’s. I’m from a small blue collar town in the central Jersey shore, graduated high school the same year as Springsteen in a neighboring high school, so what he sings about is what I grew up with. You had to be self-sufficient. We created our own activities, built our own ball fields, set up our own gym. And then I was at Penn in the ’60s. I was in student government, which was not your average student body. I was challenging a lot of university policies. My first date with Judy was at the big sit-in at the Science Center. And I had tremendous role models—self-sufficient, self-styled.

And during college I always had to work. A couple summers I drove an ice cream truck and I had the great idea to pitch my boss to send it up to Woodstock. We sold at the ice cream truck a couple of times within hours and whenever it rained, about 40 people got into the truck with me.

After college, I’d never been west of Philadelphia, but I wound up spending my first year of law school at the University of Washington in Seattle, then transferred to the University of Chicago.

At the University of Washington, I was elected president of the law school student body as a 3L. That class was very widely known for its social activism, and I worked very closely with young lawyers downtown in Seattle who went on to do impressive things, and this happened again when I went to the University of Chicago. It was the facility that gave that school a reputation at that time of being one of the leading schools for progressive values.

After law school, Judy wanted to go to U of Wisconsin law school, so we moved to Philadelphia. I wound up interviewing with Alan Davis at Wolf Block Shore Salz Kahn, which doesn’t exist anymore. Alan told me I should do something in the public interest instead. But the more he talked, the more I wanted to be with him. I was there from ’74 to December ’79. I could not have had the experiences I had during those years anywhere else. Howard Gittis and Alan were my two mentors at the firm, and if you could have one of those people as a mentor anywhere on the face of the Earth, you would say you were blessed. I had both as mentors. I never quite understood why we were coming to Philly but I understand it now.

Then Bill Green ran for mayor, and I represented Bill in the campaign as a very young lawyer in a challenge to his primary victory. After eight weeks in court, Bill was finally declared the mayor, and took in Alan Davis as his City Solicitor. I became the First Deputy City Solicitor. I was very, very young for that job, but I think I did it well enough that Alan and Howard encouraged Bill to make me his City Solicitor when Alan went back to private practice, and he did. It was hard to believe you could be doing that in ’79. I brought all of my background — including the ice cream truck — to that job. My sense was this was the God-given opportunity, and I would try very day as best I could to make a difference. I fought a lot of battles to try to make the government more responsive and efficient. I grabbed hold of the Pennhurst case and instead of fighting it, I quickly took charge of resolving it, which led to the deinstitutionalization of many people in Pennhurst. (Ed. Note: Until the 1970s, people with developmental disabilities were segregated from the community, in bleak, state-run facilities where they often suffered abuse and neglect and were deprived of educational, social, and employment opportunities. Class action litigation against the Pennsylvania State School & Hospital resulted in deinstitutionalization in the 1980s that involved the closure of facilities where patients were isolated for long periods of time and a shift towards community-based mental health services.)

I settled suits against the Philadelphia Police Department, putting in place a deadly force policy and a citizen’s complaint procedure. I broadened — well, really gave life to the (Philadelphia) City Board of Ethics. I took over the prison reform litigation, and both sides worked really hard to make sure that resulted in reform of the criminal justice system, as we broadened protections in the discrimination laws, including protection on the basis of sexual orientation. We changed the way we were doing business in the Philadelphia Law Department. It was more diverse than anyone could remember. I was proud of it.

ACLU-PA: Challenging DOMA is no small undertaking. What convinced you and your firm to join with the ACLU in such a major case?

MA: It’s simple — it’s just a hugely important civil rights issue. There are still major civil rights battles to fight — voting rights, etc. — but in terms of discrimination, it’s our biggest next frontier that needs to be fought and needs all the resources and talent we can muster as a society. When the ACLU asked me to do it, it took less than a nanosecond for our firm to say yes. It’s impossible to look in the eyes of people who want same sex marriage or anyone in the LGBT world and see them as anything other than you — people who want just what you want, with the same yearnings and strivings and sweetness and fears. You can’t walk away from people if you’re just an eyes open person. If you’re gonna be a lawyer and take the obligations of being a lawyer fully, when you’re asked to do this, you automatically say yes — it’s why you become a lawyer.

I believe a great deal in paying it forward. My role models and mentors — they were all paying it forward. They all had great models and mentors, and wanted to be the same things for others. I hope that’s the same for people.

By ANDY HOOVER  
Legislative Director

For more than two years, nearly all discussions of election reform in Pennsylvania have been caged on the obnoxious voter identification law. But this year there has been a low-key effort to bring Pennsylvania’s Commonwealth’s election into the 21st century by creating online voter registration, an effort that is spearheaded by Republicans, Democrats, and voting rights advocates like the ACLU of Pennsylvania. Senate Bill 37 unanimously passed the Pennsylvania Senate in April. This legislation requires the Department of State to create a system that would allow voters to register online. The current system would continue to exist, ensuring that access to the vote is not cut off for those without Internet availability.

Some of the advantages of e-registration are obvious while others are more subtle. Online registration provides greater speed for both the voter and county officials. Someone who is registering or revising a registration can do so from the convenience of her home, without the hassle of paper, which is especially convenient just before the registration deadline. States with this type of system, of which there are now 16, have found that most of their registrations are now processed online. In Arizona, the first state with e-registration, 70 percent of registrations are processed electronically.

Studies also show that counties save significant amount of money and time with this type of system and that errors in registrations are greatly reduced.

From a civil liberties perspective, SB 37 is a positive reform by reducing barriers to the vote via easier access to registration. Interestingly, the Department of State articulated multiple times its desire to implement online voter registration in 2011 and 2012, even going so far as to say early in 2012 that it would be functional that year. At the time, the department was ready to move forward without legislation. Then, in July of 2012, the department pulled the plug on the system, claiming that the implementation of voter ID had become too much of a distraction to also simultaneously implement online voter registration.

Then, this year, the department said for the first time that it feels it needs legislation to start the system, in part because of its previous position that it could create it through executive action.

SB 37 is now in the state House of Representatives and is under consideration by the House State Government Committee. The ACLU of Pennsylvania is working with a coalition of groups to get this bill passed and to bring modernization to the commonwealth’s election administration.
Passionately Supporting the Things That Are Important: An Interview with Clyde Jones

By BRUCE MAKOUS Development Director

ACLU-PA: You first joined the ACLU in New York in 1994. What inspired you to become a member at that time?

Clyde Jones (CJ): I remember it well. I was living in New York City. At that point, early in my career, I had decided I only wanted to do professional work that had personal significance in my life. I wanted to help with gay and lesbian causes, AIDS, civil liberties, racial justice, and related issues. I had a job working for a small consulting firm. Our clients were mostly civil rights organizations like the NAACP, Fund for an Open Society, and others.

I was approached by Norman Siegel, then-executive director of the New York Civil Liberties Union. He asked me to come and work for him. At that point, NYCLU had never had a professional development staff person, largely because of their proximity to the national office of ACLU I found that Norman was passionate about many of the same issues that I was interested in, so I took the job.

Of course, I joined the ACLU as well. I remember that my first contribution, which may not seem like very much compared to what I give today, was a real stretch for me financially at that time. I became very passionate about supporting the ACLU personally, and I tried to bring things to NYCLU’s operations that I had learned from my personal experience in related fundraising. After I moved on to a career in academic medicine, I continued my support for ACLU and became a volunteer as well.

ACLU-PA: Which ACLU issues are currently of greatest importance to you?

CJ: Fighting for the right to vote for minority people — the way the ACLU of Pennsylvania is doing in fighting Pennsylvania’s voter ID law — is tremendously important to me. It’s disastrous that the advances we made decades ago are under assault again today. People died for the right to vote. As [ACLU founder] Roger Baldwin liked to say, “No such victory ever stays won.” Also, marriage equality and eliminating discrimination against LGBT individuals is very important to me. Everyone deserves to be treated equally.

And, in general, I feel that all of ACLU’s issues are very important.

ACLU-PA: You are very generous financially, and you have been for a number of years, and we greatly appreciate it. Why do you support the organization at such a high level of giving?

CJ: As I progressed in my career, I found I was able to provide financial support at a higher level for those organizations that are important to me. I feel strongly that people should support causes that are important to them at a level that is considered generous by their peers. If I can set an example for others with my high level of support, I am happy to do it.

ACLU-PA: We appreciate your leadership as an ACLU of Pennsylvania board member. Why did you agree to join the board?

CJ: I wasn’t in Pittsburgh for more than two days before [national ACLU and ACLU of Pennsylvania board member] Rosalind Elman came tapping on my door. Roz talked to me about the ACLU of Pennsylvania and asked me to join the Pittsburgh Chapter board. I’m pleased that I was able to bring something of value to the organization. I try to carve out my volunteer time despite the demands of my job, and I have been particularly interested in helping with organizational development and governance, in addition to development.

ACLU-PA: Any other thoughts?

CJ: The ACLU is an amazing organization, and the ACLU of Pennsylvania, in particular, is a shining light among affiliates, and is a model throughout the country. I’m very proud to be involved and to provide what support I can.

Duvall Reproductive Rights Project Launches New Website to Educate Teens About Their Rights to Consent to Health Care

By MIKE GARVEY Duvall Reproductive Freedom Project Intern

Over a decade ago, the Clara Duvall Reproductive Freedom Project developed a trainings program called, Do You Have to Tell My Mom? Minor’s Health Care & the Law.” The program, only one of its kind, educates Pennsylvania physicians, health professionals, school personnel and others about the rights of minors to consent to health care.

Our goal has been to ensure that professionals who provide medical care for teens are educated about minors’ legal rights, a process that doesn’t routinely happen in medical school, residency, nursing school, or other graduate programs. Even when training is provided, the emphasis is on harm reduction for the institution – i.e., we don’t want to be sued, and the emphasis is on harm reduction for the patient. We educate physicians, health professionals, school personnel and others about the rights of minors to consent to health care.

The bulk of the information about rights to consent to health care comes from the legal research that forms the basis for our training manual. We plan to promote the new site through social media and networking with state and national partners. High school, undergraduate and graduate interns have already developed the basic content and structure for the site, with help from the ACLU-PA communications department.

Why is this site important? Let’s say a young person is sexually active and believes she may have become pregnant or exposed to an STD. She doesn’t want to tell her parents, who may judge her, but she still can’t escape the experience of wondering, what if she’s scared or confused about what to do. She may not know that, in Pennsylvania, she has the legal right to get tested. Even if she did, she may not know that the test results may be kept confidential, or that she has other options besides a family doctor, such as a Title X family planning clinic.

So just imagine how it must be for a young person to navigate critical, potentially life-changing situations about their health. They’re living a problem in the moment, while going through a complicated period of emotional, physical, and psychological development. With incomplete knowledge or misinformation, they could make detrimental decisions and adversely affect their health, or put themselves at risk of not receiving crucial services.

It’s not that we’re seeking to enable minors to always circumvent their parents. Rather, this website will empower teens to know all their options, so they can make the choices right for them. We want this website to contribute to a decline in the rate of sexually transmitted infections and teen pregnancies, help increase treatment for substance abuse and mental health issues, raise awareness about the very real legal consequences of sexting, and improve doctor/patient trust, thereby increasing the health of minors.
Case Docket

A quick roundup of recent ACLU-PA legal activity.

Freedom of Speech

Suits Over Observing and Recording the Police Filed

The ACLU-PA has filed three federal court lawsuits this year against the Philadelphia police department for violating people’s free-speech rights by issuing legal threats or initiating legal proceedings to chilling free-speech grounds the citations and/or arrests of people who were observing or recording the police.

G-20 Lawsuit Settle

The ACLU-PA has settled the last two of four lawsuits against the city of Pittsburgh or its agencies that the ACLU-PA had brought during the 2009 G-20 Summit. In one, the city agreed to pay $488,000 to 24 plaintiffs arrested after the Summit for allegedly failing to disperse and in the other paying $72,000 to a professor who suffered hearing loss when being subjected to a sonic cannon, the LRAD (Large Range Acoustic Device).

Permit Granted

The Delaware River Toll Bridge Joint Commission agreed to issue a permit to the Coalition for Peace Action for an anti-gun-violence march across the “Trenton Make Good Bridge” to a park in Bucks County. The Commission had refused the permit because of inflammatory and threatening content in the Internet from pro-gun counter demonstrators.

Court Gag Order Lifted

An Allegheny County Court of Common Pleas Judge agreed to withdraw an order gagging all “friends and family” of a man in a child-custody dispute. We filed a motion on behalf of the man’s mother, who wanted to expose what she believed were problems with the proceedings.

Charges Dropped Against Boy with Autism

The Westmoreland County DA’s office agreed to withdraw obscenity charges against a 13-year-old autistic boy, who was being charged for sending by cell phone a picture of his penis to two girls who asked for it and then circulated it to their classmates.

Indecent Exposure Charges Dropped

The ACLU-PA successfully represented two Carnegie Mellon University students who had been charged with indecent exposure for performing nude in an outdoor university art show. The charges were filed three weeks after the incident when the Pittsburgh police brought prosecution for what he termed the young lady’s blasphemy of the church. She disappeared in a panic from the waist up but was naked below in a protest of the Catholic Church’s pedophilia scandal.

School District’s Restrictive Internet Policy Repealed

The Bethel Park School District (Allegheny Co.) agreed to repeal a overly broad social network usage policy that prohibited all students from posting on the Internet, either during school or off hours, anything that might insult, embarrass or annoy anyone.

Sign Restrictions Dropped

Watsontown Borough (Northumberland Co.) agreed to repeal an ordinance that was being sued to limit homeowners’ rights to display a “Ron Paul for President” sign more than 30 days after the election.

Charges Dropped Against Homeowner

Pennsylvania State Police (Waynesburg Co.) agreed to withdraw criminal charges filed against a homeowner for displaying signs criticizing the war in Iraq.

Borough Declines to Pass Ordinance

Pine Township (Mercer Co.) agreed to withdraw an order gagging the borough for displaying signs criticizing the presidential candidates from the town center.

Sign Restrictions Dropped

Watsontown Borough (Northumberland Co.) agreed to repeal an overly broad social network usage policy that prohibited all students from posting on the Internet, either during school or off hours, anything that might insult, embarrass or annoy anyone.

Policy Repealed

The ACLU-PA successfully represented staff and volunteers from posting on the Internet from pro-gun counter demonstrators.

Larry Frankel

offer scholarships for LGBT students at their institution. The Frankel-Adair Scholarship has several features that make it unique among scholarship programs for LGBT students. Most notable is that it is designed with the goal of maximum inclusiveness: it is open to students studying part-time as well as full-time; it is available to students pursuing either a post-baccalaureate degree or certification program, and is not restricted to a four-year undergraduate or graduate degree granting program; there are no limitations on the specific age of the recipient.

Application materials will include a personal essay of up to 1,000 words describing the candidate’s experience, outlook or goals; and a short statement on how the scholarship would make a difference in the candidate’s life.

The first scholarship will be awarded for the 2014-15 school year. Deadline information and forms will be available soon at: www.aclu.org/scholarship.

A quick roundup of recent ACLU-PA legal activity.

Domestic Violence Victims Victimized Again by Local Ordinances

By BY SARA ROSE Staff Attorney

Lawyers from the ACLU of Pennsylvania, Pepper Hamilton LLP and the ACLU’s Women’s Rights Project sent a letter to Norristown in September 2012 demanding that it immediately cease all threats to condemn Briggs’ home and repeal the ordinance. The letter explained that penalizing tenants who call the police violates the First Amendment right to petition and unilaterally ejecting tenants from their homes violates the Fourteenth Amendment right to procedural due process.

Norristown quickly acceded to these demands and also agreed to restore all rental permits that had been revoked under the ordinance because it punishes victims of domestic violence. The ordinance to return to their former homes. The Norristown Borough council repealed the ordinance at its November meeting.

The old ordinance authorized Norristown officials to revoke a landlord’s rental permit and to condemn the property where a landlord failed to evict a tenant following three instances of so-called “disorderly behavior” to which the police responded at the tenant’s home in four months.

The new ordinance allows Norristown to fine landlords up to $1000 per day if they fail to evict a tenant following three instances of so-called “disorderly behavior” to which the police responded at the tenant’s home in four months. Both ordinances have the same effect: chilling tenants from calling the police for fear that they will lose their homes as a result.

The new ordinance also fails to provide any due process protections to tenants. The ordinance provides no means for tenants to challenge a police officer’s decision to label the property disorderly. In fact, the ordinance specifically states that such a decision lies within the “sole discretion” of the police officer.

And the definition of behavior considered disorderly under the ordinance specifically includes domestic disturbances. It’s no wonder that Briggs was afraid to call the police in April to report hearing gunshots and seeing someone run through her backyard with a gun.

Norristown would not permit Briggs and 11 other paying $72,000 to a professor who faced a choice: call the police for performing nude in an outdoor University art show. The charges were filed three weeks after the incident when the Pittsburgh police brought prosecution for what he termed the young lady’s blasphemy of the church. She disappeared in a panic from the waist up but was naked below in a protest of the Catholic Church’s pedophilia scandal.

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Because of the chill that the new ordinance has imposed on Briggs’ ability to contact the police for help, she filed a lawsuit in April challenging the constitutionality of the new ordinance and seeking damages for Briggs for the harm she suffered from Norristown’s enforcement of the old ordinance.

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Advocating for Issak

By MOLLY TACK-HOOPER
Staff Attorney

It was Issak Wolfe's last semester of high school. Prom was going to be awesome. Issak had an amazing girlfriend and a custom-made paisley tux. And he had decided to run for prom king. He made “Issak for Prom King” posters and gathered pledges of support from his classmates. There was a good chance he was going to win.

When the polls opened, Issak went to vote for himself, but he couldn't find his name on the list of prom king candidates. Then he saw something that hurt him to his core. He was on the ballot, but not as Issak, and not as a candidate for prom king. He was listed under a female name, as a candidate for prom queen. He broke down, sobbing.

Issak is transgender, and most definitely not a queen. He had done everything he could think of to try to head off this pain and humiliation. He had approached all of the students, teachers, and administrators at Red Lion Area High School (York County) who were involved with prom to make sure he could run for prom king, and he had received assurances from everyone he spoke to that he could run for prom king. When he went back to them to find out what had happened, he was told that the principal had changed his name and side of the ballot because he was “uncomfortable” with Issak as prom king.

Today, most people are aware that LGBT students are at a heightened risk of bullying by other students. Less attention is devoted to the unique risks that transgender students face. There is a good chance that Issak was being bullied. Today, most people are aware that LGBT students are at a heightened risk of bullying by other students. Less attention is devoted to the unique risks that transgender students face. There is a good chance that Issak was being bullied.

Just a Teen

By KHALIA WALTERS

It is a feeling most women find joyful, but I am not a woman, and this feeling does not please me. To know that something is growing inside of me is a feeling most women find joyful, but I am not a woman, and this feeling does not please me. To know that something is growing inside of me is a feeling most women find joyful, but I am not a woman, and this feeling does not please me.

I've tried to avoid it but it was already too late. And I've tried to escape it but I couldn't beat the pace, the pace of the government, who signified me as ineligible, because now health care packages can't undo my mistake. I know paying up front costs too much money I don't make. To know that something is growing inside of me is a feeling most women find joyful, but I am not a woman, and this feeling does not please me. To know that something is growing inside of me is a feeling most women find joyful, but I am not a woman, and this feeling does not please me.

High school years are hard but damn I don't know how much more can I take? For God's sake! I'm sick, 16 and I'm tired. I would love to give this child a life but I know shouldn't bother, What without a father? How far will my little one really go? On the outside I'm fine 'cause I never allow my emotions to show. All the while I'm remembering how the doctor regretted to let me know…

This new responsibility, in giving this child a life but I know shouldn't bother, What without a father? How far will my little one really go? On the outside I'm fine 'cause I never allow my emotions to show. All the while I'm remembering how the doctor regretted to let me know…

Another Big Win for Students, Speech, and Breast Health

By MOLLY TACK-HOOPER
Staff Attorney

O n August 5, the ACLU-PA won another important victory in the area of students’ First Amendment rights. In a landmark decision, an en banc panel of the U.S. Court of Appeals for the Third Circuit held that schools can’t censor student speech on important social issues just because the speech could be misconstrued as "lewd" if taken out of context. The ruling came in B.H. v. Easton Area School District, our lawsuit on behalf of Brianna Hawk and Kayla Martinez, who were suspended from their middle school in 2011 for wearing breast cancer awareness bracelets that said “I ♥ boobies! (KEEP A BREAST).” The ACLU-PA previously won a preliminary injunction preventing the school district from enforcing its ban on the Keep A Breast Foundation’s bracelets, and the school appealed. Nine of the fourteen judges who heard oral argument on the appeal in February 2013 ultimately agreed with the ACLU that the district lacked a sufficient justification for banning the bracelets.

In the opinion authored by Judge Brooks Smith, the court reaffirmed the core First Amendment principle that the government may not prohibit expression of an idea because society finds the idea offensive or disagreeable. Rather, as the Supreme Court has explained, schools must teach students how to navigate the “marketplace of ideas” by protecting students’ speech rights, rather than censoring them. According to the court of appeals, this means that the fact that not everyone is comfortable with the word “boobies” or the idea of discussing breast health isn’t enough of a justification for preventing students from wearing the popular “I ♥ boobies!” breast cancer awareness bracelets.

The opinion has broad implications for students’ rights to speak out on other topics of public debate. The ruling is particularly significant for speech related to sex or sexual health; it makes clear that schools’ power to punish students for “potently lewd” speech, such as proficiency and graphic sexual metaphors, does not justify censorship all student speech that touches on sex.

The school district has not yet publicly announced whether it intends to petition the U.S. Supreme Court for review of the decision.

WANT TO LEARN MORE ABOUT OUR ISSUES? GO IN-DEPTH AT ACLUPA.ORG
On August 29 the Raven of New Hope hosted its Summer Poolside Show, this year benefitting the ACLU-PA’s freedom to marry lawsuit and campaign. The fabulous event was co-sponsored by Absolute Vodka and headlined by the award-winning recording and tribute artist Jimmy James. James dazzled the record-breaking crowd of more than 150 poolside guests while elaborately adorned drag queens worked the crowd before and after his performance. Special thanks to Armando Martinez of the Raven for seeking out the ACLU-PA to benefit from this fundraiser and for coordinating the event. The Raven has offered to have us back for celebration and a giant wedding cake once everyone in Pennsylvania has the freedom to marry!

Photos by Ben Bowens.

The Raven Fundraiser for Marriage Equality

Attendees included (l-r) ACLU-PA marriage clients Edwin Hill and David Palmer; Vinnie Morris; staff members Melissa Morris, Tiffany Walsh, Reggie Shuford, Bruce Makous, and Susan McIntosh; and board member Carl Peridier.

Alyssa Nestor, Why Marriage Matters-PA Campaign Manager Melissa Morris, Armando Martinez of the Raven, and Executive Director Reggie Shuford (l-r).

Shannon Enz, Kristen Ewald, Will Righter, Tom Danzisen, and (l-r) Yolanda Anderson.

Why Marriage Matters-PA Campaign Manager Melissa Morris, Jimmy James, and Shannon Enz.
Y  ell at a teacher or throw a spitball at a classmate? In today’s “zero tolerance” atmosphere, those actions could cost you not only school suspension, but also a trip to court with a criminal citation for disorderly conduct or harassment. If you are a student who is arrested and receives jail time for these offenses, they also are not entitled to legal counsel and do not proceed through the juvenile justice system, instead face adult charges, in adult court, usually without counsel. They are routinely convicted, pay hundreds of dollars in fines, and have a record that could disqualify them for diversionary programs, as well as later education, employment, and job training programs.

Many schools in Pennsylvania routinely call the police over very minor school misconduct — but almost all of them do so much more frequently for students of color. The consequences are serious. These youth are more likely to fall behind in school or to drop out and to experience additional involvement with the criminal justice systems. Indeed, early involvement with police, in middle school and the early years of high school, is especially problematic for black youth, who are more likely to be arrested than other youth to be arrested later in life, following early involvement with the criminal justice system.

Through an attorney-in-lead fellowship grant from the Stoneleigh Foundation, the ACLU-PA has hired Maheen Kaleem, a 2013 graduate of the Georgetown University Law Center, to create a project designed to expose and combat the number of summary citations issued to school children for minor school misconduct. Maheen is the ideal person for this project — she brings years of experience working with at-risk youth and a demonstrated commitment to bringing community strategies for creating change. We are very excited about this opportunity and look forward to reporting on its progress. 

Maheen Kaleem

Intermediate Unit in Common Pleas Court alleging violation of Allegheny County’s anti-discrimination ordinance over refusal to offer a tracer test to two African-American patients. By recognizing and supporting the state’s protocol, requiring that the process be visible continuously from the time the inmate enters the death chamber until he is pronounced dead.

Executions

Additional involvement with the criminal justice system. By recognizing and supporting the Department of Corrections’ protocol, requiring that the process be visible continuously from the time the inmate enters the death chamber until he is pronounced dead.

Freedom of Religion

School-Sponsored Religious Events

Freedom of Speech

Court Blocks Limitations on Viewing Executions

Settlement discussions continue in our lawsuit representing the Philadelphia Inquirer and Patriot News in challenging the Department of Corrections limitations on reporters’ and the public’s right to view executions. A court has agreed to stay the enforcement of domestic-violence groups, claimed such laws violate citizens’ right to petition the government for a redress of grievances.

Inmate’s Freedom of Religion

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Breaking a Link in the School-to-Prison Pipeline

By MARY CATHRINE ROPER

Senior Staff Attorney

In May 2010, when Al Flora took over as chief of the Luzerne County Office of the Public Defender (OPD), he found an office crippled by scarce resources and a huge workload. He immediately provided the county commissioners with status reports detailing the significant problems resulting from attorney caseloads that exceeded standards. After eleven months without additional resources, Flora restructured OPD cases to only the most serious. When even that did not get additional resources, Flora called the ACLU of Pennsylvania.

The ACLU-PA and co-counsel David Rudovsky, Kim Borkhal, and a team from Dechert LLP led by Vernon Francis filed suit on behalf of Flora and three indigent criminal defendants in April 2012 and, in June 2012, won a preliminary order from the Luzerne County Court of Common Pleas. That decision required the county to provide some additional resources immediately and to enter a mediation process to come up with a plan to improve the OPD. After six months of mediation, the county once again talked with attorneys without agreeing to any resources beyond those directly ordered by the court. The case was scheduled for trial, but the county detailed that schedule by bringing the case to federal court in June 2013. The case was returned to state court in August and the ACLU-PA is pursuing a trial this year.

Luzerne County Public Defender Case Resumes

By MARY CATHRINE ROPER

Senior Staff Attorney

New Faces at the ACLU of Pennsylvania

This summer the ACLU of Pennsylvania hired several new employees, greatly expanding our ability to fulfill our mission.

Communications Associate Ben Bowens is a social and digital media enthusiast. Before joining the ACLU-PA in August 2013, he worked as the Social Media Manager for Community Recycling, a progressive textile recycling company focused on creating a social movement and as the Digital Media Producer for CBS/4XYW-TV, where he covered the 2008 election and launched the station’s social media presence. In his spare time he works freelance as a photographer and videographer. He received a BA in Political Science from Haverford College in 2006.

Ben’s hire doubles the size of the ACLU-PA’s communications department. He is responsible for the ACLU-PA’s online media presence, including Twitter and Facebook, and helped launch the organization’s revamped website at aclupa.org.

Administrative Assistant Gloria Ginyard joined the ACLU-PA staff in September 2013. She was the Data Coordinator/ Administrative Assistant for the employment & training department of a recycling company that services homeless women and children. She has over five years of experience working in the nonprofit field and over 10 years of administrative experience. She also has a passion for graphic arts and music.

Stoneleigh Emerging Leader Fellow Maheen Kaleem joined the ACLU-PA’s August 2013. Maheen recently received her J.D. from Georgetown University Law Center in May of 2013 and her undergraduate degree from Georgetown University Walsh School of Foreign Service. She has worked on a number of issues related to the women’s rights and racial justice, with a particular emphasis on the rights of the women of color, and a special focus on the needs of girls in the juvenile justice system. Maheen has also been engaged in direct service with youth and families involved in the juvenile and child welfare systems in California and Washington, D.C. for the past several years. Prior to law school, she spent three years as a crisis responder and court advocate for commercially sexually exploited children in Oakland, California. She will spend her fellowship year with the ACLU-PA building an innovative model for reducing the issuance of summary criminal citations in response to minor school misconduct, a shockingly frequent practice with devastating consequences to students and their families.

Why Marriage Matters-PA Campaign Manager, Melissa Morris joined the ACLU-PA in July 2013, bringing with her more than 15 years of experience as a program developer and trainer with local and national non-profit organizations and within higher education. Prior to joining the ACLU-PA, she was the founding Director of Diversity Initiatives at a private Pennsylvania college. Melissa has led programming in the areas of Lesbian, Gay, Bisexual and Transgender (LGBT) issues and awareness, diversity programming, domestic violence awareness and HIV/ AIDS counseling. She has also been an active member of LGBT and allied leaders and committees in upstate NY and the Philadelphia region. She received her B.A. in Anthropology and German at SUNY Brockport in upstate NY and her M.S. in Organization Leadership from Cabrini College in Pennsylvania.

Melissa heads up the ACLU-PA’s new Why Marriage Matters-PA campaign (read more about Melissa and the campaign on page 4)

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Melissa heads up the ACLU-PA’s new Why Marriage Matters-PA campaign (read more about Melissa and the campaign on page 4)
Pursuant to the bylaws of the ACLU of Pennsylvania, adopted December 20, 2006, our state affiliate board consists of 12 members elected at-large by ACLU members from across Pennsylvania, and 13 members elected by chapters. All terms are three years. All are eligible for a second three-year term. After the completion of two full three-year terms, directors are eligible by chapter voting for election to the board for at least one more three-year term. Of those members elected by chapters some are elected by chapters that have less than 7.7 percent of the total state membership (higher membership chapters) and the balance are elected by members living in the geographic areas of chapters with less than 7.7 percent of the membership. (lower membership chapters).

This year, the members of the ACLU-PA will elect four at-large directors to fill vacancies for those whose terms expire in December 2013. At-large directors do not represent specific regions, chapters or constituencies. All board members are expected to exercise their duties and responsibilities in the best interests of the ACLU-PA and its members. Our annual elections allow the organization to meet its affirmative action goals and to elect candidates that possess the types of balanced skill sets that are needed to effectively run the organization.

Candidate Statements for At-Large Seats

Josh Etterman

I have served on the board for many years, first became a proud “card-carrying” member of the ACLU. I was in my junior year at Hershey High School and had just finished researching a rather disturbing and intrusive drug testing policy instituted by neighboring Lower Dauphin School District. A budding journalist, I planned to write an op-ed piece while living in the area and during my research I found the ACLU of Pennsylvania’s students’ rights information to be an irreplaceable resource for a young civil libertarian. Thus began an enduring passion for protecting and preserving our civil liberties.

Since then my appreciation for our rights has only increased. As a reporter and, eventually, an assistant city solicitor, I knew that freedom of speech and of the press were not some abstract idea but a part of our everyday lives. I know this is a choice ultimately free from our American experience. During an internship with the PA School Reform Network I worked with educators and journalists from the PA School Press Association to fight against draconian changes to the PA School Code that would have drastically limited students’ rights to free expression.

In the years since I have served as treasurer of the South Central Chapter of the ACLU of PA, helping to organize outreach and fundraising in Central Pennsylvania. In 2010, I was honored to be invited to serve on the ACLU of PA’s Finance and Audit Committee. Beyond my work with the ACLU, I enjoy spending time with my wife and three-year-old son and take great pride in my work as operations manager for Complete College Solutions, Inc., an educational and financial consulting firm.

I am honored and humbled to be nominated for the state board.

Tracey McCants Lewis

Equality and justice. . .two words that inspire me to work for my community.

I am the Assistant Director of Clinical Legal Education at Duquesne University School of Law and an adjunct clinical professor teaching in the Bill of Rights, Civil Rights Litigation Clinic. I began my legal career as an associate with K&L Gates LLP.

My diverse community involvement has allowed me to touch many people in different communities while working to ensure that underserved populations are empowered with information related to civil rights and resources. I currently serve on numerous boards including the Urban League of Greater Pittsburgh, the Pittsburgh Region of the National Urban League, the Mount Ararat Community Activity Center, Inc., the Pittsburgh Chapter of the NAACP, and the Allegheny Conference on Community Development. I have held many positions with the Urban League, including President of the Urban League Young Professionals of Greater Pittsburgh, Eastern Region Vice President of the National Urban League Young Professionals, Policies and Programs Chair of the National Urban League Young Professionals.

My service on the board of directors for the ACLU-PA Greater Pittsburgh Chapter has allowed me to work with many wonderful people on projects and matters that make a difference in the lives of so many. I have worked on several committees at the local level including the ACLU-PA Greater Pittsburgh Chapter board recently, we are striving to recruit and maintain a diverse group of members and to the board. I currently serve in the office of secretary for the ACLU-PA board of directors. I will continue to transfer my passion for outreach for the ACLU mission to the outers-corners of the commonwealth.

Steven Stough

I am pleased to have been nominated as a candidate for an at-large seat on the ACLU-PA state board of directors. If elected, this opportunity will allow me to continue to participate at a higher level in the ACLU’s work in the protection of civil liberties. I have been a member of the ACLU since 1997. I have been a member of the ACLU-PA South Central Chapter Board of Directors since 2006 and have served as its secretary since 2007. I have been an at-large member of the ACLU-PA state board of directors since 2009.

As a member of the State Board, I have served on the personnel and governance committees. I also have trained and have served as an ACLU legal observer. Membership on the ACLU-PA State Board of Directors allows me to continue to repay a personal debt owed to the ACLU. My greatest qualification for this position I that I was once represented by the ACLU as a plaintiff in Kilikoff et al. v. Dover School Board- better known as the Dover intelligent design case. Through this experience, I realized the importance of having an organization such as the ACLU there to defend everyone’s civil liberties.

I received my Bachelor of Elementary Education from the Pennsylvania State University in 1977, and recently retired from the Southern York County School District after thirty-five years of teaching. In retirement, I continue as the school district’s Head Coach of the Track and Field and Cross-Country Teams. During my tenure, I served on my school district’s Strategic Planning Steering Committee was a union representative to the Southern York County Education Association.

In the 1950’s and ‘60s I was active in the nuclear disarmament, civil rights and anti-Vietnam war movements, and was hauled out on charges of draft evasion that authored and is promoting our state union’s collective bargaining agreement for public school educators and journalists from the PA School Press Association to fight against draconian changes to the PA School Code that would have drastically limited students’ rights to free expression.

Since retiring in 2006 I’ve become active again, I am a member of the board of the Health Care For All Pennsylvania, the organization that authored and is promoting our state single-payer bill. I have worked in groups dealing with Marcellus shale issues, and have written many articles for local publications since 2009 I have been a volunteer for Physicians for Human Rights, conducting medical evaluations.

However, the overarching theme of the board election is a commitment to a diversity of representation.

State of Nominees for At-Large Members of the Board of Directors

The Nominating Committee has submitted the following candidates for the board of directors of the ACLU-PA.

Josh Etterman

Tracey McCants Lewis

Steven Stough

Arno Vosk

* indicates incumbent

If you have a damaged ballot or envelope, or if there is more than one ACLU-PA member in the household and you would like to request an additional ballot, please call 1-877-ACLU-PGH (774-2258).

NOTE FROM THE ACLU-PA BOARD OF DIRECTORS’ NOMINATING COMMITTEE REGARDING LOWER MEMBERSHIP CHAPTER REPRESENTATIVE SEATS ON THE ACLU-PA BOARD:

Under the ACLU-PA bylaws, 13 of the 25 board members are elected from particular chapters, and 12 are elected at-large (statewide). The allocation of the 13 “chapter” seats on the board is reconsidered annually by comparing how many chapter members live in each area of the state. In March 2013, the ACLU-PA board examined the current distribution of our membership and determined that the lower-membership chapters (those which have less than 7.7 percent (1/13) of the membership each) are presently collectively entitled under these rules to elect two members. As of the prior allocation, there had been three such seats. The term of one of these three current lower membership chapter representatives expires in December 2013; the other two continue to serve terms to which they were elected previously. As a result, this year’s election among ACLU-PA members for board seats with terms beginning in December 2013 will not include a ballot for any “low membership” board member.

ANOTE FROM THE ACLU-PA BOARD OF DIRECTORS’ NOMINATING COMMITTEE REGARDING LOWER MEMBERSHIP CHAPTER REPRESENTATIVE SEATS ON THE ACLU-PA BOARD:

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Tracey McCants Lewis

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 Josh Etterman

Tracey McCants Lewis

Steven Stough

Arno Vosk

DO NOT CUT OR SIGN THIS BALLOT.

IN ORDER TO BE COUNTED, BALLOTS MUST BE POSTMARKED NO LATER THAN NOVEMBER 30, 2013.

INSTRUCTIONS FOR VOTING

1. Read the biographical statements for each candidate and then mark the ballot in the box(es) next to the candidate(s) of your choice. Do not place your name, initials or any other identifying information on the ballot.

2. Place your ballot in the enclosed pre-addressed envelope and seal it.

3. Mail the pre-addressed envelope as soon as possible (NOTE: Be sure to affix proper postage.). In ORDER TO BE COUNTED, BALLOTS MUST BE POSTMARKED NO LATER THAN NOVEMBER 30, 2013.

North America
Chapter Roundup

By JAMIE PAULS  
Chapter Relations Manager

The ACLU of Pennsylvania has nine volunteer chapters around the state. Local chapters work to raise the profile of the ACLU in their area, educate people about their rights, and serve as the eyes and ears on the ground for the organization. If you’re interested in getting involved with your local chapter, please call or email them (each chapter’s contact information is listed below).

Northeast Chapter
570-941-2258
northeastchapter@aclupa.org

The Northeast Chapter to table at events throughout the summer to expand membership and educate the public about the chapter and constitutional rights issues.

In June, members participated in the fourth annual Heritage Explorer Bike Tour & Festival, sponsored by the Lackawanna River Corridor Association. August brought Pridefest at Kirby Park, located in Luzerne County. This event was sponsored by the Rainbow Coalition of northeast Pennsylvania. The Unity Festival in Lackawanna County rounded out the summer activities.

On a sadder note, the chapter is losing a long time member and ACLU champion. Abigail Byman, a member for many years, is leaving the area. She was a board member of the ACLU of Pennsylvania and served as treasurer of the Northeast chapter since 2000. The chapter will miss her passion, knowledge, and sense of humor, and wishes her the best of luck in her new endeavors.

South Central Chapter
717-238-2258
hbginfo@aclupa.org

The South Central Chapter honored Constitution Day, September 17, with another Beer for Bill of Rights happy hour. The chapter also tabled at the Adams County Heritage Festival in September.

In June the chapter hosted “An Afternoon with Ellery Schempp. In honor of the 50th Anniversary of Abington v. Schempp, in which the U.S. Supreme Court ruled school-mandated Bible readings were unconstitutional. Schempp, the plaintiff, discussed the legacy of his case and the role it played in protecting religious freedom. This event was co-sponsored with the Pennsylvania Non-Believers.

Central Susquehanna Chapter
717-238-2258
hbginfo@aclupa.org

For the fifth year in a row, chapter members attended and marched in the Annual Union County Fourth of July Parade. The parade consisted of 15 bands and over 240. The chapter was located between the Union County Democrats and Union County Republicans and received a warm welcome from the crowd.

Keystone Chapter
717-238-2258
hbginfo@aclupa.org

The Keystone chapter is inactive this quarter.

Central Chapter
814-355-7175
hbginfo@aclupa.org

The Central Chapter is working on plans for an event about cyber privacy.

Northwest Chapter
717-238-2258
northwestchapter@aclupa.org

In April, the chapter held its annual meeting. Legislative Director Andy Hoover was the keynote speaker. Several potential members attended with existing members, and annual elections were held, bringing on two new board members: James Wise and Diana Ziemniak.

In May, Marcus Atkinson presented a program to teens at a local community center about rights and responsibilities in dealing with police.

Greater Lehigh Valley Chapter
215-592-1513
lehighvalleychapter@aclupa.org

The Latino outreach project continues with the purpose of using the right to know request to increase the proportion of minorities in the Allentown Police Department. The chapter is also distributing Spanish language ACLU materials in Allentown, where 43% of the population is Hispanic.

The chapter tabled at PRIDELV and Lehightown University Community Days. The chapter is also reaching out to Penn State Lehigh Valley campus and Northampton Community College to strengthen relationships with the college community.

Greater Philadelphia Chapter
215-592-1513
info@aclupa.org

The Philadelphia Chapter assisted with the annual Bill of Rights Dinner on October 10. Volunteer attorney Paul Messing, client Issak Wolfe (see story on page 8), and our voter ID clients received awards.

On October 17, the chapter co-sponsored a free showing of Herman’s House, a documentary about a man who has spent 40 years in solitary confinement. The film was followed by a panel discussion on solitary confinement.

ACLUPA.org

ACLU-Pa Settles Lawsuit on Behalf of Parents Whose Newborn Was Seized

This July Jameson Hospital and Lawrence County Children and Youth Services (LCCYS) paid $434,500 to settle a lawsuit we filed in 2010 on behalf of Elizabeth Mort and Alex Rodriguez, whose newborn daughter was seized by LCCYS and held for five days after the mother failed a hospital drug test because she had recently eaten a bagel with poppy seeds.

Jameson and LCCYS have also made changes to their policies to ensure that infants are not separated from their parents solely on the basis of maternal drug tests, which can be inaccurate.

According to the lawsuit, Jameson Hospital, where Mort gave birth, used a much lower threshold for a positive drug screening than federal guidelines, leading to a higher rate of false positives. Jameson had a policy of testing all maternity patients for drugs and required its staff to notify LCCYS of a positive drug test. Neither practice is required by federal or state law.

“I am happy that the changes made by CYS and the hospital will prevent similar situations to others in the future,” said Elizabeth Mort, mother to now-three-year-old Isabella.

You can read more about the case at: www.aclupa.org/mort

REMEMBER TO VOTE:

The 2013 Board of Directors Ballot is on page 11. In order to be counted, ballots must be postmarked no later than November 30, 2013.

WANT TO LEARN MORE ABOUT OUR ISSUES? GO IN-DEPTH AT ACLUPA.ORG