

# FREE FOR ALL



Settlement announced in hiring discrimination case against Pittsburgh police – page 3

FALL 2015



The ACLU and supporters at the Justice for All March in Washington DC last December.

## Don't Let the Backlash Win



By  
**Reginald  
T. Shuford**  
Executive  
Director

**YOU PROBABLY KNEW** this moment was coming.

Even with the extraordinary and dispiriting flood of highly-publicized instances of black people being killed by police—in moments where the level of deadly force being used was in no way commensurate with the alleged threat—the past year has given us plenty of reasons to hope.

A robust dialogue has risen up about police practices—stop-and-frisk, broken windows, the biased implementation of the War on Drugs—which have led to both unnecessary deaths and, thankfully, to the “social death” of mass incarceration. Mass incarceration, or the New Jim Crow, has had a devastating impact on communities of color in Pennsylvania and throughout the country. In response, the Black Lives Matter movement has led the

charge in demanding real reforms to policing, the criminal justice system, and the way our culture understands what race means in 2015.

It's no surprise that the Black Lives Matter movement has come under attack. Despite media coverage that largely ranges from skepticism to scorn, the movement has been hugely successful. Policing reform bills have passed in numerous legislatures, and, last August, a poll showed that the percentage of Americans who think the nation needs to continue making changes to achieve racial justice has risen by 16 points in the last year.

This, of course, is a tremendous threat to those who, for whatever reason, are invested in the status quo—and they have started to bite back.

A New York Times article from early September about the growing homicide rates in many U.S. cities reported that “among some experts and rank-and-file officers, the notion that less aggressive policing has emboldened criminals—known as the “Ferguson effect” in some circles—is a popular theory for the uptick in violence.”

*Backlash, page 2*

## Mobile Justice Comes To Pennsylvania

This fall, the ACLU of Pennsylvania launched its own state-specific version of the incredibly popular Mobile Justice smart phone app, a tool that empowers residents during interactions with police.

The app has three main functions: record, witness, and report. “Record” enables individuals to capture exchanges between police officers and themselves or other community members in audio and video files that are automatically sent to the ACLU-PA. “Witness” sends out an alert when someone is stopped by police so that community members can move toward the location and document the interaction. “Report” allows for an incident report without filming. The app also provides an overview of your rights when stopped by law enforcement officers.

The app is available for free download through the App Store (iPhone) and Google Play (Android) or by visiting [www.aclupa.org/mobile](http://www.aclupa.org/mobile).



### IN THIS ISSUE

Death penalty moratorium	6
Reforming civil asset forfeiture	7
Meet our new staff members	7



## FROM THE PRESIDENT



Dear ACLU supporter,

It truly has been an honor and a privilege to serve as the president of the ACLU of Pennsylvania for the past eight years. But it now is time to pass on the baton. This December, I will be stepping down as president of the board of this amazing organization.

During my tenure, I have marveled at the passion and commitment of our staff, board, volunteers, and supporters. We have—together—made incredible strides in making the promises of the Bill of Rights a reality for all Pennsylvanians. As for our victories, we secured marriage equality, overturned voter ID, and stopped Hazleton's anti-immigrant ordinances. Each of these cases represents what matters most to me—not just liberties, but liberty and justice *for all*.

One of my proudest achievements as board president was overseeing the process that resulted in the hiring of our fantastic executive director—Reggie Shuford—four years ago. Before taking the state board chair's seat, I was an ACLU volunteer lawyer, Pittsburgh Chapter member, and state board member. In that capacity, I came to know and admire the tenacity and dedication of Barb Feige, Vic Walczak, Sara Mullen, Bruce Makous, and Andy Hoover—and am proud to call each of them my friend. Reggie rounded out this team—talk about tenacity, dedication, and leadership! Reggie, too, is an admired colleague and friend.

So, I know I am leaving the organization in good hands, and the important work of the ACLU of Pennsylvania will continue. And even though I will no longer have the honor of holding the title of "president," I will continue to cheer on this vitally important organization—which really is a second family.

Yours in liberty and justice for all,

Kim Watterson  
President  
ACLU of Pennsylvania

*Backlash, continued from page 1*

Following the horrific execution-style murder of a police officer in Texas in late August, the county sheriff went out of his way to blame the Black Lives Matter movement, saying that "at any point when the rhetoric ramps up to the point where calculated, coldblooded assassinations of police officers happen, this rhetoric has gotten out of control." Given the lack of any sort of evidence surrounding the alleged killer's motive, that comment was patently irresponsible.

Charles Blow of the New York Times, our featured guest at this year's Bill of Rights Dinner in Philadelphia, had a column on September 3, which, I think, provides a compelling explanation of why Black Lives Matter—and why those of us who share many of the movement's concerns—are seeing this level of backlash:

It demands fairness from a society rife with—and built on!—inequity. It forces America to confront its flaws rather than wishing them away. It drags the racial caste system this country created out of the shadows and into the light.

At this crucial moment, it's so important that we hold firm. There is still a strong and effective coalition for criminal justice reform in Pennsylvania and across America, and it draws sustenance and energy from the Black Lives Matter movement. We can't let the backlash win, not when so many of our goals are in sight.

Yours,

Reggie Shuford  
Executive Director  
ACLU of Pennsylvania

### ACLU of Pennsylvania Board of Directors

#### Officers

Kim Watterson, *President*  
Tracey McCants Lewis, *Vice President*  
Carl Peridier, *Vice President*  
Steven Stough, *Secretary*  
Cynthia M. Sneath, *Treasurer*

#### Members

Bruce Boni  
Lynn Cullen  
Josh Etterman  
William Ewing

Peter Goldberger  
Lois S. Hagarty  
Robert L. Jennings, Jr.  
Amara Kravitz  
Lauri Rakoff Lebo  
Julie Lobur  
Howard R. Maniloff  
Adrian Shanker  
Rubina Tareen  
Louis Thomas  
Arno Vosk  
William W. Warren, Jr.  
Joseph E. Welsh

#### Ex-Officio Members

Karl Baker (*Equity Officer*)  
James Crawford (*Director Emeritus*)  
Arthur M. Kaplan (*Philadelphia Representative to the National Board*)  
Roslyn M. Litman (*Affiliate Representative to the National Board*)  
Michael Louik (*Immediate Past President*)

### ACLU of Pennsylvania Staff

Reginald T. Shuford, *Executive Director*

Ben Bowens, *Communications Associate*  
Michelin Cahill, *Legal Intake Manager*

Barb Feige, *Deputy Director*  
John Frisbee, *Major Gifts Officer*  
Gloria P. Ginyard, *Administrative Assistant*  
Trisha Graham, *Business and Operations Manager*  
Andy Hoover, *Legislative Director*  
Harold Jordan, *Senior Policy Advocate*

Bruce Makous, *Director of Development*  
Susan Davis McIntosh, *Legal Program Coordinator*  
Sara Mullen, *Associate Director*  
Jamie Pauls, *Member Engagement Manager*  
Mary Catherine Roper, *Deputy Legal Director*  
Sara J. Rose, *Staff Attorney*  
Rounida Shwaish, *Program Coordinator/Office Manager*  
Molly Tack-Hooper, *Staff Attorney*  
Witold J. Walczak, *Legal Director*

Tiffany Walsh, *Annual Fund Manager*  
Paloma Wu, *Policy Associate*  
Julie Zaebs, *Manager, Duvall Reproductive Freedom Project*

**Frankel Legislative Fellow**  
Crystle Craig

**Grants Coordinator**  
Peggy L. Curchack

**Legal Fellow**  
Adrienne Ghorashi

**Free for All** is published twice a year by the ACLU of Pennsylvania, P.O. Box 60173, Philadelphia, PA 19102

Subscription to **Free for All** is included with your ACLU of Pennsylvania membership. To join or renew your membership, contact us by mail at the address above, visit [www.aclupa.org](http://www.aclupa.org), or call 215-592-1513 x124. Your comments, letters, and suggestions are welcome. Please email [info@aclupa.org](mailto:info@aclupa.org).

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 Legal Director Vic Walczak announcing the settlement in *Foster* at a joint press conference with the City of Pittsburgh.

# Settlement Reached in ACLU-PA Lawsuit Over Pittsburgh Bureau of Police's Discriminatory Hiring Practices

**THIS PAST MAY**, the ACLU of Pennsylvania reached a settlement in our 2012 lawsuit, *Foster v. City of Pittsburgh*, which sought to correct a pattern of racial discrimination in Pittsburgh Bureau of Police's hiring practices. Following a year of mediation, the city of Pittsburgh agreed to provide for both a process to reform the hiring system and payments totaling \$985,000 to African-American applicants who were rejected between 2008 and 2014.

Our lawsuit had alleged that the low number of African-American hires stemmed from entrenched problems

with the screening and hiring process, including favoritism toward applicants with family or friends who are already police officers and decisions based on purely subjective criteria.

The effect of the agreement has already been felt, as the first post-settlement class of new police officers was made up of 25 percent African-American applicants. Prior to the lawsuit, only about 4 percent of new hires were African-American. The city of Pittsburgh is 26 percent African-American.

More information about the case is available at: [www.aclupa.org/foster](http://www.aclupa.org/foster)



James Foster, lead plaintiff



# A Legacy for Social Justice

An Interview with Carroll Blank and Helen Nunn



ACLU-PA Director of Development Bruce Makous interviewed ACLU supporters Carroll Blank and Helen Nunn of Lewisburg, PA, on September 3, 2015.

**Tell us a little about yourselves and how you met.**

*Carroll and Helen:* Carroll grew up in Sunbury, PA, and had a first career in oncology nursing, teaching at Memorial Sloan-Kettering Cancer Center in New York City. After completing training as a clinical social worker, she moved back to this area in the late 1970's, began a second career by establishing her own practice and became a well-regarded Jungian feminist psychotherapist in Lewisburg. Helen grew up in western Pennsylvania and moved to Selinsgrove in the mid-1980's to serve as Director of Financial Aid at Susquehanna University. We were both engaged in the local feminist community which, at the time, included a women's bookstore in Lewisburg that, sadly, no longer exists.

**When did you join the ACLU?**

*Carroll and Helen:* We officially joined the

ACLU in 2009 after Carroll was recognized by our local chapter for a letter she had written to the editor of our local paper.

**What inspired you to become a member?**

*Carroll and Helen:* We had been aware of the work of the ACLU on various civil rights issues through the media and through presentations by Nadine Strossen, then ACLU national chair, at Susquehanna University. However, once we began to attend local meetings and met members of the local chapter, our faith in the importance of the work was cemented. We wanted to be part of it.

**What civil liberties issue are you most passionate about and why?**

*Carroll and Helen:* We have been committed lesbian partners for 23 years. We have experienced first-hand the homophobia that pervades our society, watched in horror as brothers and sisters have been physically assaulted and harassed and sometimes killed, cheered as Edie Windsor was vindicated in seeking to be treated as the legal

spouse of her deceased partner for inheritance rights, and supported the work of the ACLU and others in the fight for marriage equality. Clearly, this issue is very personal for us. We chose to travel to New York City to marry two years ago, hoping that Pennsylvania would soon recognize our marriage. Thanks in large part to the work of the ACLU, this has come to pass and we are grateful for that important effort.

**You have been very generous to the ACLU since you joined, and you recently established the Carroll Blank and Helen Nunn Fund for Social Justice at the ACLU. Can you tell us what has inspired you to make this gift?**

*Carroll and Helen:* We both just recently retired from our professions and in the course of our estate planning, we felt strongly that we wanted to create a legacy that would go on working for good long after we were gone. Contributing to the ongoing efforts of the ACLU offered an opportunity to be confident that, as issues and needs change over time, our money would be put to the work of the most pressing concerns that emerge. We are grateful that we were able to establish our fund and hope to continue to contribute to it over time.

**Any other thoughts you would like to share?**

*Carroll and Helen:* The ACLU is consistently on the front lines of the issues that matter most to the dignity of individuals. While we celebrate our newfound recognition as a married couple, we know that the work continues on behalf of LGBT equality, one of the great civil rights causes of our time. We also know that there are many other arenas where the ACLU is needed. At this time, we are most especially focused on the systemic racism that continues to plague all aspects of our American life. We continue to support the ACLU's ongoing work in this critical area. ■

## ACLU-PA at Philadelphia Pride



Kevin North and ACLU-PA Legal Fellow Adrienne Ghorashi march with the ACLU in the Philadelphia Pride Parade.



Elijah leads the ACLU-PA contingent with an impromptu dance session.



ACLU-PA staff attorney Molly Tack-Hooper and her son Milo before the parade gets underway.

### TELL PA LAWMAKERS:

#### Pass the Pennsylvania Fairness Act!

This August, a bipartisan coalition of lawmakers introduced the Pennsylvania Fairness Act, legislation that will update Pennsylvania's 1955 Human Relations Act to prohibit discrimination on the basis of sexual orientation and gender identity/expression.

Pennsylvania is the only state in the Northeast that does not currently provide protections from discrimination for its LGBT community. Call your state legislators and tell them to support the PA Fairness Act! Find your legislators' contact information at: [www.aclupa.org/yourlegislator](http://www.aclupa.org/yourlegislator)



## Frankel-Adair Scholarships Awarded



Frankel-Adair scholarship winners D'Angelo Cameron (l) and Michael Kokozos (r) with Executive Director Reggie Shuford.

The ACLU of Pennsylvania's Frankel-Adair scholarship provides \$1,500 in support of post-secondary education to an LGBT 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.

This year there were two award winners, D'Angelo Cameron, a student at La Salle, and Michael Kokozos, a student at the University of Pennsylvania. You can find interviews with the two award-winners on the ACLU-PA blog, *Speaking Freely*, at: [blog.aclupa.org](http://blog.aclupa.org) ■

## Brief Filed in Support of Death Penalty Moratorium

IN JUNE, THE ACLU of Pennsylvania filed a friend-of-the-court brief in support of Gov. Tom Wolf's moratorium on the death penalty. The brief argues that not only are the governor's actions authorized under Pennsylvania's constitution, they are also justified by the pervasive failures of the capital punishment system, which suffers from high reversal rates of convictions, racial

bias, and unconstitutionally underfunded representation for those who cannot afford to pay for an attorney.

In February, Philadelphia District Attorney Seth Williams filed an emergency petition before the state Supreme Court challenging the constitutionality of the governor's action. That case was argued in September, and at press time,

we are waiting for a decision.

Volunteer attorneys at Reed Smith and the ACLU of Pennsylvania filed the brief on behalf of the Philadelphia Bar Association, the NAACP, the Jewish Social Policy Action Network, and Pennsylvanians Against the Death Penalty. A copy of the brief is available at: [www.aclupa.org/williams](http://www.aclupa.org/williams) ■

## ACLU-PA Represents Residents Sued by Developer for Opposing Local Fracking Ordinance

THE ACLU OF PENNSYLVANIA is currently representing a group of Middlesex Township (Butler County) residents and two nonprofit organizations, the Delaware Riverkeeper Network and Clean Air Council, who oppose a local pro-drilling/fracking zoning ordinance.

Last May, our clients were sued by a developer, Dewey Homes & Investment Properties, and several gas leaseholders after our clients took legal action to overturn a controversial ordinance that allows drilling, fracking and associated

infrastructure in over 90 percent of Middlesex Township. The area includes residential communities and agricultural districts and is within a mile of the 3,200 students who attend the Mars Area schools.

We have notified the developer and its co-plaintiffs that we will seek sanctions against them for filing a frivolous lawsuit intended to "harass and inflict expense" on our clients, who are parents of Mars students and homeowners who live close to the proposed wells, if they

do not drop the complaint.

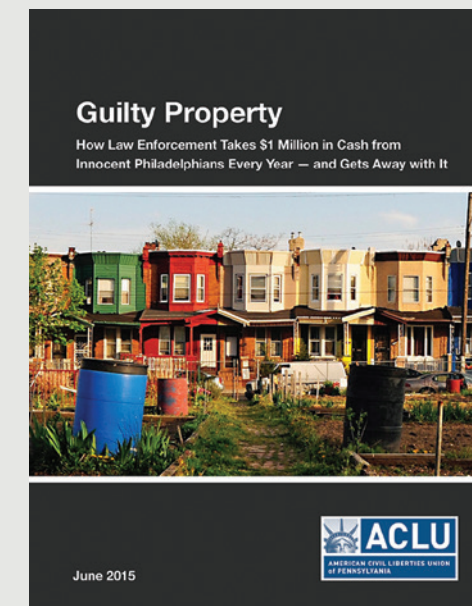
The ACLU-PA considers the developer's lawsuit a SLAPP suit (strategic lawsuit against public participation), which is a dangerous legal tactic designed to stifle dissent and punish core First-Amendment-protected activities, such as speaking at public meetings and filing appropriate legal challenges to the proposed commercial activity.

Read more about the case at: [www.aclupa.org/dewey](http://www.aclupa.org/dewey) ■

## Reforming Pennsylvania's Broken Forfeiture System

IN JUNE THE ACLU-PA released a report, *Guilty Property: How Law Enforcement Takes \$1 Million in Cash from Innocent Philadelphians Every Year—and Gets Away with It*, which documents the impact of Pennsylvania's unfair civil asset forfeiture laws and the aggressive enforcement of these laws by the Philadelphia District Attorney's Office.

Under Pennsylvania's current civil asset forfeiture laws, the government can take and keep someone's property—even if the property owner has never been accused of a crime. Originally designed as a tool against drug kingpins, forfeiture has increasingly been used to take homes, cars, and cash from ordinary Pennsylvanians.



Fortunately, people across the political spectrum have recognized the need to fix this abusive practice in Pennsylvania. This summer, companion bills to reform the forfeiture system were introduced in both the state House and Senate with bi-partisan support. If passed, the bills, drafted with the assistance of the ACLU-PA, would require that property owners be convicted of a crime before their property is forfeited and would end the profit incentive for law enforcement by requiring that proceeds of forfeiture be deposited into a general government fund. We expect hearings on these bills sometime this fall.

Learn more about forfeiture at: [www.aclupa.org/forfeiture](http://www.aclupa.org/forfeiture) ■

## New Faces at the ACLU-PA



The ACLU of Pennsylvania welcomed two new staff people this year.

In August, **Rounida Shwaish** joined the staff as the program coordinator/office manager in the Pittsburgh office. She graduated from Juniata College with a B.A. in applied sociology. During her years at Juniata, she was very active in the community and spent time volunteering and advocating for various social causes. Before joining the ACLU-PA, Rounida held various positions in social services, diversity initiatives, and nonprofit fundraising.

**Michelin Cahill** started at the ACLU-PA as a volunteer attorney in January 2014 and became legal intake manager in February 2015. Michelin obtained her law degree in 2012 from Villanova University School of Law and her undergraduate degree in 2009 from The George Washington University. During law school, Michelin worked as a certified legal intern at Mazzoni Center, which provides health and wellness services to the LGBT community. During her undergraduate career, she worked for a number of environmentally focused nonprofits, including the Student Conservation Association.





# Greater Pittsburgh Chapter Annual Picnic

This past July, civil libertarians in Pittsburgh gathered for food and conversation at the Pittsburgh Chapter's annual picnic.



A future ACLU-PA member watches a balloon animal come to life.



Former Pittsburgh Chapter Executive Director Marion Damick is surprised with a cake in honor of her 90th birthday.



(Left to right) Pittsburgh Chapter board member Akin Adepoju, Chernor Barry, Sean Champagne, and Executive Director Reggie Shuford enjoy themselves at the picnic.