

NHCLU Board Members

Susan Almy, Lebanon
Karen Anderson, Contoocook
Stephen Borofsky, Bedford
William Chapman*, Concord
Burt Cohen*, Newcastle
Robert Egbert, Gilford
Harley Featherston, Salem
Larry Finkelstein*, Nashua
Jerry Goddard, Newmarket
Sandy Keans, Rochester
Sigrid Maldonado, Dunbarton
Howard Morse, Amherst
Magaretta Paduch*, West Lebanon
Ted Parent*, Keene
Albert Scherr, Portsmouth
Atlant Schmidt, Nashua
Bill Siroty, Amherst
Robert Stein, Concord
Patricia Yosha, Exeter

**Welcome to our new board members!*

We Are Looking for a Few Good Women (and Men)

The annual election for the NHCLU Board of Directors will occur in early winter. If you would consider joining the Board, we welcome your interest.

Please write to:
NHCLU Nominating Committee,
18 Low Avenue
Concord, NH 03301

The committee chair will answer your questions, provide information on Board responsibilities and encourage your participation.

We look forward to hearing from you.

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SUUMER, 2009

Legislative Update 2009 *by Claire Ebel, Executive Director*

Historic is a word often tossed about and frequently misused. But 2009 was an historic year in the New Hampshire Legislature.

After votes lost and votes reconsidered and three separate pieces of legislation amended to address different aspects of the issue, the House and Senate passed, and the Governor signed, three bills that together establish the right of gay and lesbian couples to full marriage equality. New Hampshire Freedom to Marry, led by the indefatigable Mo Baxley, orchestrated the victory. The NHCLU was an active member of the coalition created by NHFTM. It was an overwhelming victory for individual rights and against discrimination.

Another historic issue remains undecided as this newsletter goes to the printer. HB648, an amended bill to permit physician authorized patients to access medical marijuana at a state licensed non-profit center, faces votes in the House and the Senate. The state-licensed center addresses the opposition of Governor Lynch to patients "growing their own." Rhode Island is the latest state to permit the use of medical marijuana for people with terminal illnesses, or for those who suffer debilitating symptoms as a result to medical treatment for chronic illnesses. There remains no excuse that justifies opposition to this bill.

We did not succeed in our effort to repeal the death penalty in New Hampshire this year, but the fight will continue and we will ultimately prevail. We must. The bill to create a committee to study the New Hampshire death penalty did pass, and will begin its work this summer.

Another bitter defeat was the 24-0 vote in the New Hampshire Senate to kill legislation that added transgendered people to the categories protected by the New Hampshire Human Rights statues. The NHCLU will continue to work in coalition with New Hampshire Freedom to Marry to educate citizens and legislators about the discrimination faced by our transgendered friends, family members, co-workers and neighbors.

The House defeated all of the legislation intended to limit a woman's right to reproductive autonomy. The Senate defeated attempts to attach such measures as amendments to other Senate bills.

This report will be endless if I continue, so I will stop here. Check out our website at www.nhclu.org if you want to read about our efforts to deal with threats to privacy, expansion of DNA collection, voting rights and other civil liberties issues.

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Legal Cases and Outreach

Students

Doran v. ConVal

New Hampshire Civil Liberties Union Foundation filed a complaint against the ConVal School district and Peterborough Police Department as a result of a dog sniff of the entire student body. Federal Court Judge Barbadoro issued an order that the search was permissible under federal law but remanded the case to Hillsborough County for application of the New Hampshire state law. The NHCLUF is arguing that the New Hampshire Constitution provides greater protection for the students than does the federal constitution. The case has been scheduled for a conference in July. We are working with cooperating attorneys Christopher Cole and Karyl Roberts Martin of Sheehan, Phinney, Bass and Green.

Military Opt-Out

NHCLUF drafted a letter to the Superintendent of the Coe-Brown Northwood Academy after we were contacted by a parent concerned about the school's military opt-out policy. The policy stated that when a parent or student requested that the school not release a student's name to the military, the school then refused to print that student's name in any publication. That meant, for instance, that a student who had "opted out" would not have his or her name published on the honor roll or in the year book. As a result of our letter, Coe-Brown Northwood has revised its policy.

First Amendment

Live Free or Die Rally

NHCLUF is representing a group in Jaffrey, NH that wishes to hold its annual Live Free or Die rally at a private inn in Jaffrey. The Town of Jaffrey is setting up roadblocks to this event by insisting that the group comply with a variety of the town's zoning ordinances. NHCLUF is arguing that the ordinances do not apply

and that the town is chilling the group's First Amendments rights of assembly and freedom of speech.

Death Penalty

Staff attorney, Barbara Keshen serves as the chair of the New Hampshire Coalition to Abolish the Death Penalty. The main objective of NHCLUF was given a \$7,000 grant from the National ACLU this year to do abolition work. The New Hampshire Coalition to Abolish the Death Penalty's was the passage of HB 520, which establishes a death penalty study commission. That bill passed the House and Senate and is awaiting the Governor's signature as this newsletter goes to press.

Under Barbara's leadership this year, the NHCADP tripled its membership, had several showings of a powerful abolitionist film, *At the Death House Door*, and developed www.nodeathpenaltynh.org.

Sex Offenders

State v. Richard Jennings

NHCLUF and New Hampshire Legal Assistance teamed up to represent Richard Jennings, who was charged with violating an ordinance that prohibits registered sex offenders from residing within 2500' of schools or day care centers. Hearings were held last fall. We are still awaiting the judge's decision.

Homeless Sex Offenders denied access to shelters

NHCLUF has written a letter to New Horizons shelter in Manchester demanding that it stop refusing to shelter homeless sex offenders when there is no showing that they pose a threat to the other residents of the shelter. Our letter has been turned over to the Board of Directors for New Horizons and we anticipate a response soon.

Anti Death Penalty Rally

NHCLU staff attorney, Barbara Keshen was the Master of Ceremonies for an anti-death penalty rally that drew more than a hundred people to the New Hampshire State House plaza in the early evening of May 19th.

The rally was part of a Global Day of Action for Troy Davis sponsored by Amnesty International and the New Hampshire Coalition to Abolish the Death Penalty. Davis, a Georgia inmate who has been on death row for more than 17 years, was convicted of the 1989 murder of a police officer. There was no physical evidence. The 1991 conviction was based on the testimony of fifteen witnesses. Since that trial, thirteen of the fifteen witnesses have recanted their testimony, and several have sworn in affidavits that they were coerced by police or prosecutors to testify against Davis.

Troy Davis seeks an evidentiary hearing in federal court to examine the witnesses against him. No federal court has granted him that right. His life is in their hands.

New Hampshire Representative Renny Cushing spoke to the crowd, describing his experience as a murder victim family member, and discussed his work in the New Hampshire

legislature to repeal the death penalty in our state

Another death penalty family member, singer-song writer, Bess Klasser Ladis spoke of her growth as a death penalty abolitionist, and of the support needed by family members of murder victims.

Attorney Keshen described a New Hampshire case that involved some of the same issues as Troy Davis' efforts to obtain a new trial.

ONE OF THE MOST ENCOURAGING ASPECTS OF THE RALLY WAS THE PRESENCE OF SCORES OF HIGH SCHOOL STUDENTS.

One of the most encouraging aspects of the rally was the presence of scores of high school students. Many young people were members of the Concord High School

Peace Club. Others were drawn by the music of Chad Stokes of State Radio and Klassen Landis.

Many attendees signed or made hand prints on a banner that will become part of a national banner that will be given to prison authorities in Georgia to attempt to persuade them to support Davis' request for a new trial.

The real possibility of executing yet another innocent person will continue until the death penalty is abolished and the death rows are converted or destroyed.