

CIVIL LIBERTIES BEACON

Newsletter of the American Civil Liberties Union of Connecticut

SUMMER
2012



Relatives of murder victims at a news conference calling for repeal of the death penalty, from left Arthur Miller of Windsor, Gail Canzano of West Hartford, William Harshaw of New Britain and Pamela Joiner of Hartford.

Photo: Devon Merza

Death Penalty Repeal Ends Broken System

Connecticut's repeal of the death penalty has bolstered a national movement to end capital punishment in the United States.

When Gov. Dannel P. Malloy signed the repeal bill Connecticut became the 17th state, in addition to the District of Columbia, to abolish the death penalty. Voters will decide in a November referendum whether to abolish capital punishment in California, where executions have been halted for the past six years out of concern for the way lethal injections were being carried out. Repeal bills have been introduced in Georgia, Kansas, New Hampshire and Washington state. Kentucky, Oregon and Pennsylvania

are reviewing their death penalty laws.

"Repeal is an enormous victory for Connecticut that we hope and expect will propel the cause of abolition in this country," said Andrew Schneider, executive director of the American Civil Liberties Union of Connecticut. "We know that capital punishment is wrong in principle and that it has been applied in a racist and irrational way. It's the ultimate denial of civil liberties and it must end."

The ACLU of Connecticut worked for decades alongside a wide range of civil

—Please see DEATH PENALTY, p 5

Red Light Cameras Staved Off Again

A coalition led by the ACLU of Connecticut fought relentlessly to block a bill in the 2012 legislative session that would have allowed red light cameras in the state. It was the eighth year in a row that the legislation has been raised.

While doubts about the fairness, legality and effectiveness of red light cameras were growing across the country, the Connecticut legislature came perilously close to a vote to allow them. Enabling legislation passed through three committees before it died in the final days of the session as supporters scrambled for votes in the state House of Representatives.

"We've fought this battle year after year to protect the people of Connecticut from violation of their rights to due process and privacy," said Andrew Schneider, executive director of the ACLU of Connecticut. "We believe that our rights should not be for sale, regardless of how much money is at stake."

The private companies that own the cameras make millions by taking photos or videos of alleged red light violations and turning them over to a municipality to issue tickets to the owners of the vehicles. Because the camera can't determine who was driving, the owner is always fined.

The Connecticut legislation would have allowed cities up to 60 days after the infraction to issue a ticket, a lapse of time that would make it difficult to mount a credible defense, Schneider told the Trans-

—Please see CAMERAS, p 5



Judge Backs Request for Assault Data

The effort to collect data about sexual assault, domestic violence and sexual harassment in the military is moving forward with support from the courts.

A federal judge ruled in April that the departments of Defense and Veterans Affairs have not responded adequately to a Freedom of Information Act request on that topic from the American Civil Liberties Union, the American Civil Liberties Union of Connecticut and the Service Women's Action Network (SWAN). The organizations filed suit after the two departments failed to turn over the information requested in 2010.

U.S. District Court Judge Mark R. Kravitz ruled that the departments didn't sufficiently search for the requested documents and he ordered them to produce information about how the inadequate searches were conducted. He also granted a fee waiver to the plaintiffs, which will prevent the government from stifling the request by imposing financial barriers.

"This struggle to get information about sexual violence in the military is vitally important to understanding and addressing the problem," said Sandra Staub, legal director of the ACLU of Connecticut. "True reform is impossible without knowing how the military has been collecting and dealing with reports of



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sexual violence."

The Pentagon has estimated that there are 19,000 sexual assaults in the U.S. military each year but that only about one in six is reported. The Department of Veterans Affairs has reported that more than 48,000 female veterans suffer from military sexual trauma. Yet the attempt to obtain data for independent analysis has been repeatedly obstructed.

In his order, Kravitz scolded the Army Crime Records Center for failing to comply with the FOIA request for

documents about "sexual assault" on the grounds that its records are not organized under that category but by specific criminal offenses.

"'Sexual assault' is easily read as encompassing rape and other non-consensual sexual crimes defined in the Army's offense codes," Kravitz wrote. "The fact that the agency was unwilling to read the Plaintiffs' request liberally to include such terms seems to be almost willful blindness."

With judicial support, the three plaintiffs expect to obtain the information necessary to assure that victims get the help they deserve. "Women who have been sexually traumatized while serving their country should reasonably expect to get help from their government, and the public should have reliable assurance that they are getting it," Staub said.

Civil Liberties Beacon, Summer 2012

Membership in the ACLU of Connecticut includes a subscription to **Civil Liberties Beacon**. For membership information, visit acluct.org/join or call 860-523-9146, ext. 8465.

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In Brief...

Hunger Striking Prisoner

The Connecticut Supreme Court ruled in March that prison officials have the right to force-feed William Coleman, an inmate who has been on a hunger strike since 2007. Coleman describes the hunger strike as a protest against what he considers a corrupt judicial system and his unjust conviction on a spousal rape charge. The ACLU of Connecticut argued that the Department of Correction is violating Coleman's rights to free speech and privacy and his right to make his own medical decisions. "We continue to maintain that force feeding violates his constitutional rights and constitutes cruel and unusual punishment," Staff Attorney David McGuire said after the ruling.

Quinnipiac and Title IX

The ACLU of Connecticut won an injunction in 2010 to prevent Quinnipiac University from eliminating its women's volleyball team and is now gathering

evidence to show that the university has not provided benefits and facilities for women's varsity sports teams equivalent to the resources provided for men's teams. The case continued June 11 to 14 with a hearing on the university's request to lift the injunction, based on its claim that it is now in compliance with the participation requirements of Title IX.

State v. Kelly

Hartford police officers arrested Jerome Kelly after they saw him walking down the street with an acquaintance whom they erroneously thought was a suspect wanted for a probation violation. The officers tried to stop both men, and after a pursuit arrested Kelly on drug charges. The ACLU of Connecticut argued in a friend-of-the-court brief that seizing Kelly solely based on the fact that he was walking with someone for whom police believed they had a warrant, with no warrant for Kelly or reasonable suspicion specific to him, was unconstitutional.

Defending Civil Liberties in Your Town

One of the most challenging aspects of the ACLU of Connecticut's work is keeping up with constitutional issues at the local level.

Connecticut has a strong tradition of local autonomy, which means hundreds of boards and commissions exercise authority over a wide range of issues with constitutional implications. The legal staff is always watching for media reports and individual inquiries that signal a constitutional problem in any of Connecticut's 169 towns and cities. With early intervention, we can often prevent or correct violations without filing a lawsuit.

Here are some of the local issues we've dealt with so far in 2012.

Stamford School Lease

The city of Stamford was preparing in February to lease classroom space for its alternative high school from a local parish when the ACLU of Connecticut stepped in with objections.

The proposed lease would have prohibited instruction in the public school system's sex education program, prohibited speech inconsistent with Roman Catholic doctrine and required teachers to complete a religious training program on child abuse prevention. The bishop of the Diocese of Bridgeport would have had "sole and absolute authority in deciding whether certain speech or action does contradict Roman Catholic teachings, laws or moral doctrines."

The ACLU of Connecticut urged the Stamford Board of Representatives to reject what Legal Director Sandra Staub called the "blatantly unconstitutional" contract. The board never brought the lease to a vote, and the Board of Education later found city-owned property for the alternative high school.

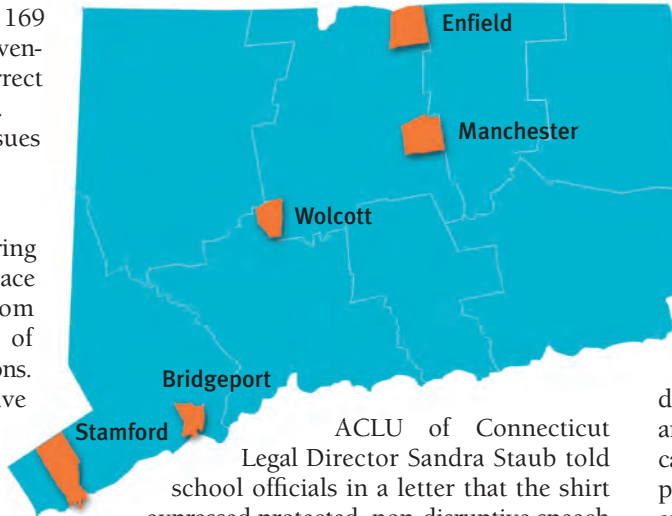
Wolcott T-Shirt Censorship

April 20 was designated a Day of Silence at many high schools to raise awareness about mistreatment of gay, lesbian, bisexual and transgendered people. But at Wolcott High School, junior Seth Groody wanted to express a contrary view—his opposition to same-sex marriage.

Seth wore a T-shirt to school that day that showed on the front a rainbow—the

commonly recognized symbol of gay rights—with a slash through it. The back depicted a male stick figure and a female stick figure holding hands and the words "Excessive Speech Day."

According to Seth, he was ordered to remove the shirt and did so under protest. School officials concede that they talked to Seth in the principal's office but insist that he removed the shirt voluntarily.



ACLU of Connecticut Legal Director Sandra Staub told school officials in a letter that the shirt expressed protected, non-disruptive speech that must be allowed. As of press time, school officials had not responded to a letter asking for acknowledgement of Seth's right, and that of all students, to wear that shirt or similar ones.

"The ACLU has fought hard for same-sex marriage and we couldn't agree with Seth less on that issue, but he is absolutely correct about his right to express his opinion," Staub said.

Manchester Social Media Policy

The Manchester Board of Education was scheduled to vote in May on a new policy to restrict employees' personal use of social media.

The policy would have prohibited speech that harms "the goodwill and reputation of the school district in the community" and speech that is not "appropriately respectful."

"Free speech protections apply to social media as much as to any other form of communication," said David McGuire, staff attorney for the ACLU of Connecticut. "Teachers and other staff don't lose their constitutional rights at the schoolhouse

gate, and they don't lose them when they sign into Facebook."

After receiving a letter from McGuire objecting to the policy, the school board canceled its vote and has not rescheduled it as of this writing.

Bridgeport Youth Curfew

In April, the ACLU of Connecticut warned the Bridgeport City Council that a proposed curfew would violate the constitutional rights of young people.

The curfew was proposed after a 14-year-old boy was shot and killed in Bridgeport in January. In a letter to the City Council, David McGuire, staff attorney for the ACLU of Connecticut, said the proposed curfew was not only unlikely to withstand a constitutional challenge, it wouldn't work. Many scientific studies have shown that curfews don't reduce crime, he wrote.

"Curfews divert scarce police resources away from fighting crime by saddling police with the burden of rounding up and investigating young people who are not causing any trouble," the letter said. "The police already have the authority to stop anyone they reasonably suspect of violating the law, day or night."

The curfew had not come up for a vote as of press time.

Enfield Graduations

The ACLU of Connecticut continues to represent several families in Enfield who opposed holding graduation ceremonies for the town's two public high schools in a Bloomfield church. After winning a preliminary injunction in 2010, we await a decision on whether the case will proceed to a full trial.

Wherever you live in Connecticut, you can help us protect constitutional rights. If you see something in your local newspaper or get a notice from your local schools that makes you wonder whether there's an infringement of constitutional rights involved, get in touch with us at info@acluct.org.

You can also help by attending hearings; writing letters to the editor; calling local selectmen, aldermen or city council members; and talking to your neighbors about the issues.

Legislative

A Winning Session for Civil Liberties

The 2012 legislative session was an outstanding one for civil liberties. In addition to the momentous repeal of the death penalty and the hard-fought defeat of red light cameras, the session saw the approval of medical marijuana, the expansion of voting rights and the defeat of several measures that would have threatened constitutional rights.

Medical Marijuana

With a doctor's prescription, seriously ill people in Connecticut will now have the alternative of marijuana to relieve their suffering. In supporting the bill, the ACLU of Connecticut joined a host of public interest groups, health care professionals and ordinary people who were being denied the most effective treatment for their symptoms. After lengthy debates in both houses, the legislature agreed and Gov. Dannel P. Malloy signed the bill. It will take effect Oct. 1.

Racial Profiling

The legislature passed and the governor signed revisions to the Alvin W. Penn Racial Profiling Prohibition Act to enforce the collection of traffic stop data by Connecticut police departments. Most notably, the new law transfers the responsibility for collecting and reporting on the data from the underfunded African American Affairs Commission to the state Office of Policy and Management. Unfortunately, other important changes sought by the ACLU of Connecticut were not adopted, including provisions to remove loopholes that could allow noncompliance and to require law enforcement officers to report perceptions of a driver's religion. ACLU of Connecticut Legal Director Sandra Staub has been named to a board that will advise OPM on implementation of the law.

Electronic Harassment

After hearing testimony from the ACLU of Connecticut and the Connecticut Daily Newspapers Association on a bill that would have made it illegal to "harass or annoy" people on the Internet, the Judiciary Committee let the measure die without a vote. The measure would not have offered additional protection to people who are being criminally harassed but would create "a new and powerful way to chill a substantial amount of speech protected



Sandra Staub, legal director of the ACLU-CT, testifies before the state legislature's Judiciary Committee about racial profiling.

by the First Amendment," ACLU of Connecticut Legal Director Sandra Staub testified. (S.B. 456)

Voting Rights

The legislature passed three measures to expand access to the polls, including a bill that guarantees permanently disabled voters access to absentee ballots (S.B. 214) and another that allows election-day voter registration (H.B. 5024). A resolution to amend the state Constitution to remove all restrictions on obtaining absentee ballots moved forward, but did not receive enough votes to be placed on the November 2012 ballot. If approved by a simple majority in the legislature again next year, it will go on the ballot in November 2014. (H.J. 2) The ACLU of Connecticut supported all three measures because they remove barriers to voting by the elderly, people with disabilities, low-income voters and students.

Campaign Finance Reform

Despite objections from several organizations, including the ACLU of Connecticut and the Connecticut Business and Industry Association, the legislature passed a campaign finance reform bill aimed at Super PACs but written in a way that would restrict the free speech rights of issue advocacy organizations. Efforts to correct language requiring disclosure of donors who contribute to nonpartisan

organizations fell short, but citing the constitutional objections, Gov. Dannel P. Malloy vetoed the bill, as the ACLU of Connecticut urged. (S.B. 364)

Public Indecency

This bill would have added five years to the sentence of an inmate convicted of public indecency in a correctional institution and would have required the inmate to register as a sex offender. The penalty could have added decades to the sentences of prisoners, at great public expense, and could have been applied to those with psychiatric disorders involving exhibitionism. An amended version passed in the Senate but did not come to a vote in the House. (S.B. 367)

Despite those successes, there is plenty of work left for the next session. Time ran out on bills that would have required police to discard license plate scan data and would have affirmed the right of civilians to take photographs and video of police in the public performance of their duties. The ACLU of Connecticut also plans to push for minimum training requirements for police officers who use Tasers and to require mandatory reporting of Taser deployments. The work will continue with the help of the many volunteers, donors and supporters of the ACLU of Connecticut. Thank you for your help. After all, freedom can't protect itself.

— DEATH PENALTY, *continued from p 1*

rights and religious organizations to pass the repeal bill. During the 2012 legislative session, ACLU of Connecticut staff and members joined lobbyist Betty Gallo and her team in a concerted effort to persuade legislators to vote for repeal.

The bill passed the state Senate on April 4 after about 10 hours of debate and cleared the state House of Representatives on April 11 after nine hours of debate. Malloy signed it April 25.

The legislation is not retroactive, which means the death sentences already imposed remain in force, at least for now. Death row inmate Eduardo Santiago has been granted a new penalty hearing, which may mean that his death sentence will be reversed, leaving 10 men on Connecticut's death row. In addition, suspects in murders committed before the bill was passed are potentially subject to new death sentences.

The questions of whether the prisoners now on death row will be subject to execution and whether new death sentences can be imposed are likely to be settled in court. Attorneys for death row inmates and affected murder suspects are starting to file appeals based on the new law.

"The ACLU has always preferred a

retroactive bill that would end capital punishment decisively and immediately in the state of Connecticut," Schneider said. "We will continue to work through the courts, as we did through the legislature, to assure that the state does not kill anyone else."

The ACLU of Connecticut is also concerned about a provision of the bill that imposes a level of administrative segregation similar to solitary confinement on prisoners convicted of murder with special circumstances, which is the charge that substitutes for the death penalty and carries a sentence of life imprisonment without the possibility of parole. Extreme isolation has been proven to be mentally and emotionally damaging, especially for those who have mental illnesses.

"Solitary confinement is unnecessary, counterproductive and brutal," Schneider said. "We have nothing to gain by inhumane treatment of prisoners, and a great deal to lose in terms of our own moral standing. Solitary confinement is also tremendously expensive, costing two to three times more than traditional incarceration. The ACLU of Connecticut will continue working to end the prolonged use of solitary confinement and to ensure that prisoners are treated in accordance with the Constitution."

Spying on Drivers

What if the police want to find out whose cars are parked at a strip club, AA meeting, political rally, church or mosque? All they have to do is roll through the parking lot in a car equipped with ALPR — automated license plate readers.

ALPR cameras have already captured millions upon millions of scans, and the number of cameras is growing rapidly. As the data accumulates, it creates detailed dossiers of the movements of innocent Americans.

The ACLU of Connecticut easily sorted out geolocal data on cars belonging to our own staff from a database of 3.1 million scans collected by police departments in central Connecticut.

This technology, while valuable for identifying stolen and unregistered cars, must be protected from abuse. We're urging the state to require police to discard scan data within two weeks unless it's relevant to an ongoing criminal investigation.

A bill to require that died without a vote in the past legislative session, but we're set to try again next year.

—CAMERAS, *continued from p 1*

portation Committee at a hearing in March. "How many of us can remember what happened at the intersections we drove through yesterday, let alone two months ago?" he asked.

Supporters of the cameras cite industry-funded studies that say red light cameras reduce crashes and injuries, but many independent studies show that cameras have no effect on safety or that they actually increase accidents and injuries by causing drivers to stop suddenly.

John Large, one of the authors of an independent analysis of red light camera studies by the University of South Florida's College of Public Health, came to testify before the legislature's Transportation Committee at the invitation of the ACLU of Connecticut.

"Sound scientific research consistently concludes that these cameras are associated with significant increases in crash and



Andrew Schneider, executive director of the ACLU-CT, at a rally in New Haven.

Photo: Melissa Bailey / New Haven Independent

injuries," Large testified. "The research studies that presume to report safety benefits from the use of cameras violate basic research methods and tend to be associated with vested interests."

ACLU members and New Haven residents Barbara Fair and Paulette Cohen also testified against the cameras and helped

organize a rally against them in New Haven. The ACLU of Connecticut kept the pressure on with media interviews, direct lobbying, a website (stopthecameras.org) and a series of informational emails to legislators.

Joining the ACLU of Connecticut in opposition to red light cameras were the Motor Transport Association of Connecticut, the NAACP of Connecticut, the Connecticut State Police Union, the Libertarian Party of Connecticut and the National Motorists Association.

Looking back on the struggle to stave off red light cameras for another year, Cohen said that relentless work to educate lawmakers and the public was critical to success.

"Eventually our legislators heard us, and we were spared this needless invasion of our civil liberties for another year," she said. "I know the camera companies will be back for another try next year—but so will the ACLU-CT, educating the public and defending our liberties."

Chapters

Greater New Haven Chapter

The Greater New Haven Chapter held a forum about racial profiling on April 3 at the Courtland Wilson Branch of the New Haven Public Library featuring community leaders Angel Fernandez-Chavero and Shelton Tucker, New Haven Police Chief Dean Esserman, ACLU-CT Legal Director Sandra Staub and ACLU-CT President Andy Schatz. Learn about future events by joining the chapter's Google Group. Email john.brown@pobox.com to join.

Northeast Connecticut Chapter

The Northeast Connecticut Chapter participates in the Third Thursday street festivals in Willimantic, distributing information about civil liberties and the ACLU. Find us in front of the Burton Leavitt Theater at 779 Main St. from 6 to 8 p.m. on July 19 and Aug. 16.

Southeast Connecticut Chapter

Stop by our table and chat with members of the Southeast Connecticut Chapter at Celebrate East Lyme on July 21 from 3 to 9 p.m. on Main Street in Niantic. Find out what the chapter has been up to and how you can get involved. Or email Ned Farman at nedfarman@gmail.com.

Fairfield County Chapter

The Fairfield County Chapter will hold a presentation on television censorship July 17 at 6:45 p.m. at the Fairfield Public Library. The presentation is titled "Censorship in Your



Photo: Laura Victoria Barrera

Hartford Councilman Luis Cotto, left, and ACLU-CT Field Organizer Isa Mujahid at the Puerto Rican Pride festival in Hartford, where the ACLU-CT had an outreach table.

Living Room: How Far Can the Government Go?" and will be led by Martin A. Goldberg, JD, LL.M., associate professor at the University of New Haven College of Business.

Northwest Connecticut Chapter

In March the Northwest Chapter elected new officers: Stephen Michna, president; Dayne Verstandig, vice president; Keith Johnson, state chapter representative to ACLU-CT; Vince Merola, treasurer; and Jennifer Buccini and Joe Mustich, members at large. Please follow the chapter at aclunwct.blogspot.com

or email aclu.nwct@gmail.com to get on the mailing list for meeting notices.

Greater Hartford Chapter

The Greater Hartford Chapter held a forum April 25 on "Racial profiling: Islamophobia, East Haven, and the School to Prison Pipeline" with the School of Humanities and Social Sciences at Saint Joseph College in West Hartford. About 70 people attended. For additional information about the Greater Hartford Chapter please contact chapter President Cheryl S. Saloom at cherylsaloom@cherylsaloom@gmail.com.

Do We Have Your Email?

The ACLU of Connecticut regularly sends out invitations to events, action alerts and other information by email—but we can't reach you if we don't have your address.

If you haven't been receiving our notices, please take a minute right now to send your email address to info@acluct.org with a request to be added to our mailing list.

Stay in Touch Online

If you want to know what's happening with your rights in Connecticut, visit our website at www.acluct.org. Frequent updates are posted on the home page under the heading "Connecticut Civil Liberties in the News." Facebook offers another way to keep up with developments. Please "like" our Facebook page at facebook.com/aclu-ct.

"Those who expect to reap the blessings of freedom must undergo the fatigue of supporting it."

— Thomas Paine

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Outreach

Panel Tackles Free Speech and Bullying

Separating intervention from punishment may be the key to solving conflicts between free speech rights and efforts to curb bullying, according to members of a panel at the annual Milton Sorokin Symposium.

The symposium, sponsored by the American Civil Liberties Foundation of Connecticut and the University of Connecticut School of Law, addressed the topic of “Rights in Conflict: Protecting Kids from Bullying vs. Protecting Free Speech.” It was held April 17 in the law school’s Starr Reading Room.

Maria Kayanan, associate legal director of the ACLU of Florida, said schools must be careful how they react to what they perceive as bullying speech. “Anything that smacks of being punitive I think triggers a really hard look at whether it’s a violation of the First Amendment, whether a student is being punished for protected speech,” she said.

Jo Ann Frieberg, a consultant on school environment for the state Department of Education, said adults should always speak up when they see children being mean but that punitive measures often don’t work. “From a best practice standpoint, I would agree wholeheartedly that punishment, whether it’s detention, suspension, expulsion, or keeping them in from recess, doesn’t do any good,” she said.

The panelists noted that school officials are often required by law to address instances of bullying in a particular way.

Daniel Weddle, a professor at the University of Missouri-Kansas City School of Law, said that some antibullying laws encourage overreaction. “The problem with some of these bullying statutes is that they encourage kind of draconian responses to what ought to be teachable moments,” he said.

The symposium, held every spring, is a legacy of the Center for First Amendment Rights, which merged with the ACLU of Connecticut in 2008. This year’s event drew about 100 people, many of whom lined up with questions for the panelists that sparked a lively discussion.



Lobbyist Betty Gallo speaks to the participants at Lobby Day.

Photo: Devon Merza

Learning to Lobby for Liberty

More than 200 people turned out on Feb. 29 for the ACLU of Connecticut’s second annual Lobby Day at the state Capitol.

Participants were introduced to the art of lobbying by the ACLU of Connecticut’s lobbyists, Betty Gallo and Joe Grabarz of Betty Gallo & Company. Afterward, they dispersed to lobby their own state senators and representatives on key civil liberties issues: abolition of the death penalty, legalization of marijuana for medical purposes, strengthening racial profiling laws and opposing red light cameras.

The lobbying must have been effective: all three supported bills passed both

houses of the legislature and a bill to authorize red light cameras died.

The session was preceded by a news conference, held in conjunction with the Connecticut Network to Abolish the Death Penalty, at which relatives of murder victims called for an end to capital punishment. (See front page photo.)

Isa Mujahid, field organizer for the ACLU of Connecticut, said the turnout and the results were both excellent.

“Legislators listen to their constituents, who include our members and supporters,” he said. “We’re grateful to everyone who participated, and looking forward to doing it again next year.”

First Amendment High School Essay Contest Winners



Samuel Savitz, left, a junior at Greenwich High School, won first place in the 2012 First Amendment High School Essay Contest sponsored by the American Civil Liberties Union Foundation of Connecticut. Second place went to Rita Ping Newman, center, a senior at the Academy of Information Technology and Engineering in Stamford, and third to Olivia Rowley, a senior at Newtown High School. This year’s topic was bullying and free speech. Their essays are available online at aclct.org/essay.



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Donor Profile: Generations of Giving to the ACLU

Forrest R. Bailey, an East Lyme benefactor of the ACLU of Connecticut, is continuing the example set by his grandfather Forrest C. Bailey, who served as co-director of the national ACLU with founder Roger N. Baldwin.

Forrest C. Bailey joined the ACLU as co-director in 1925, just five years after it was formed. He was a former high school teacher from San Jose, California, and a Stanford University graduate. A New York Times obituary called attention to his progressive teaching methods: he was one of the first teachers to use texts by Joseph Conrad and economist Thorstein Veblen in his English classes in Los Angeles.

Bailey had become a pacifist while at college, and spent World War I driving ambulances. Following the war, he spent several years in France helping with reconstruction with the education unit of the Franco-American union and organizing schools for returned sailors.

Ill health caused him to leave the ACLU in 1932—but his seven-year tenure spanned



Forrest C. Bailey and Forrest R. Bailey

an important period of growth for the new organization, which won important cases on free speech, including the Scopes trial.

He also wrote articles for *The Nation* magazine, *The New Republic*, and *World Tomorrow*. After Bailey's death in 1933 at the age of 52, *The Nation* recalled the "gallant figure" whose loss was "more bitter when it occurred in a time of extreme crisis like the present."

"A passion for the fundamental freedoms

led him into the ACLU, where his painstaking and intelligent work did much to establish the reputation of [the ACLU] for dependability and non-partisanship," *The Nation* tribute said. "He had a hatred of sham and pretense, and despised weasel words."

Forrest R. Bailey, his grandson, said he met his grandfather only a few times, but learned about the ACLU from his step-grandmother, Adelaide Schulkind Bailey, a social worker who was active in radical politics in the 1930s.

Forrest R. Bailey retired as chief conservator of the Nelson-Atkins Museum of Art in Kansas City, Mo. In 1998, and moved to East Lyme with his partner, Ann Brubaker. He first joined the ACLU in his 20s, and renewed his membership "when George Bush was attacking the ACLU."

"He was talking about the 'L' word and sneered at liberalism and people who believed in equal justice," Bailey said. "He was doing the opposite of all my grandfather stood for."