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THE TORCH

Spring 2018 Newsletter of the American Civil Liberties Union of Kentucky Foundation



MEET OUR NEW LEGAL DIRECTOR, COREY SHAPIRO

By Amber Duke
ACLU-KY Communications Director

An attorney with extensive experience litigating in federal court and community organizing has been selected as the next Legal Director of the ACLU of Kentucky.

Corey Shapiro was selected after a months-long search that drew candidates from across the nation. The ACLU-KY Board of Directors approved his appointment in April. He started work on May 7.

“We were looking for a leader that could pick up the torch and advance the ACLU

of Kentucky’s long and distinguished history of successfully advocating for Kentuckians’ civil rights and civil liberties in state and federal courts, including before the U.S. Supreme Court,” said Michael Aldridge, ACLU-KY Executive Director. “We found that person in Corey Shapiro. His credentials are impressive, his experience as a litigator and community organizer is unique, and his vision for the Legal Program is energizing.”

“I am deeply honored and truly excited to lead the ACLU of Kentucky’s Legal Program,” said Shapiro. “The current political and legal landscape demands vigilance, enthusiasm, and commitment to all aspects of the ACLU’s mission. I look forward to building relationships across the Commonwealth to expand the ACLU of Kentucky’s reach and impact.”

Corey graduated from Washington University with a degree in English Literature. After Washington University,

ACLU
Kentucky

Corey worked in Washington, D.C. for several years as a political organizer for the civil rights organization People For the American Way. He then graduated, with honors, from George Washington University Law School.

After law school, Corey spent over ten years as a litigator with two large international law firms. While primarily maintaining a commercial litigation practice, Corey worked on a significant number of civil liberties cases *pro bono*. In 2012, he received a “Lead On!” Award from Access Living for his work successfully representing disabled adults in Illinois in a class action civil rights litigation working closely with the ACLU of Illinois and other civil liberties groups. In 2015, Corey and his family moved to Louisville, Kentucky where Corey continued his commercial practice at a local law firm as Counsel.

Corey has been very involved in the Louisville community. Prior to joining the ACLU of Kentucky as Legal Director, he served on its Committee on Litigation and Legal Priorities. Corey is also active with the Louisville Jewish Community Relations Council and received the Jewish Community of Louisville Julie Linker Community Relations Young Leadership Award.

Corey is only the second Legal Director in the ACLU of Kentucky’s 63-year history. Longtime Legal Director William E. Sharp left the organization to work in private practice late last year. Prior to Sharp’s tenure, in 2004, Lili Lutgens became ACLU-KY’s first Staff Attorney. Before that, the organization relied on volunteer lawyers, including longtime General Counsel David Friedman, and support from the national ACLU to deliver high-quality representation on cases that had a broad impact upon the rights of Kentuckians.

There will be several opportunities to meet Corey in the weeks ahead. Please keep an eye on our website and social media pages on Facebook and Twitter for event announcements.



LEGAL UPDATE

By Heather Gatnarek
ACLU-KY Legal Fellow

When the General Assembly gavelled into session in January, the Legal Program began its work to review the constitutionality of bills introduced by Kentucky’s legislators. The General Assembly introduced and heard hundreds of bills, and some were patently unconstitutional. We have already challenged one of these measures, HB454, a ban on the most common second-trimester abortion procedure, in court. Although the bill was passed with an emergency clause, the attorneys for the state have indicated they have no intention to immediately enforce the bill, and so pursuant to an agreed order signed by the federal judge, doctors at the last remaining abortion clinic in Kentucky will continue to be able to provide this care to Kentucky women while the case is pending.

The Legal Program also carefully followed the movement on SB3, commonly known as “Marsy’s Law.” This bill is part of a nationwide strategy out of California, which has

introduced the bill in multiple states. Marsy’s Law purports to provide crime victims constitutional rights equal to those afforded to criminal defendants. Unfortunately, the bill offers no resources or guidance to ensure these rights, and no real remedy if someone feels their rights are violated. Kentucky already has a statutory Victims’ Bill of Rights – without additional resources, Marsy’s Law will do nothing to further protect these rights. We believe that victims with resources will be able to hire their own counsel to advocate for their rights, while those without will not. Additionally, Marsy’s Law will, by its very nature, undermine the critical protections afforded to those who are accused of crimes – because we are a nation of laws, the presumption of innocence until proven guilty is paramount, and this law will weaken and undercut this presumption. Because this is a constitutional amendment, Kentucky voters will see Marsy’s Law on the ballot in November. We will work to educate the public about the inherent problems with this law.

THE IMPORTANCE OF PROSECUTOR ELECTIONS



“Prosecutors are the most powerful, unaccountable, and least transparent actors in the criminal justice system.” – Udi Ofer, director of ACLU’s Campaign for Smart Justice

Elected prosecutors have more power than any other single actor in the criminal legal system to influence the trajectory of justice policies.

CHARGING DECISIONS

Prosecutors decide who gets charged with what. Even if police officers bring the initial charges, it is up to the prosecutor to decide what charges to pursue, and they have a tremendous amount of discretion in this decision. For instance, prosecutors in some jurisdictions have told police officers they will not pursue criminal charges for minor marijuana possession offenses.

Prosecutors decide:

- What charges to request at the grand jury
- Whether any charges get dismissed or increased
- In light of HB169 (gang bill), whose charges are enhanced by being an alleged member of a gang

BAIL

Prosecutors ask for bail, and judges often accept these recommendations. Prosecutors could single-handedly do away with a cash or money bail system by regularly requesting release on one’s own recognizance, or by requesting release with certain conditions attached.

Studies show that pretrial detention increases the likelihood that someone will plead guilty or be convicted at trial. Pretrial detention impacts a person’s housing, job, and child custody issues, while they sit in jail pending adjudication of their case.

Prosecutors decide:

- Who will be able to be released pending trial
- Who will have to pay large amounts of money to be released

PLEA BARGAINS

Approximately 95% of all cases are resolved by plea. Often, people plead guilty because there is a risk associated with going to trial – that they’ll be convicted of the most serious offense charged, and sentenced to the maximum penalty possible. A plea bargain reduces that risk and most often reduces the amount of time that may be served.

It is the prosecutor’s decision what plea bargain offer to make.

Prosecutors decide:

- Whether to amend charges
- Whether to offer a plea
- What plea bargain is offered
- What sentence to ask for

WHAT THIS MEANS

Prosecutors are elected by the voters – this means you! YOU decide who fills these incredibly influential roles in the criminal legal system, and they should be accountable to you.

Before voting for your local county or commonwealth attorney, make sure you know a few things about the candidates:

- Are they committed to racial justice?
- Will they work to end mass incarceration?

- Will they seek justice, not conviction rates?
- Do they share your values of equity and equality?

We encourage you to research the candidates for elected prosecutor positions in your area, contact those individuals, attend or organize candidate forums, and make sure you know who you’re electing to these crucial positions!



THE 2018 GENERAL ASSEMBLY

By Kate Miller
ACLU-KY Advocacy Director

The Kentucky General Assembly wrapped up the 60 days 2018 legislative session on Saturday, April 14th. While pensions, taxes and the budget dominated the General Assembly lawmakers still made time to take up a number of other bills, including legislation implicating LGBT rights, racial justice, the penal code, and access to abortion, among other things.

REPRO RIGHTS

Unfortunately, but as we've come to expect, the Kentucky General Assembly passed further restrictions on abortion by banning D&E abortions – the most common form of second-trimester abortion. This type of law has been blocked by courts in a number of other states, and though the bill included an emergency clause, it has been temporarily blocked

from enforcement after we filed a lawsuit challenging it as unconstitutional. Our priority this year, the Pregnant Workers Rights Act (Senate Bill 38) – a measure that provided modest accommodations to pregnant Kentuckians in the workplace, stalled after passing unanimously out of the Senate Judiciary Committee. Sen. Alice Forgy Kerr carried it and has agreed to sponsor it in the 2019 session.

LGBT RIGHTS

House Bill 372 protected a broad spectrum of “religious” institutions who felt compelled to discriminate against LGBTQ Kentuckians. Though the bill carried dozens of co-sponsors, it was dramatically limited in its scope due to changes in a House committee. The bill failed to move in the Senate.

JUSTICE

Rep. Kimberly Moser and Rep. Jason Nemes worked with a variety of stakeholders to put together a broad justice reform package. The measure, House Bill 396, got at the leading drivers of Kentucky's prison and jail populations, which are the fastest growing in the country, and put in place a number of common sense alternatives to incarceration. The bill received a single, informational hearing and failed to move from the House Judiciary committee. The primary opponents of reform were the judges and prosecutors.

RACIAL JUSTICE

House Bill 169, which became known as the “Gang Bill,” is a new law that broadens the scope of who could be considered a gang member, and puts in place lengthier sentences for crimes (including even misdemeanors – some our lowest level of offenses) committed by “gang members”. Mississippi recently failed to move forward on such an action because their existing gang law was only used to prosecute people of color – in spite of reports that the majority of gang members in Mississippi are white.

MINI-LOBBY DAYS

The 2018 session was historic in a number of ways – including our increased presence in the Capitol. Through the work of a number of staff members and interns, the ACLU



Clockwise from top left:

Members of Kentucky Religious Coalition for Reproductive Choice meet with Senator Julie Raque Adams during a “Throwback Thursday,” lobby day event. Throughout the session, repro rights advocates met with legislators about abortion access, sexuality education, and more on Thursdays at the Capitol.

ACLU-KY Social Work interns Nora and Melissa, far right, set up 11 meetings for Kentuckians with direct experiences with the U.S. Immigration System to come to the Capitol to meet with their legislators about the anti-immigrant bill, House Bill 240. Here Omar Salinas Chacon and Fredy Encarnacion meet with Senator Reggie Thomas.



ACLU-KY Smart on Crime Organizer Amanda Hall (center, right) organized Smart on Crime Wednesdays throughout the legislative session. She brought 48 people (ranging from folks in long-term recovery to people who work to treat substance use disorders) to the Capitol for a total of 34 one-on-one meetings about the need for justice reform.

of Kentucky had a record number of legislative meetings this session. We facilitated nearly 60 one-on-one, sit down meetings between lawmakers and Kentuckians with firsthand knowledge of the impact of legislation being considered. Through Smart on Crime Wednesdays, Abolition Tuesdays, Welcome Home Wednesdays, and Throwback Thursdays we worked with partners to bring unique perspectives to the Capitol each week. Lawmakers heard from folks who are unable to use graduate degrees because of past convictions, Kentuckians who live in constant fear of deportation, as well as people of faith who believe it is their moral obligation to protect access to safe abortion, and Kentuckians who have lost loved ones to violence that recognize that for them, a death sentence offers no relief.

Though we worked on a number of other bills including measures related to body cameras, free speech and use of the death penalty when there’s a diagnosis of severe mental illness – our most important worked hinged on the over 60 volunteer advocates that made their way to the Capitol this legislative session to meet with lawmakers and testify against bills, along with the thousands of other supporters that wrote emails and made phone calls. We are profoundly grateful for the sacrifices they made, and are already in the process of planning for the 2019 legislative session. We feel confident that we punched well above our weight and look forward to continuing the fight next year.



WE THE PEOPLE DINNER

The ACLU-KY would like to extend a very special “Thank You” to Susan Hershberg and the Wiltshire Pantry for an elegant dinner on March 24th. The annual celebration honors the committed partnership between the Fairness Campaign and the ACLU of Kentucky as well as the contributions of those who work daily protecting the civil liberties and civil rights of all Kentuckians. This year’s event had a record-breaking crowd of 560 attendees that mixed and mingled at the Speed Art Museum. Special thanks to our generous sponsors who helped make this event a success, and Brymer Photography for capturing special moments throughout the evening!



❶ A group of Emerge participants and graduates were in the house! ❷ Randy Correll, Jeff Rodgers, Jeff Polson, Ian Ferrer, Ed Kruger, Robert Simpson, Rusty Chevront, Curtis Conlin, Gary White. ❸ Enid Trucios-Haynes, Sarah Nunez, Karina Barillas. ❹ TJ Gordon, Channele Helm, Christian Jones. ❺ Rhonda Barnett, Kyle Dover, Hope Howell, Joan Kofodimos.



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NEW MEMBERS OF THE BOARD OF DIRECTORS



JASON CROSBY

Contrary to the prevailing common, and justified, perception of Baptists in our nation at the moment, some Baptist ministers still believe that creating a society where all people, no matter their race, religion, gender, or sexual orientation possess the freedom to fully be who they were created to be, is sacred work. Advocating for separation of church and state, equal rights for LGBTQ people, equal access to the voting booth, women's reproductive rights, is sacred work. The ACLU of Kentucky is doing that work. I am honored to participate in the effort by serving on The ACLU of Kentucky Board of Directors.



JESSICA LOVING

As executive director of the ACLU of KY in the late 1970's and later as a board member of the local and national ACLU, I learned about the ACLU's many contributions and the challenges faced in its almost 100-year history. Today we are experiencing serious, regressive and repressive government actions. Additionally, the rise of white nationalist groups represents a special challenge to efforts to preserve the rights established by the U.S. Constitution while protecting public safety.

Perhaps my professional experience in public relations and marketing communications and volunteer experience with a number of social-justice groups can be used to assist and enhance the excellent work being accomplished locally by the staff and board of the ACLU of KY.



BRIDGET PITCOCK

For as long as I can remember, I have been an advocate for the rights of people. As a young person, I learned the importance of seeking, supporting, and protecting accessibility and better healthcare for my father, a Vietnam Veteran, who was paralyzed while serving in combat. Professionally, I was instrumental in building awareness for opioid drug abuse and developing case management techniques to combat opioid addiction. I have always sought ways to make a difference and protect the basic human rights deserved by all people. I believe serving as a member of the board for ACLU Kentucky is a powerful next step in helping the community build capacity for fairness, equality, and freedom.



JOANN WHEELER BLAND

I am a graduate of the University of Kentucky with a BS in Business & Economics and a JD in Law. I was an active Trial Lawyer and served as a Special Justice on the Kentucky Supreme Court. I have and continue to believe strongly in the ACLU as providing a voice for the voiceless and a defender for the defenseless — for those whose Civil and Human Rights have been violated. Over my entire career, I have used my talents and abilities to fight injustice, intolerance, discrimination, and unfairness. With my past education, legal experience, political connections, and as a woman who has faced her own extreme discrimination for being a married lesbian, a transgender woman, I will bring empathy, caring and concern to the ACLU of Kentucky Board of Directors.



SOHA SAIYED

I am an attorney with the law firm Abney Law Office, representing workers who have experienced discrimination, harassment, and retaliation. Formerly, I was a staff attorney with the Legal Aid Society, serving rural, low-income Kentuckians in such areas as landlord-tenant, foreclosure, consumer, and family law.

I am from Shelby County, Kentucky. I received my B.A. from Bellarmine University and J.D. and M.B.A. degrees from the University of Louisville. I'm a member of several community organizations, including serving as co-chair of the Nelson and Shelby County Human Trafficking Task Forces. I also host the Queencast, a weekly podcast featuring a diverse group discussing life, current events, and pop culture.

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ANNUAL MEETING



The 2018 Annual Meeting was held in the ACLU-KY Louisville Office April 24.

Members gathered for a discussion with two experts from the National ACLU (one in D.C., one in New York) via teleconference on separation of church and state, and reforming the criminal justice system on the front end from sentencing to policing.

The new members of the Board of Directors were announced, and a special presentation was made to recognize the years of service for departing Board Members Michael Goodwin (Louisville), Keith Look (Danville), and Djenita Pasic (Louisville).

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BIG NEWS INSIDE: A NEW LEGAL DIRECTOR, 2018 LEGISLATIVE WRAP-UP, MEET OUR NEW BOARD MEMBERS



VOLUNTEER SPOTLIGHT

We're grateful to our volunteers who help with projects throughout the year. Last fall, **Nicole Gaines** stepped up to assist the Communications Director with the migration to our new website. She sifted through thousands of pieces of data, formatting it to fit the new platform and assigning it to its correct space. Nicole used creative problem-solving to overcome a number of puzzling technical issues over the course of several weeks, working nights and weekends. You can check out Nicole's handiwork at www.aclu-ky.org

We rely on our members in all corners of the commonwealth to help us protect civil liberties. If you're interested in volunteering with the ACLU of Kentucky, please visit our new website and click on the "Get Involved" tab on the home page.

SAVE THE DATE FOR THE 2018 REPRODUCTIVE FREEDOM PROJECT BENEFIT

Saturday, October 20, 2018
5:30-7:30 p.m.

Location and ticket information
to be announced stay tuned!



ACLU MEMBERSHIP CONFERENCE

June 10-12, 2018 | Washington, D.C.

Join us at the Membership Conference in our nation's capital this June. Come learn and be inspired, and become an even more effective advocate for change.

**DETAILS AND REGISTRATION INFORMATION AT
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