

UU FaithAction NJ



LEGAL ADVOCACY PROJECT

GARY D. NISSENBAUM, LEGAL DIRECTOR

C/O NISSENBAUM LAW GROUP, LLC
2400 MORRIS AVENUE, SUITE 301
UNION, NEW JERSEY 07083
P. 908.686.8000
gdn@gdnlaw.com

PLENARY REPORT

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FROM: Gary D. Nissenbaum, Legal Director
UU of FaithAction NJ Legal Advocacy Project

TO: Rev. Rob Gregson, Executive Director, UU of FaithAction NJ

RE: Status of Pending Matters

DATE: April 17, 2018

I. Pending Lawsuits in Which the Legal Advocacy Project of UU FaithAction NJ has Appeared

The Legal Advocacy Project of UU FaithAction NJ (“LAP”) has appeared as *amicus curiae* (friend of the court) in two cases of national significance relating to Deferred Action for Childhood Arrivals (DACA): one is currently pending in the 2nd Circuit Court of Appeals while the other is pending in the 9th Circuit Court of Appeals. In both cases, the lower court granted the

injunction requested by the plaintiffs who are seeking to protect the DACA rights of the affected population.

The LAP also is currently in touch with the plaintiff about appearing *amicus curiae* in a case entitled *Ragbir, et al. v. Homan, et al.* brought in the Federal District Court for the Southern District of New York. The case was filed on behalf of by immigrant rights leader Ravi Ragbir. It challenges the recent targeting of immigrant rights activists by federal immigration officials.

II. Challenge to Substandard Healthcare Afforded to Undocumented Immigrant Detainees in the Jersey City, Kearny, and Hackensack Detention Centers

The LAP has joined forces with the American Civil Liberties Union of New Jersey and the law firm of Pashman Stein Walder Hayden P.C. to assist the American Friends Service Committee in its effort to uncover and ameliorate the substandard healthcare being provided to undocumented immigrant detainees in the Hudson and Bergen County detention centers.

The first step in this process is to draft document demands for the relevant local, state and federal government agencies. The LAP has obtained invaluable assistance in this regard from UU FaithAction NJ board member Tim Catts and member Peggy Hayden. They have worked together to create a comprehensive and nuanced draft of potential Freedom of Information Act Requests (FOIA) geared to uncover the extent of the underlying healthcare deficiencies at the detention centers. The LAP is currently working with the ACLU-NJ and Pashman Stein to finalize those requests and send them to the relevant federal government agencies.

III. Sanctuary Coordinating Committee

The LAP helped form a UU FaithAction NJ Sanctuary Coordinating Committee to provide a way of sharing information and best practices for UU congregations providing a residence for undocumented immigrants. So far, Beacon Unitarian Universalist Congregation in Summit and the Unitarian Universalist Congregation of Princeton have taken on this challenge.

IV. Signature Legislative and Regulatory Initiatives

At the October 2017 UU FaithAction NJ Issues Conference, the LAP committed to work with all six FaithAction taskforces to prepare signature legislative and/or regulatory initiatives. At that time, the LAP had only drafted one such initiative: namely, an address confidentiality bill that would protect abortion clinic providers, patients and patients' families from having the state of New Jersey make their addresses public. The reason this was necessary related to the unfortunate acts of violence nationwide against persons affiliated with abortion clinics.

The LAP has now also prepared signature initiatives for the other five taskforces, all of which have been finalized and are currently in play. The following is a summary of the status of the six initiatives.

a. Women's Reproductive Rights and Healthcare Reform Taskforce (Carol Loscalzo, Chair)

Thanks to the efforts of Rev. Rob Gregson and Carole Loscalzo, the above-referenced signature confidentiality bill has obtained sponsors in the Senate and Assembly. It has been reviewed by the Senate Committee of Health, Human Services and Senior Citizens and referred to the Senate Budget and Appropriations Committee. UU FaithAction NJ member Lessie Culmer-Nier and UU FaithAction NJ Public Policy Network¹ board member Tom Moran attended. The latter testified by reading testimony from a clinic worker. Carol Loscalzo also submitted written testimony from at least four people, three working in clinics and one an expert who wrote "*Living in the Crosshairs: The Untold Story of Anti-Abortion Terrorism.*" An Assembly version of the bill sponsored by Pam Lampitt, John McKeon and Nancy Pinkin has been referred to the Assembly Health and Senior Services Committee. The bill has not yet been heard in the Assembly.

¹ UU FaithAction NJ's 501(c)(4) counterpart.

b. Criminal Justice Reform Taskforce (Susan MacDonnell, Chair)

The LAP has worked with the Criminal Justice Reform Taskforce and its progressive partner New Jersey Advocates for Immigrant Detainees to fashion a petition for rule-making that would allow inmates to have both video and contact visitation. The reason this is necessary is that certain jails and detention centers have taken the position that if they have video visitation, they do not also need to provide contact visitation. Indeed, we believe the counties have a financial incentive to disallow contact visitation, since they receive a commission on the charges incurred by the visitors for video visitation.

One of the interesting aspects of this initiative is that it will not be a legislative bill, but instead a petition for rule-making; this essentially means it will be an initiative to create regulatory reform relating to the Department of Corrections. The reason this approach is necessary is that the regulations of New Jersey already mandate the provision of in-person contact visits; the problem is that some counties are not interpreting the corresponding regulations properly.

c. Environmental Justice Taskforce (Nancy Griffeth, Chair)

The LAP has worked with the Environmental Justice Taskforce to amend the solar garden legislation that was recently introduced in the legislature. The LAP is seeking to enlarge the ambit of who would have access to solar energy. To some extent, this anticipated a bill that is currently on Governor Murphy's desk for signature. Based upon its provisions—many of which are in line with what the Taskforce was seeking—we are considering whether to file a corresponding petition for rulemaking with the Board of Public Utilities. The aim would be to give FaithAction a seat at the table, so to speak, as the regulations implementing the new law are formulated.

d. Economic Justice Taskforce (Jerry Fried, Chair)

The LAP has worked with the Economic Justice Taskforce to construct a proposed School Lunch bill that would aim to accomplish three goals: to facilitate interaction between parents and schools to remedy problems regarding unpaid lunches; to end the stigmatization of students who receive free or reduced price school lunches; and to prevent schools from denying school lunches due to unpaid bills. Students of limited means should not be denied food or otherwise stigmatized simply because of their economic circumstances.

e. Gun Violence Prevention Taskforce Chair (Jeannine Coyne, Chair)

The LAP has worked with the Gun Violence Prevention Taskforce on a bill concerning the safe storage of firearms. It would mirror the Massachusetts law that requires firearms to be secured in a locked container or equipped with a tamper-resistant mechanical lock or other safety device.

f. Immigration Reform Taskforce Chair (Ted Fetter, Chair)

The LAP has worked with the Immigration Reform Taskforce to fashion signature legislation that would make it an accessory use for houses of worship to provide residential accommodations for people. The decision to house persons would be required to accord with the house of worship's religious values, such as helping the homeless or undocumented immigrants.

One aim would be to provide a layer of insulation from local municipalities that might impair the right of a house of worship to perpetually house the homeless or undocumented immigrants. Nevertheless, there would be a reasonable limitation on this right; the house of worship would still need to comply with local health, fire and building codes.