

This Week in Civil Rights and Civil Liberties: November 11, 2019

by [jacobcarrel](#) | Nov 11, 2019 | [Amicus, Weekly News Roundup](#) |

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This week's roundup is co-authored by Sara Carter and Jacob Carrel.

This week, a federal judge invalidated a Trump Administration policy that would have limited the availability of abortion services, and nearly 500 incarcerated people in Oklahoma were released from prison. Also, following elections in several states including Kentucky and Virginia, several candidates were elected who had campaigned on platforms related to civil rights.



The American Civil Liberties Union of Utah released an analysis revealing the destructive effects of a new law enforcement program on people experiencing homelessness in Salt Lake City. According to the ACLU, Operation Rio Grande placed a “substantial, long-term burden” on the unsheltered population by targeting them for low-level, nonviolent offenses such as jaywalking and camping on public ground. For some, the ensuing cycle of citations, arrests, bookings, and release served as a barrier to employment. ([ACLU of Utah](#))

A federal judge voided the Trump Administration’s “conscience rule,” which purported to limit the availability of abortion and end of life care. The rule would have permitted medical providers to refuse to provide care and decline to provide a referral if it conflicted with their religious or moral beliefs. Judge Paul Engelmayer for the United States District Court for the Southern District of New York deemed the rule “impermissibly coercive” and found the Health and Human Services Department’s evidence to be “factually inaccurate.” ([New York Times](#))

Oklahoma granted clemency to 462 incarcerated people on Monday, in one of the largest single-day releases in the history of the United States. Those released had been incarcerated for drug possession or other nonviolent crimes. Oklahoma rivals Louisiana for having the highest rate of imprisonment in the country, and the voters and legislature in Oklahoma supported this measure as one step forward in reforming their criminal system. ([New York Times](#))

Pennsylvania voters approved a state constitutional amendment that would grant explicit rights to crime victims. However, the referendum result is unofficial, as last week a Pennsylvania judge enjoined the vote count on due process grounds. Known as Marcy’s Law, the amendment would provide 15 new constitutional rights for victims, including the right to be involved in release and sentencing and the right to be protected from the defendant. Civil rights

groups filed a lawsuit challenging the ballot question for violating the rights of the accused. ([JURIST](#))

The ACLU and other civil rights groups filed a class-action lawsuit against Customs and Border Protection for violating the civil rights of asylum-seekers in the “Remain In Mexico” program. The program is a hard-line immigration initiative by the Trump Administration that forces asylum seekers to return to Mexico until their court cases are decided. According to the ACLU, migrants forced to wait in Mexico have difficulty accessing their attorneys, who have to cross an international border. Migrants expressing fear of returning to Mexico are kept in the custody of Customs and Border Protection for intensive interviews, for which they are not allowed to access their lawyers. The lawyers do not know where they are being held, and their requests for information are left unanswered. ([San Diego Union-Tribune](#))

More than 45 civil rights groups wrote a joint letter calling on Facebook to commit to protecting civil rights and addressing discrimination on its platform. The letter stated that public trust in Facebook has diminished as the company “continues to act with reckless disregard for civil rights.” The requests included reinstating fact-checking for content by politicians, as well as eliminating the ability to discriminate in targeted advertisements. ([Leadership Conference on Civil and Human Rights](#))

The Wisconsin State Senate passed a bill by voice vote that could criminalize environmental protests. The bill expands a 2015 statute to make trespassing on or damaging any energy or water company property a felony punishable by up to six years in prison and a \$10,000 fine. Civil rights groups argue that the bill suppresses freedom of speech by criminally prosecuting people for nonviolent civil disobedience, and will have a chilling effect on peaceful protesters. ([PR Watch](#))

Civil liberties, religious, and public school organizations all filed amicus briefs that support a Maine statute barring tuition reimbursement for attending religious schools. Maine’s current tuition law funds education at approved private schools in districts that lack public secondary schools; however, public money cannot be used for religious schools, which the state says discriminate based on gender and sexual orientation. A Maine family filed suit, claiming the law violates their religious freedom. In their amicus briefs, supporters of the statute argue that keeping religious training separate from tax-payer funds promotes religious freedom. ([Portland Press Herald](#))

Due to an ongoing shortage of lawyers who can serve as counsel for indigent defendants with initial arraignments in Springfield, MA, a high-profile case was heard in the Massachusetts Supreme Judicial Court on potential remedies. Suffolk County District Attorney Rachel Rollins submitted an amicus brief in the case encouraging a pay increase for the lawyers, while Massachusetts Attorney General Maura Healey’s office defended a lower court ruling requiring a specific protocol in which defendants who have not received counsel within seven days of arrest are allowed to be released. ([Commonwealth Magazine](#))

Some local elections brought positive news for civil rights: two progressive-minded social justice prosecutors – who many compared to high-profile leaders including Philadelphia DA Larry Krasner and Suffolk County, MA DA Rachel Rollins – won new positions on Tuesday: Parisa Dehghani-Tafti was elected Commonwealth’s Attorney (the top prosecutor role) for Arlington County and Steve Descano was elected Commonwealth’s Attorney for Fairfax County, Virginia. ([HuffPost](#))

Following a surprise Democratic victory in the Kentucky gubernatorial election, Republican incumbent governor Matt Bevin refused to concede, citing unspecified voting irregularities. If Bevin continues to challenge the ruling, in what University of Kentucky constitutional law professor Joshua Douglas calls “absurd,” members of the gerrymandered Kentucky legislature may be able to decide the results, rather than the voters. Assuming Democrat Steve Besear is able to take office, however, he has pledged to restore the voting rights of 140,000 Kentucky residents convicted of nonviolent felonies. ([Courier-Journal](#), [WFPL](#), and [Mother Jones](#))

North Carolina Republicans have continued their egregious attempts to gerrymander. Despite a court finding their redrawing of Congressional districts was a partisan gerrymander, the legislature has continued to redraw state legislative districts in the same secretive fashion. ([DailyKos](#))

Yellow Springs, OH, voters narrowly rejected an inclusionary voting Village Charter Amendment which, had it passed, would have allowed residents as young as 16 to vote in village elections. This has been a major goal of voting rights advocates in various cities across the country, resulting in [high profile coverage](#) of [past efforts](#). The rights-expansion amendment lost 52.7%-47.6%, and also would have allowed area residents carrying green cards to vote on local issues. ([WOSU](#))

New York’s discriminatory policies against young people of color have continued. On Halloween, police handcuffed, brought to a police station, and detained a group of children for hours, based on a mistaken assumption that they were involved with an earlier reported incident. The episode prompted additional calls for more de-escalation training. ([Gothamist](#))

Further, the subway fare evasion crackdown and ensuing controversy have continued, with more reports and additional critics renewing calls against the procedure, including Presidential Candidate and former Secretary of Housing and Urban Development Julián Castro. ([New Republic](#))

The People’s Parity Project and 14 LGBTQ+ law student organizations have announced they will be refusing money from law firms that continue to have binding arbitration agreements. ([Above the Law](#))

Despite Mitch McConnell being a noted activist against any campaign finance restrictions, the Kentucky Republican Party nonetheless filed an FEC violation to stop a potential challenger, Matt Jones, from continuing to host a sports radio show, prompting online outrage and the Twitter hashtag #freeMattJones. ([Newsweek](#)).