

Working for Change



NEW YORK CIVIL LIBERTIES UNION ANNUAL REPORT 2008 – 2009



ANNUAL REPORT CREDITS:

Writer: Louisa Treskon

Editors: Jennifer Carnig and Michael Cummings

Design: Willa Tracosas

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The New York Civil Liberties Union (NYCLU) is the state's premier guardian of liberty and defender of civil rights.

Founded in 1951 as the New York affiliate of the American Civil Liberties Union, we are a not-for-profit, nonpartisan organization with eight offices and nearly 50,000 members across the state. Our mission is to defend and promote the fundamental principles and values embodied in the Bill of Rights, the U.S. Constitution and the New York Constitution, including freedom of speech and religion, and the right to privacy, equality and due process of law for all New Yorkers. In the courtroom and on the streets, from the Niagara Falls to the five boroughs of New York City and Albany's capitol steps in between, the NYCLU is leading freedom forward and fighting for the rights of all New Yorkers.

Dear Friends,

The election of Barack Obama in November 2008 raised America's hopes that, once again, civil rights and civil liberties would be valued and protected by the nation's government. However, even under the best of circumstances, it will take decades to undo the damages to our rights and liberties over the past eight years. Change doesn't happen all at once – it is a process that demands energy, dedication and persistence. The New York Civil Liberties Union has these qualities in abundance, as demonstrated by our accomplishments during the past year.

This year, we witnessed what can happen when we persist. For decades, the NYCLU helped lead the fight to reform New York's draconian Rockefeller Drug Laws. We were overjoyed when the State Legislature passed historic drug law reforms in April 2009. Now, thanks to the reforms that we pushed for, judges can generally order treatment and rehabilitation for non-violent substance abusers when they deem it appropriate.

One thing we all learned from the last election is the power of organizing. Indeed, community organizing does bring about real change. That's why the NYCLU cultivates strong relationships with the national ACLU and organizes on the ground across New York State. The NYCLU's eight offices around the state put us in a unique position to partner with community-based organizations and grassroots advocates to maximize our impact, as we do with LGBT advocacy groups statewide to promote marriage fairness. We will continue to find new ways to collaborate with stakeholders and expand our presence throughout New York.

The NYCLU's work is never done. We know that threats to our liberties persist, despite changes in Washington and Albany. No matter who is elected, we will work tirelessly – in the courts, in the community and in the legislature – to expose racial injustice, defend freedom of expression, gain equality for LGBT New Yorkers, and fight infringements on our privacy rights in the name of national security. We need all of you – members, donors, activists and advocates – to recover the liberties we have lost, maintain and defend the rights we have, and gain new ground so that, ultimately, each and every one of us – rich and poor, straight and gay, black, white and brown, urban and rural, devout and atheist – can enjoy equal access to freedom and liberty.

We can't reflect on our accomplishments over the last year without thanking our donors and funders. At the same time as we watched the historic elections, the stark realities of the economic downturn became clear. However, because of the unwavering commitment of our supporters, we have been able to maintain – and grow – our strength as an organization. Regardless of who is in control in Washington and Albany, the NYCLU's dedicated Board, staff, volunteers and supporters have the expertise and tenacity needed to defend our civil liberties, no matter what the challenge.

Thank you for your commitment to defending our most precious liberties.

Sincerely,



Donna Lieberman
EXECUTIVE DIRECTOR



Thomas Frey
PRESIDENT

Introduction

The New York Civil Liberties Union (NYCLU) is dedicated to defending civil liberties and civil rights. Founded in 1951 as the New York affiliate of the American Civil Liberties Union, we are a not-for-profit, nonpartisan organization with eight chapters and regional offices and nearly 50,000 members across the state. Our mission is to defend and promote the fundamental principles and values embodied in the Bill of Rights, the U.S. Constitution, and the New York Constitution.

We believe that all New Yorkers have inalienable rights that cannot be taken away by the government or by majority vote. They are:

Freedom of speech, press, petition and assembly.

Even unpopular expression is protected from government suppression and censorship.

Freedom of religion.

Each of us has the right to exercise his or her own religion, or no religion, free from any government influence or compulsion.

Privacy.

We have the right to be free from unwarranted and unwanted government intrusion into our personal and private affairs, papers and possessions.

Due process of law.

We have right to be treated fairly by the government whenever the loss of liberty or property is at stake.

Equality before the law.

We have the right to be treated equally regardless of nationality, race, gender, sexual orientation, religion, ethnicity, disability or socio-economic status.

The NYCLU fights for civil liberties and civil rights through an integrated program of litigation, advocacy, public education and community organizing. We represent ordinary people who have experienced injustice and have decided to fight back. When we vindicate their rights, all New Yorkers benefit.

Table of Contents

Letter from the President and Executive Director	1
Introduction	2
Liberty and Security	4
Freedom of Expression	7
Racial Justice	10
Equality Before the Law	13
Youth and Student Rights	17
Reproductive Rights	20
Arts and Media	23
Supporters	27
Support the NYCLU	33
NYCLU Staff and Board of Directors	34

Liberty AND Security

We have the right to be free from unwarranted government intrusion into our private affairs. The NYCLU challenges abuses of power undertaken in the name of national security, fights government secrecy and combats the exercise of unilateral executive authority.



Americans have the right to be free from unwarranted government intrusion into our personal and private affairs, papers and possessions. Unfortunately, “national security” has been used throughout U.S. history as a pretext for violating this right. In the past decade, the government’s effort to prevent terrorism has become an excuse for launching serious attacks on civil liberties in New York State and nationwide. In response, the NYCLU has mounted challenges – both in New York and, in partnership with the ACLU, nationally – to abuses of power including the USA Patriot Act, domestic wiretapping and invasive surveillance practices.

Advances in technology also raise new challenges to civil liberties. Our government now has the capability to track the movements and activities of all law-abiding Americans. Through advocacy, litigation and public education, the NYCLU works to curb invasive surveillance practices and establish regulations that balance legitimate security concerns against our constitutional rights. New York is a particularly important place to challenge such offenses, as the NYPD is recognized as the most influential domestic law enforcement agency in the country and many of its surveillance practices are reproduced in cities across the United States.

CHALLENGING UNCONSTITUTIONAL DETENTION AND INTERROGATION PRACTICES

Since 9/11, the United States, once a global leader in the fight against torture, has used inhumane and unconstitutional detention and interrogation practices in the name of national security. In partnership with the ACLU, the NYCLU is holding the government accountable for these practices through Freedom of Information Act (FOIA) requests. Since 2003, we have sought government documents in order to prove that prisoner abuse by U.S. personnel was systemic, not aberrational. In September 2008, a federal appeals court ordered the Defense Department to release photographs depicting the abuse of detainees by U.S. forces in Iraq and Afghanistan, reject-

“Since the police department continues to embrace government secrecy, we are left with no option but to turn to the courts to force public disclosure about what the NYPD plans to do with all of this information about innocent people.” —Christopher Dunn, Associate Legal Director

ing the government’s appeal of a 2006 order directing the Defense Department to release the photos. These photographs were to be released in May 2009, but the Obama Administration has moved to block the disclosure of the photographs by asking the U.S. Supreme Court to review the appeals court’s decision.

CHALLENGING UNCONSTITUTIONAL PROVISIONS OF THE PATRIOT ACT

The NYCLU has played a prominent role in the fight to reform the Patriot Act. A provision of the Patriot Act permits the FBI to send National Security Letters (NSLs) to libraries, telephone and Internet companies, and other businesses requesting customers’ private records. Recipients are barred from disclosing to anyone that they received an NSL. In a 2004 lawsuit, the NYCLU and the ACLU challenged the FBI’s authority to use NSLs to demand sensitive and private customer records from Internet Service Providers (ISPs) and then forbid them from discussing the requests. In December 2008, a federal appeals court sided with the NYCLU and ACLU and found



“The NYPD must not spend vast amounts of public money blanketing downtown and Midtown Manhattan in surveillance cameras without any public discussion of its plans and without clear privacy protections.”
—Donna Lieberman

that the statute’s gag rule violates the First Amendment. In another victory in this case, the district court ruled in July 2009 that the government can not rely on secret evidence to justify its gag order. The government must now provide the court with an unclassified summary of the evidence it is relying on to justify the continued gag on the ISP.

OPPOSING THE FISA AMENDMENTS ACT OF 2008

In 2008, the NYCLU joined the ACLU in a landmark lawsuit to stop the government from conducting surveillance under the FISA Amendments Act of 2008. The Act, a wiretapping law that grants the government virtually unchecked power to intercept Americans’ international e-mails and telephone calls, legalized the warrantless surveillance program that President Bush approved in late 2001. The case was filed on behalf of a broad coalition of attorneys and human rights, labor, legal, and media organizations whose ability to perform their work – which relies on confidential communications – has been greatly compromised by the new law.

EXPOSING EXCESSIVE SURVEILLANCE BY THE NYPD

The NYPD has embarked on an extensive and unprecedented program of monitoring the daily activities of New Yorkers. These surveillance schemes, subject to virtually no regulation or independent oversight, pose a serious threat to privacy rights and civil liberties. The NYPD’s Lower Manhattan Security Initiative would establish a massive network of 3,000 public and private surveillance cameras in downtown Manhattan to track and monitor vehicles and pedestrians. The system, which would allow the NYPD to maintain a database on the movements and whereabouts of millions of law-abiding New Yorkers, was developed without public input. Since learning of the plan, the NYCLU has fought to encourage full and informed public discussion through FOIA requests and lawsuits challenging the NYPD’s and the U.S. Department of Homeland Security’s refusals to disclose information.

Freedom of Expression

We are guaranteed the freedom of speech, the freedom of protest and the freedom of religion. The NYCLU protects against censorship, shields protesters from violence, suppression and surveillance, and upholds the right of individuals to freely exercise their religious beliefs, or practice no religion at all.



The NYCLU fights to protect and expand core First Amendment rights, which include freedom of expression, freedom of association and the freedom of religion – supported by the strict separation of church and state. We preserve and strengthen First Amendment rights by offering trainings and Know Your Rights materials, negotiating permits on behalf of protest organizers and monitoring police activities at demonstrations statewide.

PROTECTING SPEECH FROM CENSORSHIP BY PUBLIC OFFICIALS

It is unconstitutional for public officials to use their authority to silence the expression of opinions they dislike. In 2008, the City of Troy shut down a local art gallery the day after it opened a controversial exhibit. “Virtual Jihadi,” the work of an Iraqi-American artist, was intended to provoke thought and discussion about the roots of violence, but it angered some people – including the commissioner of public works. The commissioner, who oversees building code enforcement, publicly denounced the exhibit and led a protest against it the night the exhibit opened. He then shut the art gallery down citing code violations. The NYCLU has filed a lawsuit against the City of Troy contending the commissioner used his official powers to close the exhibit because of the content of the art installation, violating both the artist’s and the art gallery’s First Amendment rights to free speech and expression.

PROTECTING AGAINST FORCED ACTS OF PATRIOTISM AT YANKEE STADIUM

The Yankees began playing “God Bless America” during home games following 9/11, as did all Major League Baseball teams. While other teams stopped playing the song during every game, the Yankees have continued this ritual. In an effort to promote patriotism, Yankee security officials and uniformed NYPD officers hired by the Yankees prevented fans from moving around Yankee Stadium when the song was played. In summer 2008, police

officers forcibly restrained and ejected a fan when he tried to use the restroom during the playing of the song. The NYCLU filed a lawsuit, maintaining that the fan was the victim of religious and political discrimination. In July 2009, a federal judge approved a settlement in which the Yankees stipulated that the team has no policy restricting spectators’ movement during “God Bless America” and has no intention of implementing such a policy at the new Yankee Stadium.

CHALLENGING NYPD PRACTICES AT THE 2004 REPUBLICAN NATIONAL CONVENTION

The NYCLU was the primary defender of protest rights at the 2004 Republican National Convention, and our work to protect the freedom to protest continues in the courts. In August 2008, a federal judge ordered New York City to turn over hundreds of intelligence documents related to the NYPD’s treatment of protestors arrested during the convention, the second time the court ruled against the NYPD on this case. The ruling arose from two federal lawsuits the NYCLU filed in 2004 challenging the mass arrest, prolonged detention and fingerprinting of nearly 2,000 convention protestors. The NYPD claimed that its harsh treatment of protestors was justified by information it obtained from its surveillance operation, but it refused to disclose documents detailing that information, claiming that their disclosure would compromise ongoing investigations. The NYPD continues to fight the judge’s orders requiring it to disclose these documents.

FIGHTING LAW ENFORCEMENT PRACTICES THAT INTIMIDATE PROTESTORS

Police often use intimidation to discourage and silence protest. The NYCLU holds police accountable by exposing these abuses. During the 2008 election season, we called for an investigation after members of Iraq Veterans Against the War were assaulted and arrested while peacefully demonstrating during the presidential debate at Hofstra University on Long Island. Members of the



“The police department’s commitment to the casual creation of political dossiers on individuals and groups must end. New Yorkers have a right to know that they can go to a protest without having their photos end up in a police file.” —Arthur Eisenberg, Legal Director

group had gathered outside the debate hall for a demonstration when Nassau County police officers used horses to move protestors onto the sidewalk. One of the horses kicked a veteran in the head, knocking him unconscious and breaking his cheekbone; the horses also struck other peaceful protesters.

MONITORING THE NYPD’S VIDEOTAPING OF PROTEST ACTIVITIES

In 2005, we sued the NYPD to challenge the practice it adopted in 2004 of videotaping and photographing lawful protest activity and then indefinitely retaining the videotapes and photos. In November 2008, we learned that, although the NYPD had been fighting our challenge in the courts, it had quietly abandoned the practice in April 2007. This came to light as part of the *Handschu v. Special Services Division* proceedings, a decades-old federal case that has resulted in a series of court orders regulating police surveillance of political demonstrations and activities. In order to enforce the *Handschu* guidelines and to prevent a recurrence of secret changes in policy, the NYCLU has asked the court to require the NYPD to

notify the court and the *Handschu* attorneys of any future changes to its policies governing the videotaping of protest activities.

PROTECTING THE SEPARATION BETWEEN CHURCH AND STATE

The NYCLU continues to litigate *Lown et al. v. Salvation Army*, which challenges religious proselytizing and employment discrimination in the government funded faith-based social service programs of the Salvation Army. We argue that government agencies have a constitutional obligation to monitor how faith-based organizations use public money and to ensure that these funds are not used to proselytize or to promote religion, especially in ways that interfere with the quality of social services these organizations have promised to provide.

Racial Justice

Racial equality is the great enduring principle, and unmet promise, in the Bill of Rights. The NYCLU is dedicated to preserving and extending constitutionally guaranteed rights to people who have historically been denied their rights on the basis of race.



We use a substantial portion of our resources to challenge policies and practices that disproportionately affect low-income people and people of color, and perpetuate inequality statewide. Bringing about systemic reform requires persistence and long-term commitment. The NYCLU's work over the past year exemplifies our lasting commitment to fighting racial discrimination.

REFORMING THE ROCKEFELLER DRUG LAWS

The NYCLU helped to win a landmark victory in April 2009 when, after decades of advocacy, the New York State Legislature passed historic reforms to the state's notoriously harsh and ineffective mandatory minimum drug sentencing scheme. Since 1973, the Rockefeller Drug Laws had mandated that thousands of low-level, nonviolent offenders – many with no prior criminal records – be sentenced to extremely harsh prison terms for the possession or sale of relatively small amounts of drugs. In the year leading up to the historic 2009 reforms, we coordinated an aggressive statewide campaign to educate the public and galvanize stakeholders to call for the reform of the Rockefeller laws. In March 2009, we issued *The Rockefeller Drug Laws: Unjust, Irrational, Ineffective*, a report synthesizing the legal, social and economic arguments

and research supporting the call for comprehensive reform. The report received broad media coverage and was a subject of intense discussion within the Legislature.

Because of the April 2009 reforms, judges now have broad discretion to order treatment and rehabilitation as an alternative to incarceration. In order to ensure that this significant victory translates into tangible change and improved outcomes for people with substance abuse problems, the NYCLU will monitor the implementation of the new laws and continue to promote a public health model, rather than a mass incarceration strategy, for addressing substance abuse problems.

CHALLENGING RACIAL PROFILING BY LAW ENFORCEMENT

Racial profiling continues to undermine justice and equality in New York. We expose and challenge racial-profiling practices by police departments across the state and advocate for meaningful systems of accountability for wrongdoing by police. Two years ago, the NYCLU filed suit to obtain the NYPD's stop-and-frisk database after the Department rejected our Freedom of Information Law (FOIL) request. In May 2008, a state court ordered the NYPD to hand over the database, which



“It is demeaning and degrading to be targeted because of my skin color. It saddens me to be treated like less than a full American citizen. I just want equality: no more, no less. I believe in the need for anti-terrorism measures, but I don't support city-sponsored racial profiling.”
—Jangir Sultan, plaintiff in racial profiling case



Protestors calling Governor Paterson to ask him to reform the Rockefeller Drug Laws.

contains information from nearly 2 million police stops conducted over the past five years. The data provide compelling evidence of racial profiling – about 81 percent of those stopped have been people of color and nearly nine out of 10 of those stopped were completely innocent of any wrongdoing. In August 2008, we also received numerous reports and three computer databases from the Suffolk County Police Department in response to a FOIL request we filed for documents relating to the Department's vehicle stops.

After we sued to obtain NYPD data identifying the race of people shot by police officers, the New York City Council passed a law in January 2009 requiring the NYPD to submit an annual report with detailed information about police shootings, including the race, age and gender of shooting victims.

We exposed racial profiling by filing a lawsuit against the NYPD in February 2009, on behalf of a Brooklyn native of Kashmiri descent who had been stopped and subjected to bag searches by police officers at New York City subway stations 21 times in a three-year period. Officers

are directed to select people entirely at random, but the NYPD does not record demographic information, including the race of those selected for searches. Though the city denied our claims, it agreed to pay substantial damages to settle the case, implicitly supporting our objections that the program invites racial profiling, while guaranteeing that officers can profile with impunity.

FIGHTING FOR DUE PROCESS FOR INDIGENT DEFENDANTS

The inadequacies of New York State's county-driven, largely county-funded, public defense system have been well-documented for more than 40 years by legal advocacy organizations, professional associations and government commissions. The shortcomings of the public defense system are a violation of the constitutional right to due process and cause inequities and inequalities in the public defense system, which in turn have a disparate impact on defendants, of whom most are people of color. In late 2007, the NYCLU filed a lawsuit on behalf of all of the thousands of low-income criminal defendants in Onondaga, Ontario, Schuyler, Suffolk and Washington counties challenging the state's failure to provide them constitutionally adequate public defense services. A state court judge rejected the state's attempt to dismiss the case in August 2008, clearing the way for the NYCLU to proceed with our challenge. It was the first time a New York court recognized that indigent criminal defendants have a constitutional right to challenge the adequacy of the state's indigent defense system. However, the state appealed and in July 2009, the Appellate Division overturned the lower court's ruling. We are now appealing this ruling to the Court of Appeals, the state's highest court.

Equality Before THE Law

We have the right to be treated equally, regardless of nationality, race, gender, sexual orientation, religion, ethnicity, disability or socio-economic status. The NYCLU combats policies and practices that perpetuate and institutionalize inequality.



“Every year, I have some important reason to be grateful to the NYCLU. Last year, it was because of its participation in the Martinez decision, the consequence of which my same-sex marriage is now legally recognized in my home state.” —Tony Kushner

The NYCLU works to ensure that all persons receive equal treatment from the government, employers, correctional facilities and educational institutions. By fighting for equal protections for LGBT individuals, immigrants and people living with disabilities, the NYCLU protects the rights of all New Yorkers.

FIGHTING FOR THE FREEDOM TO MARRY

Right now, our state denies LGBT New Yorkers the ability to marry and enjoy the 1,324 protections that accompany marriage. The NYCLU has been a powerful advocate for fair marriage laws. In early 2008, we achieved a landmark victory when a state appellate court unanimously ruled in *Martinez v. Monroe County* that New York State must recognize the marriages of lesbian and gay couples who were lawfully married in other states or countries. The decision prompted Gov. David Paterson to direct all state agencies to revise their policies and regulations to recognize marriages of same-sex couples performed in other jurisdictions.

The NYCLU has since won several additional victories in our effort to ensure that all valid marriages are recognized in the state. After the NYCLU filed suit against Blue Cross & Blue Shield of Western New York for deny-



Pride 2008 marchers in New York City

ing spousal health care benefits to a validly married lesbian couple, the insurance company announced in July 2008 that it would begin covering all married couples. In August 2008, Otsego County, responding to NYCLU-led opposition, abandoned plans to unlawfully exclude lesbian and gay couples from coverage. In November 2008, the New York State insurance superintendent issued a formal ruling stating that lawfully married same-sex couples were officially entitled to spousal insurance benefits. In order to ensure fairness and equality for all New Yorkers, the NYCLU is advocating for legislation that would allow same-sex couples to marry in New York State.

PROTECTING THE RIGHTS OF IMMIGRANTS

Frequently targeted for persecution, immigrants have faced increased attacks on their civil rights and liberties in recent years. In April 2009, the NYCLU released *Immigrants' Rights are Human Rights: Universal Guarantees of Rights to All People*, a publication that serves as an introduction to some of the human rights protections afforded to immigrants. The guide outlines the United States' obligations under a number of human rights treaties to ensure basic fairness and dignity to immigrants. It

provides examples of the country's failure to meet these obligations.

The NYCLU works to expose local policies that harm immigrant communities. For months, Suffolk County officials publicly stated that local police did not ask people to disclose their immigration status when they reported a crime. However, in response to a FOIL request we submitted in February 2009 to the Suffolk County Police Department, the NYCLU learned that the Department's forms instruct police officers to identify whether a crime victim is a temporary resident or a foreign national. This practice discourages people from reporting crimes, and can serve as a vehicle to target undocumented immigrants.

DEFENDING THE RIGHT TO VOTE

The NYCLU advocates for a fair electoral process, protects the principle of "one person, one vote," and supports the re-enfranchisement of people with felony convictions. We played an active role in protecting voters' rights during the fall 2008 election cycle. In October 2008, the NYCLU issued its first-ever *Civil Liberties Voter Guide* to help New Yorkers make informed choices about their congressional candidates. The guide presented 65 congressional candidates' answers to a series of questions about national security, LGBT rights, immigrants' rights, racial justice, and reproductive rights issues.

At the same time, the NYCLU launched a statewide public education campaign to help New Yorkers with criminal records reclaim their right to vote. In New York State, convicted felons lose their right to vote for the du-



Board and staff members show off NYCLU's voting rights ad in Times Square.

ration of their prison sentence and parole. Those sentenced to probation never lose the right to vote. However, thousands of New Yorkers incorrectly believe they are permanently disenfranchised. The NYCLU's campaign, which ran through the October 2008 voter registration deadline, featured bus advertisements in New York City, train advertisements in Buffalo and western New York, public service announcements broadcast on radio stations throughout the state, and on-line resources. During the final 10 days leading up to the registration deadline, the NYCLU's ad was featured on the CBS "Super Screen" at 42nd Street in Times Square.

ENSURING FAIR TREATMENT FOR PEOPLE WITH DISABILITIES

The NYCLU engages in advocacy and litigation to protect and advance civil liberties for people with mental and developmental disabilities.

In July 2008, the NYCLU exposed the world to the horrific conditions pervading the psychiatric facilities at Kings County Hospital Center (KCHC) in Brooklyn. We released security camera footage of Esmin Green, a 49-year-old Brooklyn resident, dying on the waiting room floor of the public hospital's psychiatric emergency room as hospital staff callously walked past. The NYCLU, Mental Hygiene Legal Service, and Kirkland & Ellis LLP had filed a lawsuit against KCHC in May 2007, describing its psychiatric emergency room and inpatient unit as "a chamber of filth, decay, indifference and danger." The security camera footage, obtained because of the lawsuit, drew national attention to the hospital's culture of neglect and abuse. The city has now agreed to a series of court-ordered reforms at the hospital, including a requirement that all patients be checked every 15 minutes, that there be no more than 25 patients at any time in the psychiatric emergency ward, and that detailed records on the ward be turned over every week to the advocates involved in the lawsuit.

"In 2008 in New York City, nobody should be subjected to this kind of treatment. It should not take the death of a patient to get the city to make changes that everyone knows are long overdue." —Donna Lieberman

In February 2009, the U.S. Department of Justice released the findings from its year-long investigation of KCHC's psychiatric facilities, which had been initiated in response to the NYCLU's lawsuit. The report calls conditions in the psychiatric facilities "highly dangerous" and concludes that the hospital regularly fails "to properly assess, diagnose, supervise, monitor and treat its mental health patients." In pursuing the litigation, the NYCLU continues to monitor conditions at the hospital and advocate for comprehensive reform and ongoing judicial oversight.

The NYCLU also continues monitoring and advocacy activities to ensure that the state complies with its obligations to protect a group known as the "Willowbrook Class." In 1972, the NYCLU won a historic civil rights lawsuit challenging the inhumane conditions suffered by residents of the notorious Willowbrook State School, a state-supported institution in Staten Island for children with mental disabilities. The residents were awarded the guarantee of lifetime protection from harm. In spring 2009, a fire at a group home in Hamilton County killed two members of the Willowbrook Class. The NYCLU called for an investigation into allegations that the home lacked adequate staffing or fire safety safeguards.

Youth AND Student Rights

The NYCLU, a vocal advocate for young people's rights, educates, empowers and organizes youth to become advocates for their own rights and liberties.



Our youth and student initiatives defend and expand young people's constitutional rights. They uphold the principle that students do not shed their constitutional rights at the schoolhouse gate and arm youth and the professionals who work with them with the information they need to protect their rights. We seek to advance equal and adequate educational opportunities for all children by opposing heavy-handed policing in public schools, confronting abusive military recruitment in schools, and protecting schoolchildren from bias-based harassment and bullying.

ENDING THE OVER-POLICING OF PUBLIC SCHOOLS

This year, the NYCLU intensified its efforts to break the School to Prison Pipeline, the system of educational and criminal justice policies, practices and attitudes that force students out of school and into the criminal justice system. This system disproportionately targets youth from low-income families, youth of color and youth with learning disabilities. In August 2008, New York Councilman Robert Jackson, chairman of the Education Committee, introduced the Student Safety Act, legislation that would bring transparency and accountability to the massive police presence in New York City's schools. The NYCLU drafted the bill, which is now endorsed by a majority of council members. We are working with the Student Safety Coalition, a group of 17 New York City advocacy, academic and community-based organizations, to educate stakeholders about the bill.

The NYCLU also challenges abusive policing in schools through traditional legal mechanisms. In November 2008, we filed a complaint with the NYPD Internal Affairs Bureau on behalf of an 11th grader who was abused by a school safety agent and left bleeding and distraught in a high school restroom. In February 2009, we filed a lawsuit challenging the NYPD's refusal to comply with a FOIL request for information about students being transferred to psychiatric emergency rooms. We

filed the FOIL request in response to NYPD personnel handcuffing a 5-year-old and sending him to a psychiatric emergency room after he threw a tantrum in his kindergarten class.

ENFORCING OVERSIGHT OF THE DEPARTMENT OF EDUCATION

Community Education Councils (CECs) were created by the New York State Legislature to ensure that parents and the public retain some oversight over education under the mayoral control system of school governance. State education law requires the New York City Department of Education (DOE) to get the approval of the local CEC when it wants to make certain changes. In March 2009,



Sikh students demand an end to bias-based harassment in schools.



“Students face harassment from school safety agents on a daily basis. We’re students, not criminals. Students have the right to go to school each day free from harassment.”
—Jaritza Geigel, a student at Bushwick School for Social Justice

after the DOE unilaterally and illegally announced plans to close three neighborhood schools without CEC approval, the NYCLU joined parents, guardians and community leaders in filing a lawsuit to block the closures. In response to the lawsuit, the DOE announced the schools would remain open.

PROTECTING YOUTH FROM AGGRESSIVE MILITARY RECRUITMENT IN SCHOOL

In an effort to meet wartime quotas, the U.S. military has launched an aggressive campaign to recruit high school students to fill the ranks of the armed services. This campaign is supported by the federal No Child Left Behind Act of 2002, which links federal education funding to military recruiting and grants recruiters wide access to public high schools and to students’ and parents’ personal information. Many educators, students and parents complain that these recruiters use heavy-handed tactics, violate students’ privacy rights, and target students from low-income families and students of color.

The NYCLU works to defend students from abusive military recruitment practices. In the fall of 2008, the NYCLU mobilized students and public officials to oppose new DOE procedures that compromised student privacy in order to increase military recruiters’ access to

student contact information. In November 2008, U.S. Rep. Charles B. Rangel and more than two dozen federal, state and local policymakers sent a letter urging Schools Chancellor Joel Klein to suspend the new policy, and recommended that the city adopt several measures to protect the rights of students and parents. In June 2009, the DOE acknowledged that unchecked military recruitment is a problem and agreed to issue formal regulations.

DEFENDING YOUNG PEOPLE’S CONSTITUTIONAL RIGHTS

The NYCLU also defends the constitutional rights of young people and parents outside of schools. The NYCLU filed briefs in a court challenge to a 2006 curfew law in Rochester prohibiting children younger than 17 from being in any public place between 11 p.m. and 5 a.m. We argued that the curfew infringed on minors’ free speech rights and the long-recognized rights of parents to control the upbringing of their children. The curfew purported to protect young people from crime, but there were no data to support claims that it improved public safety. The city acknowledged that the curfew disproportionately affected youth of color, and, in June 2009, the state’s highest court declared the youth curfew unconstitutional.

Reproductive Rights

*Women have the right to make their own reproductive choices.
The NYCLU Reproductive Rights Project ensures reproductive freedom
for all women, particularly those most vulnerable: low-
income women, women of color and young people.*



The Reproductive Rights Project (RRP) at the NYCLU is the legal arm of the reproductive rights movement in New York State. Protecting reproductive rights – defined broadly to include not only abortion rights, but also birth control, reproductive and sexual health, equal rights of pregnant and parenting women, comprehensive and medically accurate sex education, and patient privacy – requires the combined efforts of direct service providers, activists and legal experts. RRP helps to ensure the strength of the reproductive rights movement through litigation, legal analysis, advocacy, outreach and education.

SECURING CHOICE AND ACCESS TO COMPREHENSIVE REPRODUCTIVE AND SEXUAL HEALTH CARE

New York abortion laws are badly outdated and would leave choice vulnerable if *Roe v. Wade* were overturned or further eroded by the U.S. Supreme Court. This year, we worked to revise New York abortion law to protect reproductive freedom in New York State by advocating for the Reproductive Health Act. This bill would affirmatively guarantee a woman's right to choose or refuse an abortion and contraception, and ensure that the law always allow physicians to take necessary measures – including pregnancy termination – to protect a woman's health. Under the Reproductive Health Act, abortion would no longer be uniquely punishable as a crime, but regulated as a matter of public health.

RRP led the challenge against new regulations issued in late 2008 by the Bush administration that create barriers to comprehensive contraceptive services and other essential health care. These regulations radically expand the circumstances under which health care providers can refuse to offer certain types of health care services, including abortion and sterilization. When, despite overwhelming opposition, the regulations were finalized in December 2008, the NYCLU persuaded the New York State attorney general to join a legal challenge. President

“The Reproductive Health Act is about more than securing women’s reproductive rights. It’s about autonomy, privacy and dignity. It is about supporting healthy families. It is about setting health care policy that treats women as equal members of society.” —Donna Lieberman

Obama has proposed new regulations that would rescind the Bush administration’s “Health Care Denial Rule” and will issue a final rule later in 2009.

In November 2008, the NYCLU testified before a New York City Council committee in support of a bill that would safeguard women’s access to reproductive health care clinics while protecting abortion opponents’ free speech rights. The legislation, which was passed in March 2009 by a 39-8 vote, prevents protestors from physically assaulting women, blocking access to clinics, damaging clinic facilities or harassing women within a 15-foot zone, without disturbing existing protections for peaceful protest at reproductive health care clinics.

DEFENDING PREGNANT AND PARENTING WOMEN FROM DISCRIMINATION

Although women have the right to breastfeed in any location, public or private, women who breastfeed in public often face harassment or ejection from stores, libraries and other facilities. In fall 2008, the RRP published a palm card and poster informing mothers about their breastfeeding rights. In early 2009, RRP directly addressed the issue with the Brooklyn Public Library after a



Honorees at the Reproductive Rights Project's 2008 Stand Up for Choice benefit (from left to right): Ann Cook, Marcia Ann Gillespie, May del Rio, Angela Maresca, Eileen Fisher

local woman was repeatedly harassed by a security guard while attempting to breastfeed her infant at the library's Flatlands Branch. The library apologized to the woman and circulated a memo explaining breastfeeding law to its staff.

In late 2008, as part of our ongoing advocacy for the rights of young people, RRP released a report calling on New York City lawmakers to maintain support services for pregnant and parenting teens in the city's public schools. The report, *Protecting Two Generations: The Need to Preserve and Expand Services for New York City's Pregnant and Parenting Students*, presents our analysis of data obtained from the DOE about existing services for pregnant and parenting students, the availability and oversight of childcare services, and educators' training on these services. The report specifically focused on the Living for Young Families through Education (LYFE) program, the DOE's primary support service for parenting teens. The LYFE program, which operates at about 40 sites citywide, provides school-based child care and extends an array of social services and parenting help to teen parents.

TEEN HEALTH INITIATIVE

The NYCLU's Teen Health Initiative (THI) addresses barriers preventing minors from exercising their rights to confidential health care. Though the law provides broad protections for minors who cannot or will not obtain parental consent, often neither minors nor health care providers are aware of these rights. This year, THI continued to educate thousands of young people, service providers, advocates and policymakers about these rights. THI's peer educators presented workshops to school groups and other youth-focused community-based organizations in order to empower teens to advocate for themselves and exercise their own sexual and reproductive rights. In February 2009, THI held its first Reproductive Justice Career Panel, which featured panelists from the Guttmacher Institute, the National Latina Institute for Reproductive Health, National Advocates for Pregnant Women, Community Birthing Project, Planned Parenthood Federation of America and the New York Women's Foundation discussing their work within the reproductive rights and reproductive justice movement.

Arts AND Media

The NYCLU celebrates a longstanding alliance with the arts community. Throughout the year, talented and committed artists donate their time and ability to supporting civil liberties through their work.



BROADWAY STANDS UP FOR FREEDOM!

Each year for the past seven years, stars of stage and screen have lent their talents to Broadway Stands Up for Freedom!, an annual benefit show for the NYCLU. Recent concerts have featured cast members from *Hair*, *Rent*, *Wicked*, *Les Miserables* and *Jersey Boys*. All proceeds benefit the NYCLU's youth programs, including the Teen Health Initiative and our campaigns to stop overly aggressive policing and military recruiting in public schools. The concert also serves as a venue to showcase the winners of our Freedom in Expression competition. This annual contest invites students from New York City high schools to submit essays, poetry and posters that illustrate their thoughts on freedom of expression and its impact on their lives.

“But how great, and of course how appropriate, that people who work in theater come out to make it possible for people who ensure the continued existence of our civil liberties to do their work.” —Tony Kushner

NYCLU YOUNG PROFESSIONALS

Over the past year, the NYCLU Young Professionals, a group of New York City professionals in their 20s and 30s who are dedicated to defending civil liberties, engaged local artists to raise support for the NYCLU. In March 2009, they hosted their second annual Big Gay Variety Show. Proceeds from the show, which featured performances by popular comics and singers, benefited the NYCLU's LGBT work. The Young Professionals also organized JUST ART '08, an event that featured the work of up-and-coming local artists commissioned to create pieces inspired by civil liberties issues.



Broadway Stands Up for Freedom founding performer Liana Stampur



TOP: Michael Emerson and Carrie Preston with Freedom in Expression Winners BOTTOM LEFT: Todd Buonopane
BOTTOM RIGHT: Daphne Rubin-Vega



The NYCLU uses traditional and online media to educate and inform the public and encourage people to become advocates for civil liberties. As result of our communications efforts, the NYCLU's work receives constant attention from the media. We generated thousands of news clippings across the globe in the period covered by this report.

INVOLVING THE PUBLIC THROUGH NEW MEDIA

Through the use of online media, we are connecting more people to our work than ever before. Our Web site, which provides New Yorkers with a clearinghouse of information on civil liberties issues and tools to help them protect and advocate for their rights, receives more than 30,000 unique visitors each month. During the 2008 election season, we launched VoterGuideNY.com, a Web site that presented 22 congressional candidates' answers to a series of questions about civil liberties issues. We also built our online presence through use of the latest social networking tools, including YouTube, MySpace, Facebook, Flickr and Twitter. Our Facebook page, which has more than 1,700 members, has proven to be an effective tool to engage a diverse group of young people in our work.

MAKING THE CASE THROUGH VIDEO

Through video, the NYCLU is able to communicate the essence of civil liberties issues to diverse audiences in an easily accessible format. Our videos have been featured on the Web sites of *The New York Times*, *The New York Daily News*, *the Albany-Times Union*, *Daily Kos*, *Gothamist* and others. In fall 2008, we created four short videos about Maria Perez, a Brooklyn resident who had com-

pleted a prison sentence but was improperly denied her right to vote in the 2004 elections. The clips document Maria's experience as she registers to vote and finally casts her ballot on Election Day. In April 2009, we released a 10-minute video to educate New Yorkers about the need to pass the Reproductive Health Act.



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The New York Civil Liberties Union gratefully acknowledges the following contributors for their leadership role in helping to protect freedom of speech, preserve religious liberty, defend reproductive freedom, safeguard equal rights, reform criminal justice, ensure police accountability, fight for students' and immigrants' rights, and challenge assaults on civil liberties.

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For more than 50 years, the New York Civil Liberties Union has been New York State's preeminent champion of civil liberties and civil rights. During the last several years, we have seen a historic abuse of power by the Bush administration with its unprecedented assertion of unilateral executive authority. You can help fight for constitutional checks and balances and seek justice for the people of New York by supporting our work.

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Basic individual membership is only \$20 per year, joint membership is \$35. NYCLU membership automatically extends to the national American Civil Liberties Union and to your local chapter. Membership is not tax-deductible and supports our legal, legislative, lobbying, educational and community organizing efforts.

MAKE A TAX-DEDUCTIBLE GIFT

Because the NYCLU Foundation is a non-profit 501(c)(3) organization, donations are fully tax-deductible. The NYCLU Foundation supports litigation, advocacy and public education but does not fund legislative lobbying, which can not be supported by tax-deductible funds.

JOIN THE EASTMAN SOCIETY

Named for the ACLU's co-founder, Crystal Eastman, the Eastman Society honors and recognizes those patrons who make an annual gift of \$5,000 or more. Society members receive a variety of benefits.

JOIN THE DESILVER SOCIETY

Named for Albert DeSilver, one of the founders of the ACLU, the DeSilver Society supports the organization through bequests, retirement plans, beneficiary designations or other legacy gifts. This special group of supporters helps secure civil liberties for future generations.

JOIN THE AMICUS CLUB

Lawyers and legal professionals are invited to join our Amicus Club with a donation worth one to four billable hours. Club events offer members the opportunity to network, stay informed of legal developments in the field of civil liberties and earn CLE credits.

JOIN THE YOUNG PROFESSIONALS

This program engages New York City young professionals between the ages of 24 and 40 in defending the civil liberties of all New Yorkers. Through event planning and fundraising, the Young Professionals raise funds for the NYCLU while socializing with like-minded people.

BECOME AN NYCLU ACTIVIST

NYCLU activists organize coalitions, lobby elected officials, protest civil liberties violations and participate in web-based action campaigns.

Go to www.nyclu.org to sign up and stand up for civil liberties.

For details and additional options on giving contact:
Development Department
New York Civil Liberties Union
125 Broad Street New York, NY 10004
Tel: 212.607.3300

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As of September 1, 2009

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HEADQUARTERS AND NEW YORK CITY REGIONAL OFFICE

125 Broad Street, 19th floor
New York, NY 10004
212.607.3300

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90 State Street
Albany, NY 12207
518.436.8594

CENTRAL NEW YORK CHAPTER

753 James Street, Suite 8
Syracuse, NY 13203
315.471.2821

GENESEE VALLEY CHAPTER

121 N. Fitzhugh Street, Suite 300
Rochester, NY 14614
585.454.4334

NASSAU COUNTY CHAPTER

33 Front Street, Suite 205
Hempstead, NY 11550
516.741.8520

SUFFOLK COUNTY CHAPTER

1 Touro Law Center
225 Eastview Drive
Central Islip, NY 11722
631.650.2301

LOWER HUDSON VALLEY CHAPTER

297 Knollwood Road
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914.997.7479

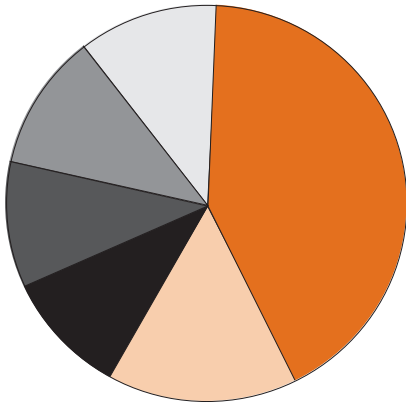
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The Ansonia Center
712 Main Street
Buffalo, NY 14202
716.852.4033



Financial Report

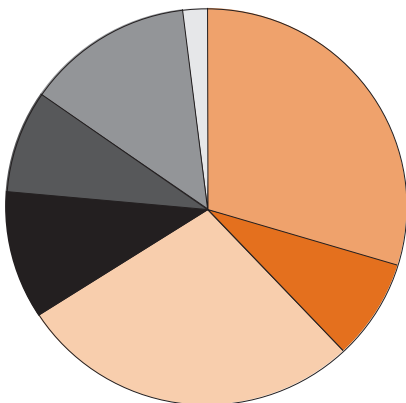
NEW YORK CIVIL LIBERTIES UNION FOUNDATION



2009 EXPENDITURES

Legal and Public Education	\$1,985,016
Reproductive Rights Project	\$640,737
Advocacy	\$488,891
Communication	\$379,576
Administrative and General	\$456,943
Fund Raising	\$449,569

Total Expenditures \$4,400,732



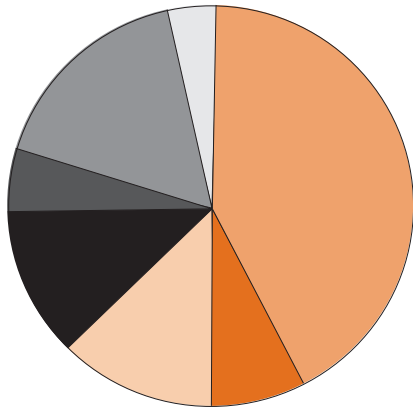
2009 SOURCES OF REVENUE

Foundation Grants	\$1,339,412
Contributions	\$330,506
National ACLU Share	\$1,148,368
Campaign for the Future	\$551,835
Special Events	\$344,844
Legal Fees Awards	\$640,567
Other Income	\$48,407
Transfer from (to) Reserves	\$809,641
Investment Income	(\$809,848)

Total Sources of Revenue \$4,400,732

Financial Report

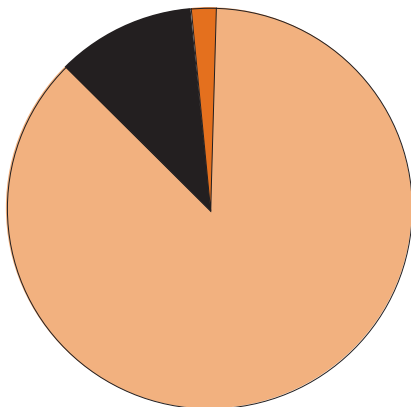
NEW YORK CIVIL LIBERTIES UNION



2009 EXPENDITURES

Legislation	\$360,292
Legal and Public Education	\$83,787
Reproductive Rights Project	\$65,986
Advocacy	\$94,495
Communication	\$24,645
Administrative and General	\$155,735
Fund Raising	\$30,856

Total Expenditures \$815,796



2009 SOURCES OF REVENUE

Membership	\$967,065
Contributions	\$109,328
Other Income	\$11,592
Transfer from (to) Reserves	(\$263,440)
Investment Income	(\$8,749)

Total Sources of Revenue \$815,796

The New York Civil Liberties Union, Inc. and the New York Civil Liberties Union Foundation (collectively NYCLU) are not-for-profit organizations exempt from federal income taxes under Sections 501(c)(4) and 501(c)(3), respectively, of the Internal Revenue Code. The NYCLU is affiliated with the American Civil Liberties Union, Inc. and the American Civil Liberties Union Foundation, Inc. This report reflects the income and expenses for the NYCLU and its chapters and regional offices. In accordance with Generally Accepted Accounting Principles (GAAP), income includes multi-year grants and pledges received in fiscal year 08-09, which may be distributed or paid in future years. Income figures also reflect endowment gifts and pledges received in fiscal year 08-09. A copy of the complete audited financial statements may be obtained by writing to: NYCLU, 125 Broad Street, New York, NY 10004, or to the Office of the Attorney General, New York State Department of Law, Charities Bureau, 120 Broadway, New York, NY 10271.