A Movement 36 Years in the Making

Victory: NYCLU Helps Lead Statewide Effort to Reform the Rockefeller Drug Laws

At 10:10 p.m. on April 2, the State Senate made history. Following several hours of intense debate, senators narrowly passed major reforms to the infamous Rockefeller Drug Laws, New York State’s notoriously harsh and ineffective mandatory minimum drug sentencing scheme.

The bill, which the State Assembly easily passed earlier in the week, will shift New York’s failed drug policy away from mass incarceration toward a public health approach.

Governor Paterson signed the reforms into law on April 7. The new law is a major policy victory for the NYCLU, which distinguished itself as a powerful statewide presence in the debate over Rockefeller reform.

“These reforms are a major step toward ending a disastrous policy that has ruined lives, torn apart families and caused enormous racial inequities,” NYCLU Executive Director Donna Lieberman said. “Our amazing staff and volunteers worked extremely hard or-ganizing an effective statewide advocacy campaign to persuade lawmakers to embrace reform. Their passion and dedication contributed to this historic victory.”

Robert Perry, NYCLU legislative director, was in the Senate gallery for the vote with Legislative Associate Rahul Saksena, Gabriel Sayegh of the Drug Policy Alliance and other advocates, some of whom had spent their entire careers working to reform the Rockefeller laws.

“The NYCLU has fought for these reforms since the Rockefeller laws were enacted in 1973,” Perry said. “This was a true collaborative effort involving our entire statewide team and the other lead organizations in the coalition. I can tell you that our performance earned us a lot of street cred both in the Legislature and among the advocacy community.”

Enacted in 1973, the Rockefeller Drug Laws mandated extremely harsh prison terms for the possession or sale of relatively small amounts of drugs. Though the laws are intended to target drug kingpins, most sentenced under them are convicted of low-level, nonviolent offenses. Most of the nearly 12,000 New Yorkers serving time for drug offenses have substance abuse problems; many others turned to drugs because of problems related to homelessness, mental illness or unemployment.

For decades, the NYCLU, criminal justice advocates and medical experts have sought to unite the hands of judges and allow substance abuse to be treated as a public health matter. As noted in the New York
Change We Can Believe In

NYCLU Demands State Action to Protect Willowbrook Plaintiffs

A morning early fire swept through a Hamilton County group home on March 21, killing four residents and raising new questions about New York State’s treatment of people with developmental disabilities.

The NYCLU called on the attorney general’s office to immediately investigate the blaze. Five of the group home’s nine residents were among the 6,000 plaintiffs in the NYCLU’s landmark 1972 class action lawsuit challenging the inhumane conditions at the infamous Willowbrook State School on Staten Island.

The court order in that lawsuit requires New York State to provide services for and protect all members of the Willowbrook Class.

“Our hearts go out to the families of the victims of this terrible tragedy,” said NYCLU/Executive Director Donna L. Bowem. “It’s a tragic and avoidable loss of life to support and protect the residents of this group home. It is now incumbent upon the state to find out what lived up to that tremendous responsibility.”

Two of the five Willowbrook plaintiffs who resided at the group home died in the fire. Another was flown by med flight helicopter to a local hospital. Two other residents of the home also died. The residents of the group home could not evacuate the building without help.

According to newspaper reports, two overnight staff members worked frantically to rescue the nine residents from the burning building. State officials reportedly refused to allow local building inspectors to perform inspections or review floor plans or blueprints for the group home, which had been open for less than a year.

From the early 1970s, the NYCLU has represented the plaintiff class in the Willowbrook case, asserting constitutional rights on behalf of people with developmental disabilities. These rights include protection from harm, a safe, clean, and appropriate physical environment, quality case management and advocacy services.

The NYCLU called specifically for investigation of:

- Whether there was adequate staffing in the home;
- Whether the home failed to follow the full complement of safeguards in place to ensure safety in the event of a fire;
- Whether recent cuts in funding have resulted in substandard facilities that contributed to the tragedy.

“Understand the staff at the home performed heroically. They deserve our heartfelt thanks and support,” said Beth Haroules, the NYCLU’s lead counsel on the Willowbrook case. “But questions remain. The attorney general must investigate whether staffing levels and the physical plant complied with the court order.”

The NYCLU called on the attorney general to immediately investigate the blaze and take steps to ensure the safety of residents in New York State’s group homes.

More than 35 years later, the NYCLU and other advocates still actively monitor New York State to ensure that it continues to meet the court-ordered obligations of the Willowbrook Class. This monitoring will continue and will seek to ensure that an investigation uncovers all of the factors that contributed to this terrible tragedy.

New York needs to honor the state’s promise to its citizens that the terrible tragedy of 1972 will never happen again.

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The switchboard at Governor Paterson’s office lit up like a Broadway marquee on March 25 as hundreds tallied in Manhattan to support meaningful reform of the notorious Rockefeller Drug Laws. Donna Lieberman, standing before the enthusiastic crowd, implored people to call the governor on their cell phones and ask him to lead New York on a path to reform.

The Rockefeller Drug Laws are bad for families; they’re bad for public health, they’re our century’s Jim Crow,” she said. “They’re inexcusable for justice and we have to put an end to them.”

And once the governor had heard from the crowd, which jammed a sidewalk outside his New York City office, Lieberman urged calls to Senate Majority Leader Malcolm Smith.

It was not the only time during the campaign to reform the drug laws that Paterson, Smith and other state lawmakers heard from the NYCLU in considerable force. From Buffalo to Suffolk County, and all places in between, the NYCLU led a formidable army of volunteers through its statewide advocacy initiative.

A series of e-alerts to members generated more than 3,000 faxes urging Governor Paterson and state senators to support reform.

The Advocacy and Communications department enlisted hundreds of volunteers in a rapid response effort to submit letters to the editor supporting reform. That effort resulted in several pro-reform letters published in the op-ed pages of key newspapers, such as The Journal News in Westchester County and the Albany Times Union.

“We generated an impressive volume of support through our chapters and e-activist list,” said Ari Prinzvalli, statewide campaign coordinator. “Each fax, phone call or letter makes a difference. When passage of the reform bill came down to a few skittish senators, the NYCLU released a detailed report illustrating the disastrous effects the drug laws have inflicted on New York State. The report analyzed the laws’ economic and social impact on the entire state, and its largest cities: Albany, Buffalo, New York City, Rochester and Syracuse. Assembly Speaker Sheldon Silver sent out a press release saying the report was “overwhelming proof” it was time to change the laws.

“I’ve represented the NYCLU in Albany on a lot of issues, and I often feel as if mine is a voice in the wilderness,” Legislative Director Robert Perry said. “Not this time. This was a true collaborative effort in involving our team, our volunteers and our allies. It showed that our statewide effort is the right approach.”

The campaign reached a crescendo on March 25 with the rally at Governor Paterson’s Manhattan office. Speakers – including hip hop mogul Russell Simmons and the Rev. Calvin Butts of Abyssinian Baptist Church – called on lawmakers to seize the historic opportunity to end the unjust and ineffective laws.

A week later, lawmakers did just that, enacting reforms that brought New York a step closer to ending the Rockefeller Drug Laws once and for all.

36 Years Later, Major Changes to State’s Draconian Drug Laws

From page 1

State Sentencing Commission’s recent report, sentencing non-violent drug offenders to prison is ineffective and counterproductive, and has resulted in uncomoncible racial disparities. Blacks and Latinos comprise more than 90 percent of those currently incarcerated for drug offenses, though most people using illegal drugs are white.

“These reforms are a major step toward ending a disastrous policy that has ruined lives, torn apart families and caused enormous racial inequalities.”

“Goveror Paterson deserves an enormous amount of credit for his leadership in making good on his promise to New Yorkers to make drug law reform a priority,” Perry said. “He was a leader on this issue in the state senate and stayed true to his beliefs when he became governor and succeeded in working effectively with the Assembly and the Senate to make reform a reality.”

The legislation embraces two fundamental principles of reform: It eliminates mandatory minimum sentences, and significantly restores judges’ discretion in order to treat and rehabilitation instead of incarceration.

The new law:

● Restores the authority of the judge to send individuals charged with drug offenses into substance abuse treatment rather than prison;

● Expands in-prison treatment and re-entry services so that people who want and need help can access it; and

● Allows for approximately 1,500 people serving excessive sentences for low-level nonviolent drug offenses to apply for resentencing.

While these reforms represent a historic step forward in overhauling the drug laws, significant remnants of the Rockefeller Drug Law scheme remain in place. For example, the law:

● Permits unreasonably harsh maximum sentences for low-level, non-violent drug offenses; and

● Disqualifies from eligibility for treatment and rehabilitation individuals who may be most in need of such programs; and

● Retains a weight-based sentencing scheme that will mandate a long prison sentence for people who should be eligible for treatment.

“Work remains to eliminate irrationality and injustice from the drug sentencing laws, but the principle that aggressive punishment by mandatory sentences can solve the problems related to substance abuse has been scrapped for good,” Lieberman said. “Substance abuse is both a public health and a law enforcement issue and now, after 36 long years, New York will finally start treating it that way.”

3 New Statewide Campaign Instrumental in Rockefeller Reforms

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WOmEN WHO MAY VOTE
All members whose names appear on the NYCLU membership rolls as of May 31, 2009 may vote. If you have a question about your voting status, please call 212.607.3364.

HOW TO VOTE
NYCLU members may vote either:
1) in person, at the annual meeting (the election will take place at 6:30 p.m.).
2) by proxy, using any one of the ballots that appear in the following places:
   • posted in Library facilities at all times
   • by downloading a ballot at www.nyclu.org/boardelections. (All votes not cast in person must be cast on paper ballots; one CANNOT vote electronically.)

IN ORDER TO VOTE BY PROXY
Complete the proxy ballot. Mail the ballot you have filled out to Ronald Tabak, Election Supervisor, New York Civil Liberties Union, 125 Broadway, 19th Floor, New York, NY 10004.

So that we may verify your membership, cut out the address label (listing your name and address) on page 1 of this newsletter and affix it to the outside of the envelope; or, write your name (or both names, if you have a joint membership) and your address legibly on the back of the envelope. You must affix this label, or write your name(s) and address on the back of the envelope in order to provide verification of your membership so that your vote can be counted. (Note: To ensure a secret ballot, do not sign the ballot or put your mailing label inside the envelope.)

CANDIDATES
This year there are fourteen (14) candidates for thirteen (13) vacancies. All vacancies are for three-year terms. In accordance with the NYCLU’s bylaws, exactly as many candidates as vacancies will be elected by the NYCLU Nominating Committee. Each candidate was asked to supply biographical data and a brief statement of views on NYCLU policies and issues. These are set forth below in alphabetical order. To view longerer candidates’ statements and contact infor- mation for individual candidates, or to print out a proxy ballot (one CANNOT vote electronically), please visit www.nyclu.org/boardelections.

AM I A MEMBER?
The NYCLU has nearly 50,000 members statewide, plus many thousands of supporters. To be a current member, you must have made a non-tax-deductible contribution to the NYCLU — in addition to any tax-deductible donations to the NYCLU Foundation — since March 1, 2008, or you must be a lifetime member. If you have any questions about your membership status, please call the NYCLU at 212.607.3364 or email klkef@nyclu.org.

Edward Klein
(Nominated by Nominating Committee)
Criminal Defense Attorney, Syracuse. Present or Previous NYCLU Affiliation: Board Member 2006 to Present; Member of Legal Panel, Central New York Chapter; Former Board Member, Central New York Chapter.

I am completing my first three-year term on the NYCLU Board. It has been a pleasure serving you on the Board and as an active member of the Nominating, Chapters and Privacy committees, and I seek the honor of continuing this service to the NYCLU community.

During my two years on the Nominating Committee I was active in recruiting and interviewing candi- dates from the upstairs area to help fulfill the goal of geographical diversity.

The Chapter Committee actively advocated from the perspective of the chapters during the vigorous board discussions of the Statewide Presence Committee report and the development of the Statewide Advocacy Initiative.

The Privacy Committee recently presented a detailed policy report to the Board concerning the as- sault on the traditional privacy protections brought about by the frightening ease of personal information data gathering, storage and dissemination in this age of the internet, digital communications and pervasive elec- tronic and visual surveillance.

This fall I was asked to join the Audit & Over- sight Committee, a critical committee at any time, given the fiduciary responsibilities of the board, and particu- larly during this time of economic turmoil, when it is even more vital that our organization maintains and projects fiscal health.

I pledge to remain informed and energetically involved on behalf of all NYCLU members.
The civil liberties outlined in our Bill of Rights are the very foundation for our human dignity: the right to express our beliefs freely, to protest, to be free from unwarranted government intrusion into our private lives, to be treated fairly and with dignity. The NYCLU’s work to defend these liberties from unprecedented federal, state and local assaults has astonishing and unparalleled breadth and depth. In my prior six years of Board service, I have worked to strengthen the viability and sustainability of this work in several concrete respects.

As Development Committee Chair, I’ve helped to increase the Board’s profile by launching the Annual Fall Campaign (board and volunteer outreach to major donors) and the Board Annual Fall Campaign.

As a Nominating Committee member and as its Chair, I have proposed vibrant new Board Members, with a focus on youth and diversity among our candidates, while maintaining the geographic distribution among Board Members and maintaining the Chair of the Nominating Committee. I’ve drafted and successfully presented changes that have enhanced the Board’s functioning and improved communication among Board Members. Because I remain passionately committed to the NYCLU’s principles and activities, I seek renomination to its Board of Directors.

Jennifer McAllister-Nevins
(Nominated by Nominating Committee)
Attorney on the Global Strategies Team
Attorney for the ACLU Reproductive Freedom Project

The past two + years have been an exciting and educational experience for me. I acquired an understanding of the key civil liberties issues faced by us as a community and am impressed by the energy of the NYCLU and the ACLU perform on a daily basis for the benefit of society at large.

Over the past two years I have been active on the Finance Committee of the Board, providing financial experience and best judgment on issues relating to budgets, reporting and investment policies. I asked difficult questions to ensure that the Finance Committee was recommending prudent budgets and actions that ensured the long term financial stability. My participation on the Privacy Committee provided me with insight into the key privacy issues faced by us as we enter into a new era of widespread electronic dissemination of data. I value the NYCLU’s commitment to stand up and fight for the fair and equitable treatment of all, as was intended by the framers of our Constitution. I would consider myself privileged to continue to contribute to this fight and to remain on the Board.

The new economic and political environment poses a new set of challenges for the NYCLU. I look forward to helping the NYCLU maintain its vibrant statewide advocacy and litigation program, to growing its base among young people, and to serving as the premier effective voice for civil liberties in New York.

Luis Quiros
(Nominated by Nominating Committee)
My advocacy is aimed at exposing the nation’s romantic promises for horrific social myths that are an assault on me as a Puerto Rican and other Latinos. These myths are substantiated by billions of dollars of a research in industry, and protection on a competitive use. And among the myths that I despise the most are the ones that protect a one-size-fits-all mind-set—a melting pot product. The simplification of this complex modi operandi that this nation is already aware of the many social issues being confronted by us had its tenure with me.

Most of my strategies for combating on assault on Latinos included using more scholarship and academe by reading and re-reading English literature, history, the work of philosophers, religious leaders, sociologists, lawyers, civil libertarians, community organizers, social workers and mental-health workers. Most significantly was establishing a mentoring relationship and deep friendship with Dr. John Hope Franklin and the young people in my class. Together we would find the words that might convince me—and others—that it “wasn’t what we did, didn’t do, should, or could have done.” And where the culprits had I wanted to expose and hold accountable in order to show the ever powerful social structure that often caused us to deny giving our future its appropriate attention. The dialogue from these sources always pierced another typical frame that the Latino movement is different at the core depending on one’s documentation status as a Latino.

Aaron Rudenstine
(Nominated by Nominating Committee)
In August 2009, I will begin working as the Director of Special Projects at Civic Builders, a non-profit real estate developer that builds school facilities in New York City. I recently completed my MBA at Harvard and am eager to bring to my energy, enthusiasm, and newly developed skills for the benefit of the NYCLU. While previously on the NYCLU Board, I was an active member of the Nominating Committee and Finance Committee, and expect that my recent experiences in business school will make me more effective as a member of the overall board and specific committees.

I have a longstanding commitment to progressive change. I joined the Kerry/Edwards presidential campaign upon graduating from college in 2003 and worked as the personal aide to two campaign managers over 18 months. Following the campaign, I co-authored a book, Actions Speak Louder Than Bumper Stickers, which highlighted the best of humorous progressive bumper stickers, pairing them with facts related to the issues they addressed.

I am invested in identifying creative ways of sparking civic engagement, and am eager to re-join the premier organization in New York that is continually doing so.

Mark Sakitt
(Nominated by Nominating Committee)
Mark Sakitt received a PhD in Physics and works at Brookhaven National Laboratory, a Department of Energy facility on Long Island. He is the Director of the Center for National Security Studies, which is the Department of Nonproliferation and National Security. For a decade he was an Adjunct Professor at Stony Brook University where he taught courses in national security. He is a Special Fellow of the American Physical Society (APS), and was elected Chair of the APS Forum on Physics and Society. He is a long time member of the Arms Control Association.

I have been a life member of the ACLU for about three decades and have been active in the Suffolk County Chapter of the NYCLU during that period. Three years ago I was elected to the State Board of the NYCLU and I am now seeking reelection to that Board. I am currently the Treasurer of the NYCLU and have been active on the following Board committees: the Executive Committee, the Finance Committee, the Investment Committee, the Pension Committee and the Privacy Committee. I am also on the Board of Directors of Planned Parenthood Hudson Peconic (PPHP), which serves the counties of Suffolk, Westchester, Putnam and Rockland and have served as their Treasurer for a number of years. My interests are focused on reproductive rights and issues related to the impact of national secu-
Jangir Sultan at first wasn’t offended when police officers selected him for random bag searches at New York City subway stations. He considered the stops a necessary burden shared by all New Yorkers to prevent a terrorist attack. Then he started discussing the stops with his friends. None of them had been stopped more than once, and most had never been stopped at all.

Sultan, a 32-year-old Brooklyn native of Kashmiri descent, suspected that his South Asian appearance was triggering the frequent bag searches. As the subway stops continued, Sultan became distressed. “It is demeaning and degrading to be targeted because of my skin color,” Sultan said. “It saddens me to be treated like less than a full American citizen.”

After the 13th time he was stopped and searched, Sultan filed a complaint with the Civilian Complaint Review Board. He filed more complaints as the stops continued, routinely recording the names and badge numbers of the officers who stopped him. In June 2008, Sultan sent a letter to Mayor Bloomberg seeking help in ending the NYPD’s racial profiling. He also sent letters to other elected officials and lodged a complaint to Police Commissioner Ray Kelly through the NYPD’s web site. To his knowledge, these letters and messages resulted in no action to stop racial profiling at the subway checkpoints.

Flaws in the program design’s drive invite racial profiling. The NYPD explicitly forbids checkpoint officers from recording any demographic information about the people they select. This is in stark contrast to the Department’s stop-and-frisk policy, which requires officers to report the race of every person stopped outside of the subway checkpoint program. The policy of not recording demographic information about those selected for subway searches ensures that the NYPD will be unable to detect or correct racial profiling by officers.

The subway search program’s design opens the door to racial profiling and guarantees that officers can profile with impunity, said Christopher Dunn, NYCLU associate legal director and lead counsel on this case. “The Department must establish clear policies and procedures to ensure that racial targeting is eliminated in determining who gets stopped at subway checkpoints.”

The lawsuit asks the court to issue an injunction requiring the NYPD to implement better training, supervision and monitoring to eliminate racial profiling. It also asks the court to require the NYPD to collect racial data of all persons stopped at subway checkpoints. Also serving as counsel on the case are NYU Civil Rights Clinic student Elizabeth Mosher, Amaele Smirniotopoulos and Erin Simon.

Lawsuit Targets Racial Profiling at Subway Checkpoints

“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.”

From page 5

Call to Action: Support the Reproductive Health Act

The NYCLU’s Reproductive Rights Project has launched a statewide campaign to rally support for the Reproductive Health Act, legislation that would strengthen New Yorkers’ abortion laws.

The Reproductive Health Act is about more than securing women’s reproductive rights,” RRP Director Galen Sherwin said. “It is about autonomy, privacy and dignity. It is about setting health care policy that treats women as equal members of society.”

The campaign includes a new web page and an informational toolkit to educate people about the bill and help them take action in support of it. It features a 10-minute video explaining the legislation’s importance through a diverse collection of voices. Additionally, RRP is hosting house parties throughout the state to organize support for the bill.

“Abortion is legal in New York since 1970, but we have not revised our laws since. New York law still treats abortion as a crime and does not affirmatively guarantee women’s right to make private reproductive health care choices,” said New York Lawyers for New York Values executive director Joshua Ravich.

The Reproductive Health Act would guarantee a woman’s right to control her reproductive health, treat the regulation of abortion as an issue of public health rather than as a matter of personal morality and concomitantly protect a woman’s health, she has safe, legal options.

Immigrants’ Rights, Human Rights

NYCLU Demands Action in Suffolk After Brutal Murder

Following the brutal murder of an Ecuadorian immigrant in Patchogue, the Suffolk County Chapter called on local lawmakers to address the anti-immigrant climate in the county.

Seven Patchogue-Medford High School students have been charged in the death of Marcelo Lucero, an immigrant who was stabbed to death on Nov. 8 in an incident the police are calling a hate crime.

In a Nov. 19 letter, Chapter Director Andrea Callan asked County Executive Steve Levy to take a number of steps to protect the wellbeing of the immigrant community

“Discrimination and intolerance have guided too many county policies that have sought to cast our immigrant neighbors into the shadows,” Callan said.

The County Legislature passed a bill on Feb. 2 creating a task force to investigate reports of hate crimes in the county. In response to the legislation, Callan raised concerns over the task force’s funding, make-up (mostly Levy appointees) and restrictions on its investigative authority. A second bill, enacted in March, increased monetary penalties for committing hate crimes.

Callan filed a Freedom of Information Law request on Feb. 24 seeking documents regarding the Suffolk County Police Department’s treatment of the local immigrant community.

“The public has a right to know whether police officers are instructed to engage in racial profiling,” she said. “The police department should be focused on protecting our community, not enforcing federal immigration laws.”

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Nassau County Youth Wins ACLU Scholarship

Sangetha Bhola believes every individual has a right to express themselves. The Oceanside teen’s tireless advocacy on behalf of this principle earned her a 2009 ACLU Youth Activist Scholarship.

Sangetha, a student at Oceanside High School in Nassau County, was one of 16 teenagers nationwide to receive the $12,500 college scholarship, which is presented annually to students who demonstrated a commitment to civil liberties by taking part in some form of activism in their school or community. Nassau County Chapter Director Tara Keenan-Thomson presented Sangetha the award at the chapter’s winter meeting on Feb. 24 at Hofstra University.

“I am very excited. I’m so happy,” she said after accepting her scholarship. “My parents are going to be thrilled.”

Sangetha has grown into a leader of human rights advocacy at her school as a leader of her school’s Gay-Straight Alliance, which has overcome fears of ridicule from her peers in order to speak out for equality for LGBT students. She is now the president of the GSA and has successfully lobbied her school to adopt the Safe Schools Initiative and begun work on a plan to curb hate speech.

Sangetha helped run a workshop on the Dignity for All Students Act, legislation that would address bias-based harassment in the state’s public schools, at Human Rights Awareness Day at Adelphi University.

“We’re very proud of Sangetha,” Keenan-Thomson said. “She demonstrated impressive poise, intelligence and compassion in her work to promote a community of respect for all students at her school. We’re thrilled the ACLU has recognized this important work.”

Sangetha plans to attend college where she will continue her advocacy. She hopes to become a lawyer someday.

Winners of the ACLU scholarship become part of an elite class of scholar-activists that will be invited to participate in ongoing activities with the ACLU. This includes a Youth Activist Institute at the National ACLU Office in June, which will provide the students with the opportunity to meet ACLU staff members, learn about our work, and receive training on how to be a stronger and more effective activist and student leader.

A matching gift was also awarded to each affiliate who sponsored a winning student, with the express purpose of using the grant for youth program and outreach.

Statewide Work on Military Recruitment in Public High Schools

Rangel: Don’t Give Military Recruiters Preferential Access

The NYCLU enlisted the support of U.S. Representative Charles B. Rangel and more than two dozen other state and local elected officials to promote stricter regulations on military recruitment in New York City’s public high schools.

Working with the NYCLU, Rangel sent Schools Chancellor Joel Klein a letter on Nov. 24 expressing concern that the New York City Department of Education is not sufficiently protecting student privacy and is going well beyond its obligations to disclose students’ information to military recruiters under the federal No Child Left Behind Act. The letter was co-signed by 27 elected officials.

“By giving the Department of Defense preferential access to our students, the DOE is at least implicitly promoting the military without giving students a full picture of the breadth of career options that lie outside of military recruitment,” Rangel said. “We should do all that we can to give students as much information as possible so they can make well-informed, voluntary decisions about their futures.”

Rangel, a decorated Korean War veteran who represents the 15th District, provided Klein a detailed list of recommendations to comply with federal law while protecting students’ privacy rights and not giving preferential treatment to military recruiters. Among the recommendations, Rangel urged the DOE to adopt a Chancellor’s Regulation detailing students’ right to opt out from having their contact information given to the military and regulating military recruiters’ access to students and school grounds.

Aside from acknowledging that he had received the letter, Klein did not respond to the congressman’s concerns, nor did he act on any of Rangel’s recommendations.

“The more than two-dozen elected officials who signed this letter are rightly concerned that the DOE is becoming a central recruiting station for the U.S. Military,” said NYCLU Organizer Erica Brandt. “DOE policy should focus on protecting student privacy and ensuring that our children receive complete information about the advantages and disadvantages of a military career. It shouldn’t roll out the red carpet for aggressive military recruitment, which invariably is focused on schools in poor, largely minority communities.”


After Student Beaten, Questions about Role of Police in Syracuse Schools

Since November, the Central New York Chapter has worked with the Syracuse City School District to clarify and codify the role of school-source officers (SRO), police officers assigned to the public schools.

The NYCLU initially took action after a police officer assigned to Corcoran High School repeatedly punched a 15-year-old female African-American student in the face during an altercation at the school on Oct. 30.

Chapter Director Barrie Gewanter worked with NYCLU Policy Counsel Johanna Miller to produce the initial demand letter and a subsequent Freedom of Information Law request. After a meeting with district administrators, in which Gewanter was joined by Chapter Legal Committee Chairman Sam Young, the district created a written job description for SROs.

This initial document addressed only some of the NYCLU’s concerns and did not establish adequate accountability mechanisms.

Gewanter has since linked with several Corcoran parents and leaders of human rights and community organizations to push strongly for revisions to the job description and for other policy changes to ensure clearer guidance and accountability for police officers assigned to Syracuse schools.

Fighting to Keep Good Privacy Policy in Rochester

T he Genesee Valley Chapter is a leading voice in debates over Rochester’s zero tolerance policing initiative and the city school district’s policy regarding military recruitment in the city’s high schools.

Recent newspaper commentaries by chapter board members Larry Britt and Rosemary Rivera refuted Police Chief David Moore’s contention that murder statistics demonstrate the zero tolerance program’s effectiveness. Britt and Rivera showed that the program has had no effect on the murder rate.

Chapter Director Gary Pudup is lobbying Rochester City School District officials and the school board to continue the district’s enlightened military recruitment policy, which requires parental consent before students’ personal information is turned over to military recruiters. The U.S. Marines had warned that continuing the policy could jeopardize federal funding for local schools.

Working with a coalition of organizations, the chapter arranged for more than 16 people to address the school board on the issue at a February meeting. Pudup also sent the school board a letter on Feb. 24 explaining the NYCLU’s concerns about proposed revisions to the policy.

“Families should have to submit a permission slip to have their privacy respected,” Pudup said. “The proposed policy changes would open the door to overly aggressive recruiting tactics.”

Soccer athletes Hannah Anousheh, Christina Angione and Alyssa Ward thought it was unfair that girls in New York City had to play high school soccer in the spring when the boys’ teams and girls’ teams throughout the state played the traditional fall schedule.

The three girls believed the spring season was discriminatory as it deprived them of opportunities for athletic development and college recruitment provided to boys. Instead of accepting the discriminatory treatment, they worked with their parents, the NYCLU and the National Organization for Women, New York City to level the playing field.

Their efforts resulted in historic change. Following more than a year of negotiations with the NYCLU, the New York City Department of Education agreed in January to move the season to the fall.

Ward, a 16-year-old sophomore at School of the Future in Manhattan, said the move is simply a matter of fairness. “Soccer is traditionally a fall sport. The boys and most other girls’ teams play in the fall, and it seemed unfair that we had to play off season,” Ward said. “This change means that we no longer have to feel like second-class citizens and that our hard work and dedication to the game is being appreciated.”

The NYCLU argued that by scheduling girls’ soccer in the spring, the DOE’s Public School Athletic League violated Title IX of the federal Educational Amendments Act of 1972, which prohibits discrimination against women and girls in education, including high school athletics. Playing in the spring deprived girls of opportunities for college recruitment and scholarships and the chance to compete with teams outside of New York City. It also forced some girls to choose between playing high school soccer and playing on premier “club” soccer teams, which focus on developing elite players and provide additional opportunities to develop skills.

Those girls who chose to do both faced higher risk of injury, stress and academic failure due to the heavy, and sometimes conflicting, demands of practice and competition.

“Forcing girls to play soccer out of season relegated them to second-class status, and told them that they were not entitled to the same advantages as the boys,” said NYCLU Executive Director Donna Lieberman. “The DOE was right to end this discriminatory practice and ensure that all its soccer athletes have equal opportunities to develop their talents and enjoy the game.”

The NYCLU first brought this to the attention of the DOE in December 2007. After months of negotiations, the NYCLU was preparing to file a lawsuit when the DOE agreed to make the change. In exchange, the NYCLU agreed not to sue and to withdraw a federal discrimination complaint that was filed.

Under the agreement, the DOE will schedule girls’ soccer teams to compete in the fall starting in 2009 and at least until 2011. It also agreed to provide “substantially equal” opportunities for boys’ and girls’ soccer overall, and to make reasonable efforts to maintain the same number of girls’ teams play following the switch.

“The DOE’s policy in these cases is a violation of state educational law,” said attorney Ami Sanghavi. “Zoning laws are the one small area of oversight that parents were allowed to keep under mayoral control. The state legislature should take note of the fact that we had to take the DOE to court to get the public’s voice heard as prescribed by law.”

That lawsuit charged the DOE with violating state education law by making zoning changes that affect neighborhood schools without the approval of Community Education Councils, local bodies created by the State Legislature to ensure that parents and the public retain some oversight over education under the mayoral control system.

In March, the DOE filed a lawsuit against the DOE in State Supreme Court on behalf of parents and guardians of students who attend the three neighborhood schools slated for closure. The DOE did not respond to the lawsuit in court, but announced on April 2 that the three schools would remain open.

It shouldn’t take a lawsuit to make the DOE follow the law,” NYCLU Executive Director Donna Lieberman said. “Zoning laws are the one small area of oversight that parents were allowed to keep under mayoral control. The state legislature should take note of the fact that we had to take the DOE to court to get the public’s voice heard as prescribed by law.”

The NYCLU first brought this to the attention of the DOE’s office of the State Attorney General in May 2008. The NYCLU joined forces with public school parents and community advocates to prevent the New York City Department of Education from unilaterally closing three public schools in violation of state education law.

On March 24, the NYCLU announced its victory at a press conference held during winter soccer practice. Hannah Anousheh, a sophomore, was interviewed by The New York Times.

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In addition to Sherwin, attorneys involved in reaching the agreement were NYCLU Associate Legal Director Christopher Dunn, NYCLU Staff Attorney Deborah Berkman, and NYCLU Reproductive Rights Project Attorney Ami Sanghavi.

Lawsuit Forces NYC DOE to Keep Three Schools Open

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