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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 date 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 Saxena, 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."

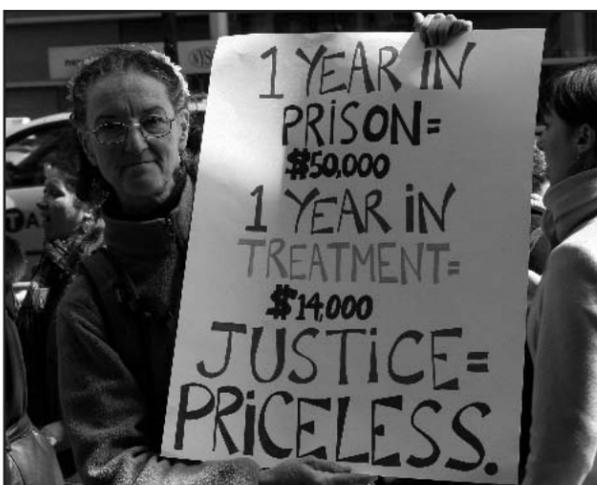
Enacted in 1973, the Rockefeller Drug Laws mandated extremely harsh prison terms for the possession or sale of relatively small amounts of drugs. Though the laws are intended to target drug kingpins, most sentenced under them are convicted of low-level, nonviolent offenses. Most of the nearly 12,000 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 untie the hands of judges and allow substance abuse to be treated as a public health matter. As noted in the New York

The NYCLU and advocates statewide were critical in securing these long-fought for reforms. Read about the behind the scenes process on pages 2 and 3.

Photos by Adam Esrig and Andrew Adams

The NYCLU helped organize a rally in front of Governor David Paterson's New York City office to demand an end to the injustice of the Rockefeller Drug Laws. Hundreds attended.



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Words from NYCLU Executive Director Donna Lieberman

Change We Can Believe In

This is our time. After years fighting a relentless assault on our most precious rights and freedoms, of—let's face it—battling so we can lose the least amount of civil liberties, we live in a moment when we can actually gain rights that a fair and just society requires.

Barack Obama rode a platform of change from the South Side of Chicago all the way to 1600 Pennsylvania Ave. A new majority in the New York State Senate followed his lead, promising a new way of doing business and a new direction for our state.

And in just the past few months since they've had control, we've seen that if we band together and raise our collective voice and say yes to civil liberties and civil rights, that we can make a difference.

The victory we've won in the form of reforms to the Rockefeller Drug Laws cannot be understated.

NYCLU staff members refer to the Rockefeller Drug Laws as "the Jim Crow Laws of our generation." That's not empty rhetoric. Though studies show that the overwhelming majority of drug users in New York State are white, more than 90 percent of people sentenced for drug offenses here are black and Latino. These laws have systematically undermined lives, families, neighborhoods and whole communities for decades. More than 25,000 children have been orphaned by our state's drug laws.

Reforming these cruel, draconian laws has been a legislative priority for the NYCLU since the laws were enacted in 1973. Organizers and activists have spent whole careers fighting against them.

And then finally and somewhat suddenly, we got major reforms. At 10:10 p.m. on a Thursday in April, the State Senate passed a historic bill. And with the stroke of a pen a few days later, Governor Paterson

signed into law a new way of dealing with substance abuse. These reforms are a major step toward ending a disastrous policy that has ruined lives, torn apart families and caused enormous racial inequities. Substance abuse is both a public health and a law enforcement issue and today, after 36 long years, New York is finally starting to treat it that way.

Governor Paterson showed himself to be a leader who could stay true to his principles. The first governor to ever mention the drug laws in a state of the state address, we wouldn't be where we are today without him and the strong support of the Assembly's long-time reformers and the new majority in the Senate.

But let there be no mistake—NYCLU members and our statewide infrastructure of chapter directors and activists (see page 3 for more) as well as a coalition of associated organizations—chief among them the Drug Policy Alliance, the Correctional Association, the Legal Action Center and The Fortune Society—that helped the governor stand strong, pushed the Senate to get strong, and helped the Assembly stay strong and reject the powerful prosecutors' lobby.

Though these reforms are not the moon and leave in place some remnants of a mandatory minimum sentencing scheme, this is a big deal. To give you a sense of how significant this is, Robert Perry, the NYCLU's seasoned legislative director, calls it "the single greatest victory of my career." He also notes that a legislative victory of this magnitude in New York has not been seen since... well (not to be partisan about it), Reagan was elected president.

We've seen similar seismic shifts in the White House. President Obama responded to the demands of ACLU members when he announced almost immediately that he was closing the Guantanamo Bay detention camp and lifting the global rule that required all non-governmental organizations that receive federal funding to refrain from performing or even mentioning abortion services. More recently he reversed the Bush administration's policy of presuming secrecy in response to freedom of information requests so the public and press can better see what the government is doing. And in response to an ACLU/NYCLU lawsuit, Obama's Justice Department released reams of legal memos on the Bush White House's secret torture programs.

Both in New York and worldwide, our voices have made a difference. Now it's time to do more.

And we can't rely on an elected official or a party to lead us. Noble sentiments do not automatically

transform into government policy, and even the best politicians do bad things. We must not take a moment to rest and ask those in power to lead us. We must lead them. Momentum is clearly on our side. Those in office have given us a receptive ear. Are we ready to demand the change that a free, fair and just society requires?

If the reforms to the drug laws have shown us anything, it's that if we are organized, we can make strides we once couldn't imagine. I ask you today to join us—you personally can become a force for change. Make a call, write a letter, send a check, knock on doors, lobby a lawmaker, become an NYCLU E-Activist. Together, we can:

Fight for families. We know which way the winds are blowing. With victories in Iowa and Vermont, this can be the time for change. New York is poised to become the next state where the legislature votes to make marriage between same-sex couples legal. You can say yes to marriage fairness and help protect families in New York. Together we can also make reality paid family leave, allowing all New Yorkers the support they need to meet health care challenges, and the Family Health Care Decisions Act, which would allow family members and domestic partners to make treatment decisions when a sick individual no longer has the capacity.

Say yes to preserving reproductive freedom. New York can no longer count on the protections afforded to women by the landmark *Roe v. Wade* decision. Although our state's abortion laws were trailblazing when they were amended in 1970, they do not ensure that access to safe and legal reproductive health care will continue in New York as *Roe* is further challenged. The Reproductive Health Act will strengthen New York's abortion laws for the 21st century. Sign up to become a Reproductive Health Ambassador and help pass this bill.

Close the door on the Real ID Act. Though he's out the door, George W. Bush's grip is still reaching New York. His plan for a national ID card—an enormous threat to privacy that imposes a massive financial burden on the states—still looms over Albany. Our representatives need to know that New Yorkers will not buy into a new social order where government tracks our every move. Your voices are needed to force New York to join the ranks of states that have formally rejected this awful plan.

It is the duty of all of us to ensure our most basic rights continue to form the foundation of a strong and just nation. The hard work is just beginning. Visit www.nyclu.org to take the next step in bringing to New York and America change we can believe in.



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NYCLU Demands State Action to Protect Willowbrook Plaintiffs

An early morning 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 Lieberman. "The state had a solemn obligation to support and protect the residents of this group home. It is now incumbent upon the state to find out whether it 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, high quality community residential and treatment services in the least restrictive setting, and high quality case management and advocacy services.

"The state had a solemn obligation to support and protect the residents of this group home. It is now incumbent upon the state to find out whether it lived up to that tremendous responsibility."

More than 35 years later, the NYCLU and other advocates still actively monitor New York State to ensure that it is complying with its obligations on behalf of the members of the Willowbrook Class. This monitoring will continue and will seek to ensure that an investigation unearths all of the factors that contributed to this terrible tragedy.

The NYCLU called specifically for investigation of:

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

"We 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."

New Statewide Campaign Instrumental in Rockefeller Reforms



Photos by Johanna Miller
At a New York City rally, hundreds called the governor to ask him for reform. Hip hop mogul Russell Simmons was among the speakers.

The switchboard at Governor Paterson's office lit up like a Broadway marquee on March 25 as hundreds rallied 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 lousy 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 departments 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 Rosmarin, statewide campaign coordinator. "Each fax, phone call or letter makes a difference. When passage of the reform bill came down to a few skittish senate Democrats, we were able to mobilize our members at the local level to help bring home the votes."

The NYCLU's six chapters and Western Regional Office played key roles in lobbying state sena-

tors. John Curr III, Western Regional Office director, organized a local phone bank, which made hundreds of calls to constituents of State Sen. Bill Stachowski, whose support was deemed crucial for the reform bill to pass the Senate. The Capital Region and Lower Hudson Valley chapters held forums to educate the public on the need for reform. Volunteers with the Nassau County Chapter lobbied State Sen. Craig Johnson to support the reform bill.

The campaign featured a new page on the NYCLU's web site that offered visitors a range of materials and information, including lobbying pamphlets, fact sheets, tips for writing letters to the editor and op-ed columns, and latest news on the reform effort.

In Albany, the Legislative Department worked with the NYCLU's lobbyist and other advocates to shore up support at the State Capitol. On March 11, 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 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 unconscionable racial disparities: Blacks and Latinos comprise more than 90 percent of those currently incarcerated for drug felonies, 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 inequities."

"Governor 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' ability to order treatment and rehabilitation instead of incarceration.

The new law:

- Restores the authority of a 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;
- 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 prosecution and harsh 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." 🗣️

Judge Orders Yonkers to Release Records in Unsolved Murder Case

The Lower Hudson Valley Chapter notched a victory for open government in March when a judge ordered the City of Yonkers to turnover records of its investigation into the unsolved murder of John Acropolis, a local union boss who was shot dead in 1952 after battling the mob's influence in the local trash hauling industry.

In October, the NYCLU and cooperating attorney Joann Prinzivalli filed the lawsuit in State Supreme Court on behalf of John Bly, a resident of Dallas, Texas, who is writing a book about Acropolis.

"State laws say these records should be available to the public, but I was stonewalled by the Yonkers Police Department," said Bly, a retired schoolteacher. "It was very frustrating. People have a right to know what their government has done."

The city had refused Bly's request under the state Freedom of Information Law for records concerning the murder investigation.

"The court's decision makes it clear that the City of Yonkers was not justified in denying our client's request for information from the police file on the Acropolis murder," said Prinzivalli, who is vice chair-

"The free flow of information benefits both the public and the government. The unsolved murder of John Acropolis is among the most sensational crimes in Yonkers history. It is a subject ripe for public scrutiny."

woman of the Lower Hudson Valley Chapter. "This is a victory for the principle of open government and accountability to the public."

In the decision, Supreme Court Judge James W. Hubert ruled that the city provided insufficient reason to exempt the documents from FOIL.

"The free flow of information benefits both the public and the government," Chapter Director Linda Berns said. "The unsolved murder of John Acropolis is among the most sensational crimes in Yonkers history. It is a subject ripe for public scrutiny."

Judge Hubert noted that the city claims to no

longer possess many of the records Bly requested, including copies of ballistics reports and Acropolis' death inquest. As a result of the decision, Bly will receive copies of the notes and reports of the detectives assigned to the case and documents describing actions of the Yonkers Police Department related to the case.

Acropolis, the president of Teamsters Local 456, was shot twice in the back of the head in the early morning hours of Aug. 26, 1952. He was found face-down in a pool of blood just inside the entrance of his apartment.

A powerful union official, Acropolis had made dangerous enemies through his effort to block mob-connected private carting companies from collecting garbage in Yonkers.

Detectives from Yonkers, New York City and Westchester County interviewed hundreds of witnesses following the Acropolis murder, but the crime was never solved. It is possible that mob corruption may have interfered with the murder investigation. A 50-year retrospective of the murder published in the *Journal News* in 2002 indicated that "questions remain about just how vigorously Yonkers police investigated the case." 🗣️

NYCLU Board of Directors



The annual meeting of the members of the New York Civil Liberties Union will be held on Wednesday, June 10, 2009 at 6 p.m. at the NYCLU offices: 125 Broad Street, 19th Fl., New York, New York, for the purposes of electing directors, receiving the annual report and transacting any other appropriate business.

This is a contested election. There are 14 candidates and 13 vacancies.

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:
 - printed on page 5 of this newsletter
 - 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 Broad Street, 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 by-laws, exactly as many candidates as there are vacancies were nominated 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 lengthier candidate statements, to obtain contact information 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 kkole@nyclu.org.

Li Yun Alvarado

(Nominated by Nominating Committee)

PhD. Candidate, Fordham University; Co-Chair: Yale Latino Alumni Association of the Tri-State Area; NYCLU Member.

I am thrilled to seek re-election to the NYCLU board. As a young Latina educator, I believe that actively defending civil liberties ensures that my family and students are protected from the injustices often faced by people of color and by our youth.

I am particularly impressed with the NYCLU's educational initiatives, including protecting students from aggressive school policing and military recruitment. I am hopeful about our progress on repealing the Rockefeller Drug Laws, and am also passionate about defending reproductive rights, LGBT rights, and immigrant rights.

If re-elected, I will continue my work on committees including: Affirmative Action, Elections and Development. I will also continue to support the NYCLU's Young Professionals in their work educating, recruiting and fund-raising for the NYCLU. In addition, I have had the privilege of helping judge the annual student essay contest and will do so again this spring.

I hope that as a Board Member during these challenging economic times, I can continue to help advance the mission of the NYCLU while introducing new members of my generation and profession to our organization's invaluable work.

John Cirrin

(Nominated by the Capital Region Chapter)

It is important to me to engage civil liberty issues on a community level. Through public education and community organization a positive impact can be seen on the injustices that can be observed around us.

I have been a member of the NYCLU Capital Region Chapter Board of Directors for more than four years.

I am a member of the Capital Region Chapter's Statewide Advocacy Task Force, through which I have been active in the NYCLU's efforts to repeal the Rockefeller drug laws. I am strongly committed to LGBT issues and have served as an NYCLU monitor for anti-gay protests. I am currently working with our chapter to create an Academic Freedom Seminar for 2010.

I recently retired after a 30-year career at Albany Public Library. As Public Information Officer and spokesperson for the Library, I was the primary media contact for the Library.

I also established and managed a Public Access Cable Television facility at the Library, where I dealt with numerous free speech challenges from the local government and the cable company. I am also a long time organizer of the American Library Association's Banned Books Week observance in Albany.

Through my extensive outreach work for the Library, I have established close ties with the Albany

community, and learned a great deal about what matters to people in this area. If elected, I hope to bring this perspective to the NYCLU Board and work diligently on free speech and intellectual freedom issues.

I may be contacted at: millais@nycap.rr.com.

Nahshon Craig

(Nominated by Nominating Committee)

Attorney; Vice-President of Business and Legal Affairs, Rush Communications of NYC, Inc.; The Hip Hop Summit Network; Real Reform 2004 supporter.

My tenure as a New York Civil Liberties Union Board Member has given me a vehicle to become more involved in the community and issues that are near and dear to my heart, like youth empowerment.

With the recent reformation of the Rockefeller Drug Laws, and historic election of President Barack Obama, young people, particularly those of color, are revitalized and motivated to make a difference in their communities and world. As a young executive in the ever-evolving world of Hip-Hop, I, if re-elected, hope to tap into this new energy and continue to help build and strengthen the NYCLU's relationship with this demographic.

Tanya Douglas

(Nominated by Nominating Committee)

Public Interest Attorney. Current Member Executive Committee, Affiliate Affirmative Action Officer; Affirmative Action Committee; Board Governance Committee; Board of Directors since 1994; Education Committee; Past Co-Chair Nominating Committee; Delegate ACLU Biennials, 1999, 2001, 2005.

As an African-American woman, civil liberties are very important to me. The issues of educational fiscal equity and the policing of public schools for communities of color are critical and pivotal concerns. It is important the NYCLU continue its fight in the streets and in the courts around these issues. Protest and litigation are key fighting tools. As a NYCLU Director, it's been my pleasure to speak about civil liberties to people of color.

Melissa Lee

(Nominated by Nominating Committee)

Manager of Advocacy and Organizing for Planned Parenthood of New York City; Founder and President of the NYCLU Young Professionals.

For the last nine years, I have worked as an activist and community organizer for civil liberties. I have coordinated numerous lobbying trips for constituents to talk to legislators about access to health care and education, recruited hundreds of activists to pound the pavement against abortion restrictions and LGBT discrimination in California, and built a 400+ Activist Council for Planned Parenthood.

In 2007, I approached the NYCLU about starting a Young Professionals program because I am consis-

tently shocked by the lack of awareness I find when talking to young people about our issues.

Since its inception, the Young Professionals have grown to over 200 members, hosted four fundraising/awareness-raising events attended by more than 1,500 young New Yorkers and continue to recruit new members from diverse backgrounds through online social networking, grassroots marketing, and community events.

The success of this program is due to the high-level of teamwork and the common commitment to civil liberties so deeply shared by its members. I plan to continue fostering such relationships for the NYCLU so we can increase supporter investment and strengthen our initiatives by cultivating new generations of informed advocates.

It is an honor to be nominated for the Board of the NYCLU. I believe that my voice, as a young New Yorker and an experienced organizer, can be a valuable asset to the Board as we move this great organization into the future.

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 candidates from the upstate area to help fulfill the goal of geographical diversity.

The Chapters 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 assault 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 electronic and visual surveillance.

This fall I was asked to join the Audit & Oversight Committee, a critical committee at any time, given the fiduciary responsibilities of the board, and particularly 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.

Election 2009: Biographies and Statements of Candidates

Julie Kowitz Margolies

(Nominated by Nominating Committee)

Adjunct, Brooklyn Law School. Member, Executive Committee, 2006-present. Chair, Development Committee, 2003-present. Chair, Nominating Committee, 2007, 2008.

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 equally under the law. 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 financial resources upon which our essential work depends. I have served on the Benefit Committees of our major fundraising events, and have collaborated with Development staff to undertake two key, successful, development initiatives: 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. As a member and as Chair of the Nominating Committee, I co-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 and Activist; Formerly State Strategies Attorney for the ACLU Reproductive Freedom Project.

I knew even before I left the ACLU Reproductive Freedom Project that I wanted to continue my involvement with the NYCLU.

I came to the ACLU in 2003 and worked with the affiliates on litigation and special projects. After leading the ACLU's efforts for the March for Women's Lives, however, I shifted focus, partnering with affiliates interested in doing in-depth campaigns around reproductive rights. Through the Take Issue, Take Charge program, I spent every day talking to affiliates and chapters, providing strategic advice and technical assistance to aid them in achieving policy goals for comprehensive sex education. Success required me to map out winning strategies, develop strong relationships with affiliates, and motivate busy people to join our efforts.

I have spent my career working in the public interest. I began my career as a public defender and now serve on the board of several community organizations.

The changing political climate leaves us in a new and challenging position regarding the fight to protect our civil liberties. But seizing this opportunity requires us to adjust our strategy. It can be difficult to set a civil liberties agenda when you are not reacting to horrible abuses of power, but having to define and achieve a positive agenda. My background in strategic planning and organizing will be critical as the NYCLU adjusts its goals and its methods in light of the new political realities.

Behram Panthaki

(Nominated by Nominating Committee)

Business Executive. Member of NYCLU Board since 2006. Serving on Finance, Investment and Privacy Committees.

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 very impressed by the work 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 and Investment committees providing my 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 continue to serve 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 passions 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 industry, and protected by its repetitive 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 had its tenure with me.

Most of my strategies for combating on assault on Latinos included using more scholarship and academia 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 classrooms so 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 hid I wanted to expose and hold accountable in order to slow down the so powerful social structure that often caused us to deny giving our future its appropriate attention. The dialogue from these sources always pierced another typical framed myth 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 in NYC. I am invested in identifying creative ways of sparking civic engagement, and am excited to contribute to the NYCLU's continual efforts in this arena.

Having already served one three-year term on the NYCLU Board, I am excited to rejoin the Board.

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 bear 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 International Security Studies, which is in 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 an elected Fellow of the American Physical Society (APS), and was elected Chair of the APS's 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

PROXY VOTING INSTRUCTIONS

COMPLETE THE PROXY BALLOT

Mail the ballot you have filled out to Ronald Tabak, Election Supervisor, New York Civil Liberties Union, 125 Broad Street, 19th Floor, New York, N.Y. 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.)

ABOUT THE BALLOT

There are fourteen (14) candidates for thirteen (13) positions.

NOTE: There are two columns of boxes. If you have a single membership, mark only boxes in the first column. If you have a joint membership (indicated by a mailing label on this newsletter with both names on it), you are entitled to two votes and can vote by marking boxes in both columns. To view lengthier candidate statements and to obtain contact information for individual candidates, please visit www.nyclu.org/boardelections.

PROXY BALLOT

**TO: Ronald Tabak, Election Supervisor
NYCLU • 125 Broad Street, 19th Floor,
New York, NY 10004**

You are hereby authorized as my proxy to cast my votes as indicated at the annual meeting of the New York Civil Liberties Union to be held on June 10, 2009 at 6 p.m. at the NYCLU offices, 125 Broad Street, 19th floor, New York City for the election of directors, with the same power I would possess if I were personally present.

Melissa Lee	<input type="checkbox"/>	<input type="checkbox"/>
Mark Sakitt	<input type="checkbox"/>	<input type="checkbox"/>
Nahshon Craig	<input type="checkbox"/>	<input type="checkbox"/>
Donald Shaffer	<input type="checkbox"/>	<input type="checkbox"/>
Li Yun Alvarado	<input type="checkbox"/>	<input type="checkbox"/>
Edward Klein	<input type="checkbox"/>	<input type="checkbox"/>
Gregg Walker	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer McAllister-Nevins	<input type="checkbox"/>	<input type="checkbox"/>
Luis Quiros	<input type="checkbox"/>	<input type="checkbox"/>
Behram Panthaki	<input type="checkbox"/>	<input type="checkbox"/>
Aaron Rudenstine	<input type="checkbox"/>	<input type="checkbox"/>
John Cirrin	<input type="checkbox"/>	<input type="checkbox"/>
Tanya Douglas	<input type="checkbox"/>	<input type="checkbox"/>
Julie Kowitz Margolies	<input type="checkbox"/>	<input type="checkbox"/>

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-

Continued on page 6

Election 2009: Biographies and Statements of Candidates

From page 5

ity on civil liberties. Professionally I am a nuclear physicist working in the field of national security.

Donald Shaffer

(Nominated by Nominating Committee)

My civil liberties activity began at Brooklyn College, when, in 1949, student activism needed defending. As Board Member in the 60s, I helped the NYCLU reverse the ACLU policy of weak opposition (to put it charitably) to "McCarthyite" and FBI "subversive" hunting. At the '68 Democratic Convention I was an anti-war Gene McCarthy delegate, in '72, McGovern. Today, activity includes the Working Families Party and Peace Action (SANE).

Board members oversee a \$5,000,000 budget, guard the integrity of policy, encourage growth throughout the state. Knowing the presumption against re-nomination after 10 years on the Board, I am pleased to be recognized for my contributions over 50 years membership, on the Board, but also as chapter advocate, cooperating attorney, fundraiser, committee member in Finance, Chapters, Education.

At age 60, I attended NYU Law School, became a pro bono cooperating attorney with an office at the AC/NYCLU. For 15 years I worked on many cases including one which produced \$200,000 legal fees for NYCLU.

In 2002, ACLU erred in accepting government black-lists. I helped draft a resolution and successfully lobbied the NY Board in opposition.

I supported broadening our mission to expand the view of equal protection under the 14th Amendment such that race, gender, reproductive freedom and sexual orientation have become key parts of our program. New frontiers to explore today: human rights, international law, and economic justice such as health care, employment, income and housing, as fundamental to liberty and freedom, as many other countries do.

Gregg Walker

(Nominated by Nominating Committee)

Gregg Walker is a Harlem Resident and 1997 graduate of Yale Law School who worked as an investment banker at Goldman Sachs for 9 years. He was the Vice President of Strategy and Mergers & Acquisitions at Viacom for three years. Gregg began serving as the Senior Vice President of Corporate Development at Sony Corp of America in March 2009. Gregg and his wife live with their three sons in Harlem. Gregg's wife is the CEO of a leading community development organization in Harlem. Gregg is a Deacon at Abyssinian Baptist Church and serves as the Chairman of the Board of the Harlem YMCA. He is also a Board Member of Harlem RBI, the Correctional Association of New York, Derek Jeter's Turn 2 Foundation, the Friends of Harlem Hospital, and the Washington Center for Internships in Washington DC. He is a former Term Member of the Council on Foreign Relations and a representative of the US at the 2002 Young Leaders Conference of the American Council on Germany. Gregg is also a member of the Mitchell-Lama Residents Coalition in NYC, the Fred E. Samuels Community Democratic Club in Manhattan, and other foundations and community organizations..

Gregg is eager to focus attention on the dilution of voting power and loss of public resources in communities of color created by the massive levels of incarceration of people of color for non-violent offenses.



Lawsuit Targets Racial Profiling at Subway Checkpoints

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, his frustration mounted.

"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. 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."

On Feb. 19, the NYCLU filed a federal lawsuit on Sultan's behalf. By that time, Sultan had been stopped and searched 21 times since the NYPD initiated the subway checkpoint program in 2005. Most white New Yorkers have been stopped rarely, if at all. Although officers are supposed to stop people based on a race-neutral mathematical formula, the odds are 1 in 165 million that Sultan could be stopped 21 times on this basis. His South Asian appearance is the only factor that can explain this persistent targeting by police officers.

"The NYPD's racial profiling has disrupted Mr. Sultan's life making every subway trip a source of anxiety," said Donna Lieberman, NYCLU executive director. "The NYPD must be held accountable for repeatedly singling out an innocent, hardworking young man for humiliating bag searches. Sadly, his experience is not surprising. The subway bag search program purports to be random but it is set up to invite police officers to engage in racial discrimination."

The lawsuit maintains that Sultan's constitutional rights under the Fourth and Fourteenth amendments were violated and names the NYPD Commissioner Raymond Kelly and the City of New York as defendants.

Sultan is a manager at a Brooklyn hospital. During his commute, he typically carries a bag large enough to hold his laptop and sometimes a gym bag. He relies on the subway to get to work, go to the gym, and visit friends and relatives throughout the city. Sultan worries that the hundreds of people who have watched him being searched, including his neighbors, will assume that he is a terrorist. The experience has deeply disturbed Sultan. He continues to feel anxious when he sees a checkpoint or police officers in the subway.



"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."

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, he 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 checkpoint program's design 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 race plays no role 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 the possibility of 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 students Elizabeth Mosher, Amalea Smirniotopoulos and Erin Simon.

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's 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 has been 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 decisions. New Yorkers rely on the *Roe v. Wade* decision to guarantee that right, which leaves it vulnerable to further erosion by the U.S. Supreme Court.

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 potential crime, and ensure that if continuing a pregnancy jeopardizes 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 culture that pervades 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 testimony before the Legislature, 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."

Interested in hosting a house party or getting involved in the campaign? Contact Ariel Samach at 212.607.3339 or asamach@nyclu.org.

Nassau County Youth Wins ACLU Scholarship

Sangeeta 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.

Sangeeta, 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 strong 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 Sangeeta 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."

Sangeeta has grown into a leader of human rights advocacy at her school as a leader of her school's Gay-Straight Alliance. She has overcome fears of ridicule from her peers in order to speak out about 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.



Sangeeta Bhola, with Nassau County Chapter Director Tara Keenan-Thomson, won an ACLU Youth Activist Scholarship.

"Our country has based itself on diversity and individuality, but many individuals are not allowed to express who they truly are," she said. "I would like to hope that our government realizes that by not protecting the LGBT community, they are greatly harming students as well as adults."

In February, Sangeeta 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 Sangeeta," 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."

Sangeeta 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 federal, 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 the armed forces," 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 his letter are rightly concerned that the DOE is becoming a central recruiting station for the U.S. Military," said NYCLU Organizer Erica Braudy. "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."

The following elected officials cosigned Rangel's letter: U.S. Rep. Joseph Crowley, 7th District; U.S. Rep. Gregory W. Meeks, 6th District; U.S. Rep. Jerrold Nadler, 8th District; U.S. Rep. Edolphus Towns, 13th District; U.S. Rep. Jose E. Serrano, 16th District; U.S. Rep. Nydia M. Velazquez, 12th District; U.S. Rep. Anthony D. Weiner, 9th District; U.S. Rep. Yvette D. Clarke, 11th District; Public Advocate Betsy Gotbaum; Bronx Borough President Adolfo Carrion, Manhattan Borough President Scott M. Stringer; Sen. Bill Perkins; Sen. Eric T. Schneiderman; Sen. Jose M. Serrano; Assemblyman Adriano Espaillat; Councilwoman Gale A. Brewer; Councilman Bill de Blasio; Councilwoman Inez E. Dickens; Councilman Alan Gerson; Councilman Robert Jackson; Councilwoman Melissa Mark-Viverito; Councilman Miguel Martinez; and Councilman Albert Vann. 🐾

Fighting to Keep Good Privacy Policy in Rochester

The 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 shouldn't 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." 🐾

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 resource 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 a 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. 🐾



Stand UP and Save the Date: Monday, July 20

Watch www.nyclu.org for details.

NYCLU Forces NYC Department of Education to End Discrimination in Soccer

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 Acts 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 dis-



Photos by Jennifer Carnig

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*.

crimination 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 games girls' teams play following the switch.

"Girls deserve the opportunity to play year round," said Anousheh, a 15-year-old sophomore at Bronx Science High School and standout soccer player. "Having a fall season will spare me the exhaustion of playing for both my school and premier club team in the spring. I'll have more time to focus on my soccer game and my schoolwork, an opportunity the boys have always enjoyed."

Angione, a 16-year-old junior at Beacon High School in Manhattan, said the spring season forced her into difficult choices.

"I had to choose between playing for my high school team and joining the Olympic Development Program," said Angione, who plans to play college soccer. "I decided to play for my school, because I enjoy the school spirit and being with my friends, but it cost me a unique opportunity to develop my skills and demonstrate my game to college scouts. Boys don't face that roadblock."



Galen Sherwin, director of the NYCLU's Reproductive Rights Project and the lead counsel in the matter, applauded the DOE for doing the right thing.

"This agreement is a victory for fairness and equality not only for the hundreds of girls who play soccer in New York City's public schools, but for all girls in New York City," Sherwin said. "It tells girls that they are worthy of all the benefits and advantages provided to boys, and it gives them opportunity to thrive both as scholars and as athletes."

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

The NYCLU joined forces with public school parents, teachers and community advocates to prevent the New York City Department of Education from unilaterally closing three public schools in violation of state education law.

The DOE had announced plans to close PS 194 and PS 241 in Harlem and PS 150 in the Ocean Hill-

Brownsville area of Brooklyn. It did so 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.

On March 24, the NYCLU filed a lawsuit against the DOE in State Supreme Court on behalf of par-

ents 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."

That lawsuit charged the DOE with violating state education law by making zoning changes that affect neighborhood schools without CEC approval, effectively denying parents and children access to neighborhood schools and a voice in the decision-making process. By closing down the sole neighborhood school and not providing an alternative neighborhood school, the DOE was in effect eliminating attendance lines. To do that legally, it must obtain the approval of the local education council.

Randi Weingarten, president of the United Federation of Teachers, the 200,000-member labor union representing public school educators in New York City, joined the lawsuit as a plaintiff. The New York Civil Liberties Union was co-counsel on the case and represented plaintiffs Public Advocate Betsy Gotbaum and Jennifer Freeman, a parent and the secretary of District 3's CEC, which includes PS 241.

Plaintiffs asked that the court rule that the DOE's policy in these cases is a violation of state education law, order the DOE to stop it and reserve such zone alterations to Community Education Councils. The case remains open.



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