



# NYCLU NEWS

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## Lawsuit Targets Upstate School for Failing to Protect Gay Youth



**M**iddle school can be a difficult time for many children. It was a nightmare for Jacob.

A gay student at Gregory B. Jarvis Junior/Senior High School in Herkimer County, Jacob endured escalating harassment over the past two years for his sexual orientation and for not conforming to masculine stereotypes. He suffered near-constant verbal assault, his personal property was defaced and broken, and he was regularly pushed and had things thrown at him. Last year, a student knocked Jacob down the stairs and another student brought a knife to school and threatened to kill him.

Though the district was repeatedly informed of the abuse, district officials – including the superintendent and school principal – failed to formerly investigate the harassment, discipline students, or even inform Jacob and his parents of their rights to file complaints under the school's grievance procedures.

Concerned for their son's safety, Jacob's parents contacted the NYCLU. In August, the NYCLU filed a federal lawsuit against the Mohawk Central School District for failing to protect a Jacob from vicious and relentless harassment, physical abuse and threats of violence.

"School district officials have been deliberately indifferent to Jacob's harassment," said NYCLU staff attorney and upstate litigation coordinator Corey Stoughton, lead counsel on the case. "By behaving as though they were powerless to stop the threats and abuse, they not only discriminated against our client, but also violated their own policies and practices for preventing harassment and discrimination."

Less than two weeks after the lawsuit was filed, the district agreed to take immediate action aimed to ensure Jacob's safety during the current school year. That agreement, approved by a federal judge, did not end the lawsuit, but it meant that the district would meet NYCLU's demands for emergency relief to protect Jacob, such as providing him an adult chaperone throughout the school day.

"We are pleased the school district finally recognized that it must act to protect Jacob's safety, but this agreement was just a first step," NYCLU Executive Director Donna Lieberman said. "We will pursue our lawsuit until the Mohawk Central School District makes the long-term solutions necessary to ensure that all students are safe at school and treated with the dignity and respect they deserve."

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## NYCLU Scores a Victory for Free Expression at Yankee Stadium



**A**s a result of an NYCLU lawsuit, spectators at the new Yankee Stadium, even Red Sox fans, are now free to roam the aisles and hit the restrooms during the ritual playing of "God Bless America."

In a settlement approved by a federal judge in July, the Yankees agreed to not restrict spectators' movements during "God Bless America." The NYCLU had sued the Yankees and the NYPD in April on behalf of Bradford Campeau-Laurion, a Queens man who was ejected from the old Yankee Stadium by police officers in August 2008 after trying to use the restroom during the patriotic song.

Under the settlement's terms, the Yankees stipulated that the team has no policy restricting spectators' movement during the patriotic song and has no intention of implementing such a policy at the new Yankee Stadium.

"This settlement ensures that the new Yankee Stadium will be a place for baseball, not compelled patriotism," NYCLU Executive Director Donna Lieberman said. "It is a victory for the freedom of expression – a core constitutional principle."

The lawsuit maintained that Campeau-Laurion was the victim of religious and political discrimination at an Aug. 26, 2008 game when police officers forcibly restrained and ejected him from Yankee Stadium after he tried to walk past an officer during the song, which is played during the seventh-inning stretch at all Yankees home games.

The Yankees began playing "God Bless America" during home games

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Photos by jabella and  
Alberto Morales

As a result of an NYCLU lawsuit, fans at Yankee Stadium may leave their seats during the ritual singing of "God Bless America."



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Words from NYCLU Executive Director Donna Lieberman

## Doing a Lot More with Less

One year ago, we bid good riddance to the Bush era and welcomed Barack Obama to the White House, expecting a much-needed change. In Albany, we watched hopefully as New Yorkers put an end to the 40 year Republican stranglehold on the State Senate, raising strong prospects for a progressive legislative agenda. It was an exciting time. Our country and state seemed poised to renew their commitment to civil liberties and human rights.

A year later, the euphoria has abated. While we can point to significant gains, threats to the Constitution and Bill of Rights persist, and our work is as vital as ever.

In the early days of his administration, President Obama took many strong, vital stands on behalf of civil liberties, such as his unequivocal ban of torture, his pledge to close Guantanamo, and his order to abolish the CIA's "black site" prisons. But the legacy of the Bush administration has proven difficult to erase.

And on the state level, thanks to the tireless advocacy of the NYCLU and our allies, we achieved historic reform of the Rockefeller Drug Laws before the State Senate descended into a disturbing display of legislative dysfunction. (Actually, we made significant progress in a number of areas, despite all the madness. You'll see that in the ensuing pages.)

We're pressing our agenda in a new political climate, one that isn't as friendly or functional as we hoped it would be. At the same time, the economic downturn has hit us hard, despite the continued generosity of so many of our members. Like many of you, we're committed to doing more with less. We will meet these challenges and continue to do the important work that our members expect of us. We will pursue an aggressive agenda in 2010.

We will press the Obama administration to demonstrate a commitment to the rule of law by prosecuting those who ordered torture. To do otherwise tells future administrations that officials at the highest level of government are above the law. We cannot credibly hold ourselves out as a nation of human rights until we show the world that we hold ourselves to our own standards.

Likewise, the White House must stop hiding behind Bush-era "state secrets" claims to prevent Americans from learning what happened in their name and to deny torture victims their day in court. This summer, we sued to obtain records concerning the treatment of detainees at Bagram Air Base in Afghanistan. And we continue to work on a landmark lawsuit that has resulted in the disclosure of 100,000 pages of documents concerning the treatment of detainees at Gitmo and other overseas installations.

While we praised the U.S. Justice Department's decision to prosecute five Guantanamo Bay detainees charged in connection with the 9/11 attacks in Manhattan Federal Court, we will hold the Obama administration to its promise to close Gitmo and end indefinite detention of terrorism suspects.

We will be outspoken in our criticism of illegal government spying. There is no reason the government should be searching our library records or surveilling people with no known links to foreign governments or terrorist groups without a warrant. President Obama can give the FBI the tools it needs to prevent terrorism while respecting the Constitution and protecting our privacy.

Our agenda here in New York is no less ambitious. Right now, our volunteer statewide Activist Task Forces are gearing up for an intense campaign to support comprehensive immigration reform that respects the human rights and civil liberties of immigrants and citizens alike.

We refuse to be disheartened by the State Senate's failure in December to pass legislation to allow same-sex couples to marry in New York. Though we shed many tears, we know it was only a temporary setback in our statewide campaign to protect all New York families. We've strengthened our base of support on this critical issue through grassroots advocacy and the use of social networking technology, and the next time the marriage bill comes before the State Senate, our voices will be louder than ever.

We will also fight passionately for legislation to strengthen reproductive freedom. The Reproductive Health Act, which would modernize New York State's abortion laws, was close to gaining approval in the State Senate before the place devolved into a circus. Our Reproductive

Rights Project has laid a strong foundation of support for this crucial bill, and we're confident it will be approved soon.

Protecting children will remain a primary focus of our work. We will advocate for school safety policies that respect students' dignity and rights. We will strongly oppose aggressive police practices that make schools feel like jails, disrupt learning, and push certain students out of school and into the criminal justice system.

We will pursue our aggressive campaign to protect students' right to education and will continue to challenge policies and practices that treat school disciplinary matters as a crime, impose excessive punishments, and are antithetical to the environment that is essential to learning. We will continue to press for transparency about the effects of overpolicing and zero tolerance and to hold school and police officials accountable. We will also pursue litigation as needed to vindicate the civil rights of students at the hands of police in schools.

We will also continue our work to prevent harassment and bullying in schools throughout the state. This August, we sued a Herkimer County school district after school officials failed to protect a 14 year old who endured vicious and relentless harassment, threats and physical abuse at school because of his sexual orientation. No child should live in fear because they look or act differently than others. To that end, we continue lobbying our legislators to pass the Dignity for All Students Act, a bill that aims to prevent bullying and harassment in all the state's public schools.

In the coming weeks, we expect a significant victory in our work to protect the rights of the disabled. We are on the cusp of settling a lawsuit against Kings County Hospital Center in Brooklyn that establishes a plan for systemic reform of the hospital's psychiatric facilities. We sued the hospital in 2007 after an investigation turned up horrifying conditions and mismanagement in psychiatric ward.

This by no means encompasses the raft of issues our staff takes on every day. We've got a lot on our plate, and it is encouraging to know we can count on the support of tens of thousands of New Yorkers who believe in what we're doing.

Last year, our elected officials once again flaunted their capacity to let us down. It only showed that real change depends on the people, not the politicians. It doesn't originate in Albany or Washington DC, it begins in neighborhoods and communities. The NYCLU, with our 50,000 members, can harness that energy and keep serving as a true agent of change. 🐘



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## Senate's Failure to Pass Marriage a Painful, but Temporary Setback

After the painful defeat of the marriage bill in the New York State Senate on Dec. 2, the NYCLU redoubled its statewide campaign for fair marriage laws.

"The Senate vote was painfully disappointing, but it was only a temporary setback in our campaign to protect all New York families," said NYCLU Executive Director Donna Lieberman. "This issue isn't going away and neither are we. We'll keep coming back stronger and stronger until we win."

The Senate voted down the marriage bill 38-24. Less than an hour after the vote, the NYCLU had sent a message to the 39,000 members of our e-activism list assuring them that the fight continues. The following day, a strong NYCLU contingent joined hundreds of people at a rally and candlelight vigil in New York City as a demonstration of confidence that the marriage bill will pass in the near future.

In the many months preceding the Senate vote, the NYCLU mounted an innovative statewide campaign in support of the marriage bill. In June, it launched [www.MarriageNY.com](http://www.MarriageNY.com), a website featuring videos of a dozen New York couples explaining why marriage matters to them.

Among the 12 couples who volunteered to tell their stories are Skaneateles residents Peter Wiles and Jim Williams. The couple was married in Massachusetts in 2008.

"There were a lot of family and friends that would have liked to participate but couldn't because it was out of state," Williams said. "The only family member that was able to come to our wedding was our dog, Albert."

Other New Yorkers featured on [MarriageNY.com](http://MarriageNY.com) include a Suffolk County police officer, a Puerto Rican mother of a gay son, a straight biracial couple, and families from Long Island, Queens, Brooklyn and Manhattan.

"We have established our relationship amongst

our friends, our family, our church – it would be nice to have it legalized so we're completely protected," explained Syracuse resident Susan Salomone, who stars in a short video on the website about her life with her partner Jean Salomone and their four children.



On the Web: To watch videos of couples from across New York State discussing what marriage means to them, and to find out how you can get involved in the fight for fair marriage laws, visit [www.MarriageNY.com](http://www.MarriageNY.com).

The website allows visitors to quickly and easily speak out for fairness by writing a letter to the editor to a local newspaper, and calling or faxing their state senator. It also provides ways to recruit friends into the campaign through social networking websites, such as Facebook and Twitter.

Our chapter and regional offices made important contributions, networking with local advocacy groups, lobbying legislators and performing phone-banking in key Senate districts.

"We will continue working tirelessly to persuade lawmakers that offering the protections of marriage to one class of citizens, while denying them to another, is unfair and inconsistent with this state's core values," said Legislative Director Robert Perry. "It is just a matter of time before all New York families enjoy the dignity respect and legal rights marriage provides." 🐘

## NYCLU Steps in After Upstate Youth Face Invasive Search

Stephanie Schultz was sitting on a school bus outside of Red Creek High School in Wayne County expecting to be driven to a nearby BOCES high school where she was a culinary arts student.

Instead of going to school on April 9, Schultz and at least 17 other students were forced off the bus and subjected to illegal, humiliating and invasive searches by state police and school officials.

Acting on a tip – received as much as a week before – that some students had been in possession of prescription pills, a state trooper ordered all the students off the bus. They were paraded to the principal's office in mixed gender pairs and searched in full view of each other.

"This was one of the most humiliating moments of my life," said Schultz, who was a high school senior at the time. "My school taught me about the Constitution and about my rights, and then pushed them both aside and made me feel like my rights didn't matter."

*"Students must not be stripped of their rights and their dignity at the schoolhouse door."*

After learning about the incident in press reports, NYCLU attorneys visited Red Creek and interviewed students and their parents about the incident. In a May 27 letter to the district superintendent, the NYCLU called on the Red Creek Central School District to publicly apologize to the searched students. The NYCLU also urged the district to take steps to prevent invasive searches and protect students' rights.

"Students must not be stripped of their rights and their dignity at the schoolhouse door," NYCLU Executive Director Donna Lieberman said. "While drug abuse is a serious matter, it can be addressed without public humiliation."

The NYCLU maintains that the searches violated the students' rights under both the U.S. and New York State constitutions. The searches were not based on individualized suspicion that any particular student was engaged in illegal behavior at the time of the search. Even if the school district had adequate ground for a search, the search that was conducted was far more intrusive and humiliating than is constitutionally permissible.

Each student was ordered to remove their jacket, shoes and socks, and empty their pockets. Some students were "patted down," others were asked to lift shirts and undershirts, and one student was asked to remove an outer pair of pants. All students were subjected to a "waistband search," which in some cases entailed turning down the waistband to reveal parts of their underwear, buttocks and pelvic area, in view of male and female school staff and the male state trooper. Backpacks, purses and other containers were also searched. At least one student was charged criminally and suspended for a year.

Schultz was searched by a female librarian in front of three males – her principal, a police officer and a classmate. Though she asked that she be searched in a room without men, her request was denied. She cried as she was forced to roll down her waistband and expose part of her underwear and buttocks.

"The principal walked out because I was crying so much," Schultz said. "I knew it wasn't right what was happening, but there was nothing I could do. I felt helpless and humiliated."

## Victory: New Yorkers Push Paterson to End Shackling of Pregnant Inmates



Photos by Andrew Adams and Jennifer Carnig

Gov. David Paterson was listening on Aug. 18 when dozens of women from across New York City demonstrated in front of his Manhattan office, urging him to sign legislation to restrict the shackling of pregnant inmates during labor and after delivery.

In fact, the governor emerged from his office and addressed the demonstrators, pledging to sign the bill. He kept his promise. About a week later, New York became the sixth state in the nation to largely ban the use of restraints on inmates during and after childbirth.

"We commend Governor Paterson for ending the cruel and unusual practice of shackling a woman in labor," said Corinne Carey, NYCLU public policy counsel.

The NYCLU organized the protest demonstration with the Correctional Association of New York and Women on the Rise Telling HerStory, an advocacy organization that supports women affected by incarceration.

## Art Exhibit's Closure Triggers Lawsuit

The New York Civil Liberties Union is suing the City of Troy for shutting down a local arts and media center on purported code violations in March 2008 after a controversial art exhibit opened there.

The federal lawsuit was filed on June 9 on behalf of the Media Alliance, a non-profit organization that operates the Sanctuary for Independent Media in Troy, and Steve Pierce, its executive director. The Sanctuary was ordered closed on March 11, 2008, a day after the opening of Iraqi-American artist Wafaa Bilal's digital art installation, "Virtual Jihadi," which featured a video game parody in which a suicide bomber attempts to locate former President Bush.

The exhibit was intended to provoke thoughtful discussion of the Iraq War and the roots of terrorism, but it upset some people who objected to its content. Then Public Works Commissioner Bob Mirch, who oversaw code enforcement in Troy, denounced the exhibit in a press release and in several local radio interviews, calling it "disgusting" and comparing it to an "act of terrorism." He led a protest against it outside the Sanctuary the night the exhibit opened.

The next day, city officials notified the Media

Alliance that the building was unfit for occupancy, citing violations involving the building's doors. The city was already aware of these conditions and had never asserted that they were grounds for closing the building.

"City officials cannot selectively enforce building codes to shut down an art exhibition they find distasteful," said Melanie Trimble, director of the NYCLU's Capital Region Chapter. "Mr. Mirch abused his authority to suppress the free speech rights of people he disagrees with – an unconstitutional act that must be challenged."

The lawsuit maintains that Mirch used his official powers to have the building closed, violating the Media Alliance's First Amendment rights to free speech and assembly, and its due process and equal protection rights under the Fifth and Fourteenth amendments. It asks the court to declare that the defendants' actions violated the federal and state constitutions. It asks the court to enjoin the defendants from any further retaliatory action against the Media Alliance with respect to building code enforcement, and it seeks nominal damages to redress the violation of constitutional rights. Cooperating attorneys from O'Connell and Aronowitz, an Albany law firm, are assisting the NYCLU in the matter.

## After 5 Years, Leading Muslim Scholar Allowed into US

The NYCLU won an important victory in July when a federal appeals court found that the U.S. government had not adequately justified its denial of a visa to a Swiss professor and leading scholar of the Muslim world.

The decision, which reversed a lower court's ruling, came in *American Academy of Religion v. Napolitano*, in which the NYCLU and ACLU said that the government's exclusion of Professor Tariq Ramadan from the United States violated the First Amendment rights of U.S. organizations that had invited Ramadan to the country to speak.

"The court properly found that the exclusion of foreign scholars like Ramadan implicates the First Amendment rights of Americans, that the judiciary has a role in policing the government's exclusion of foreign scholars, and that in this case the government simply has

not offered a constitutionally adequate justification for its actions," said NYCLU Legal Director Arthur Eisenberg. "The government should not be using the immigration laws as instruments of censorship."

The U.S. Court of Appeals for the Second Circuit found the First Amendment rights of U.S. organizations are at stake when foreign scholars, artists and politicians are excluded, quoting from a 1972 Supreme Court ruling that the organizations have a First Amendment right to "hear, speak, and debate with a visa applicant." The appeals court also found that the government cannot exclude an individual on the basis of "material support" for terrorism without giving him the "opportunity to demonstrate ... that he did not know, and reasonably should not have known, that the recipient of his

contributions was a terrorist organization."

Ramadan was invited to teach at Notre Dame in 2004 but the government revoked his visa, citing a statute that applies to those who have "endorsed or espoused" terrorism. In 2006, the ACLU and NYCLU filed a lawsuit challenging his exclusion on behalf of the American Academy of Religion, the American Association of University Professors and the PEN American Center. The government abandoned its claim that Ramadan endorsed terrorism, but it defended his exclusion because he had made small donations to a Swiss charity that the government alleged had given money to Hamas.

"I am gratified with the court's decision," Ramadan said. "I am eager to engage once again with Americans in the kinds of face-to-face discussions that are central to academic exchange and crucial to bridging cultural divides."

# A Key Step in Ending the Over-Policing of Schools

More than 100 students, parents and educators joined the NYCLU and at a New York City Council hearing on Nov. 10 to urge council members to pass the Student Safety Act, legislation that would bring much-needed transparency to unchecked policing and punitive safety policies in the city's public schools.

"What the city has done is turn our schools into miniature Rikers Islands," said NYCLU Executive Director Donna Lieberman, told the council. "A generation of children is growing up believing school involves police rather than educationally sound discipline."

The Student Safety Act, which was introduced in August 2008, is cosponsored by 34 of the 50 council members.

The act would require quarterly reporting by the Department of Education (DOE) and NYPD to the City Council and the public on a wide range of school safety issues, including incidents involving the arrest, expulsion or suspension of students, and a breakdown of information by students' race, sex and disability status. This information could be used to craft more effective school safety policies and procedures.

"A clear majority of City Council members agree: It's finally time to pass the Student Safety Act," NYCLU Advocacy Director Udi Ofer said. "This important civil rights legislation will shed much-needed light on police practices in our schools. It is a good first step toward establishing school safety procedures that promote learning instead of intimidation, unwarranted arrests and suspensions."

For years, advocates have requested this data through the Freedom of Information Law. The DOE and NYPD have resisted those requests, stalling for months or even years, preferring instead to cherry pick the data they release to the public.

The NYCLU and its partners in the Student Safety Coalition organized a rally before the hearing on the steps of City Hall. During the rally, students, parents and educators spoke about the need for safe schools, but they also underscored the need for a nurturing classroom environment.

Since taking control of school safety in 1998, more than 5,000 school safety agents and at least 200 armed police officers have been assigned to the city's public schools. This massive presence makes the NYPD's school safety division larger than all but four of the nation's police forces – larger than Washington DC, Detroit, Boston or Las Vegas.

The escalation in police activity has created a de facto zero tolerance policy in many schools that serve the city's poorest neighborhoods. In these schools, which often have permanent metal detectors, students as young as five have been handcuffed, taken to jail or ordered to appear in court for infractions such as talking back, truancy, refusing to show identification and refusing to turn over cell phones. 🗨️



Photos by Angela Jones

More than 350 students and parents attended the New York City Council hearing about the Student Safety Act, a bill that would shed sunlight on the role that the NYPD plays in the schools. The Student Safety Act has the support of more than two-thirds of the City Council, as well as dozens of civil rights and community groups including the Working Families Party, the Civil Rights Committee of the New York City Bar Association, and the NAACP New York State Conference.



## Questions Over Detainee Abuse Linger

The Public Remains in the Dark about What Happens to Prisoners at Guantanamo & Bagram, so the ACLU and NYCLU have been Forced to Sue

The NYCLU is holding President Obama to his promise to restore the nation's commitment to human rights, which was so badly degraded during the Bush era. With the ACLU, we have filed several federal lawsuits against the Obama administration seeking information about the government's treatment of detainees in Guantanamo Bay and abroad.

"We can't sweep the abuses of the last eight years under the rug," said Donna Lieberman, NYCLU executive director. "Restoring the rule of law and the moral authority of the United States requires us to confront the abuses of the Bush administration, recognize the victims of that administration's torture policies and hold accountable the officials who put unlawful policies in place."

On Aug. 20, the NYCLU and ACLU filed a federal lawsuit seeking disclosure of a legal memo from the Justice Department Office of Legal Counsel (OLC) that reportedly addresses the constitutional rights that Guantanamo detainees could legally claim during military commission proceedings in the U.S. The memo, drafted in May 2009, also reportedly addresses the admissibility of statements obtained through coercion in those proceedings.

On Sept. 22, the NYCLU and ACLU took the administration to court over its refusal to release documents related to the detention and treatment of prisoners at Bagram Air Base in Afghanistan.

NYCLU attorneys also continue working to force disclosure of photos depicting the abuse of prisoners held in U.S. custody at overseas locations. The Obama administration originally indicated that it would not appeal a court decision requiring release of torture photos, but abruptly reversed its position shortly before the agreed-upon deadline. It petitioned the U.S. Supreme Court to reconsider the court ruling ordering the government to release the photos.

Unfortunately, the U.S. Supreme Court on Nov. 30 vacated the lower court's ruling. It remanded the case to the appeal's court for reconsideration in light of a law Congress passed in October authorizing Defense Secretary Robert Gates to withhold the photos.

"The photos should be released, and we intend to press that case in the lower court," said NYCLU Legal Director Arthur Eisenberg. "No democracy has ever been strengthened by suppressing evidence of its own misconduct." 🗨️

NYCLU... YOU

## Surviving Nazi Occupation Instilled a Lifelong Commitment to Civil Liberties

Longtime NYCLU member George Benczak cherishes his civil liberties because he knows what it means to be denied them.

Benczak, a Warsaw native, was in grade school when the Nazis invaded Poland in 1939. After Warsaw fell, he spent five years under German occupation, though he never felt conquered.

"From the first day, I felt it was temporary," he said.

The occupation disrupted his education as the Nazis closed Polish universities and banned the teaching of Polish history and literature in schools. They banned radio and controlled the newspapers.

"Freedom and liberty seem really precious when you don't have them," he said.

Benczak joined the Polish underground and fought in the 1944 Warsaw Uprising, when a band of resistance fighters attempted to wrest the city from the Nazis as the Red Army approached. He was only 16 years old.

The Nazis crushed the uprising and Benczak was taken prisoner. He spent the next six months in a German POW camp, where he worked as a nurse in the sick ward.

After the war, Benczak could not return to Poland because he feared the Soviets would persecute him. The Polish resistance, based in London, opposed communist rule.

"I had no love for the Russians," he said.

"They had sat across the river from Warsaw and waited for the Germans to finish us."

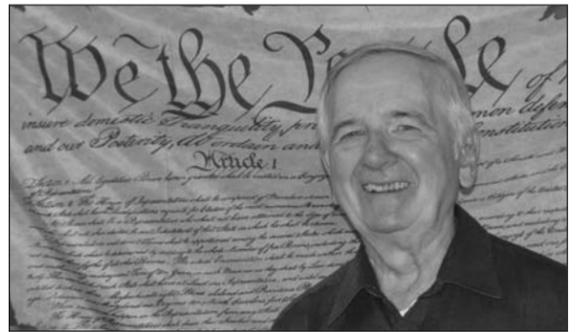
He spent the next five years in a displaced persons camp in Germany. He attended a Polish school with fellow refugees and, later, Gottingen University, where his inability to understand German derailed his studies.

"In Poland, German wasn't a subject you wanted to know," he said.

Fortunately, he earned a full scholarship through the World Student Service Fund to attend college in the United States. After clearing a number of bureaucratic hurdles, he emigrated to the U.S. in November 1949 and attended Franklin-Marshall College in Lancaster, Penn. He relied on a Polish to English dictionary to overcome the language barrier in his classes.

"I spent a lot of time translating every word, and it became easier after a while," he said. "I surprised myself."

In 1950, he traveled to Montreal and reunited with his girlfriend, Janina, who he had met in the



**"You don't protect freedom by destroying it."**

refugee camp. They married and lived together in Lancaster as Benczak completed college.

After graduating, the couple moved to New York City. Benczak found a job at a Manhattan bank and enrolled in business school at NYU. He doesn't exactly recall why he contacted the ACLU, but he recalls being troubled by racial segregation and McCarthyism.

"After going through war and occupation, I felt that protecting civil liberties was an important cause that everyone should focus on," he said. "I was troubled by segregation and people's attempts to justify it. How do you justify injustice?"

Benczak, 81, is retired a 34-year career with the state Banking Department. He lives in Queens Village and has two grandsons. He retains his original ACLU membership card, issued in 1956 when the ACLU boasted 30,000 members nationwide. He's been a loyal member of the ACLU and NYCLU for 53 years.

He believes those organizations' are more vital than ever in the post-9/11 world, when so many seem willing to trade liberty for the illusion of freedom.

"You don't protect freedom by destroying it," he said. "Experience teaches us that." 🗨️

# We Need You: Join the Fight for Immigration Reform

## New York is a Critical Battleground in the Fight to Make our Immigration System Respect Fundamental Civil Rights

As Congress and President Obama prepare to overhaul our nation's broken immigration system, the NYCLU is mobilizing a statewide campaign to ensure that a comprehensive reform package respects the civil liberties of citizens and immigrants alike.

Currently, in New York and nationwide, immigrant homes are raided; hundreds of thousands of people are detained, some indefinitely and in inhumane conditions; and unscrupulous employers prey on the undocumented.

"This is a defining civil rights issue of our time," said Ari Rosmarin, NYCLU senior advocacy coordinator. "Overcoming the hate and fear driving the opponents of comprehensive immigration reform requires a dynamic, intense campaign. If we can harness the strength and enthusiasm of our nearly 50,000 members, then the NYCLU can be a powerful force for just, fair reform."

Homeland Security Secretary Janet Napolitano recently expressed the Obama administration's commitment to pursuing comprehensive immigration reform in 2010. New York State will be an important battleground in the fight for reform.

Sen. Charles Schumer, chairman of the immigration subcommittee, has proposed forcing all workers to carry a federal ID card containing biometric data, such as fingerprints, to verify their legal status. This plan represents a grave privacy threat that would lead to a national ID system, which would threaten all of our privacy.

Comprehensive immigration reform is the focus of the NYCLU's Statewide Advocacy Initiative, a network of volunteer Activist Task Forces (ATFs) throughout the state committed to defending and expanding civil rights and liberties. Our chapters' ATFs are already at work training and organizing for this crucial campaign.

Through the tireless efforts of our volunteers and staff, we are rallying support statewide for fair and effective immigration reform that accomplishes the following:

- **Provides a real path to citizenship:** Keeping 13 million people in the shadows has created a permanent underclass of people. This population exists as a second class society that lives largely outside of the protection of the law and faces rights and liberties abuses on a routine basis.

- **Discourages local enforcement of federal immigration laws:** Local police should not enforce federal immigration laws. Doing so weakens public safety by discouraging people from reporting crime, straining scarce resources and inviting rampant racial profiling.

- **Treats immigrants in detention centers humanely:** Our country detains about 300,000 immigrants annually, including many children. Many are kept in appalling conditions without access to basic medical care.

- **Restores due process, judicial review and basic fairness to the immigration system:** Detained immigrants often are transferred hundreds of miles away from their families and lawyers. In many cases, immigration law even strips judges of the authority to consider

**You Can Make the Difference. Get Involved Today:** New Yorkers from across the political spectrum are uniting in support of comprehensive immigration reform. The NYCLU is supporting this effort by creating volunteer Activist Task Forces across the state. Join us as we push our representatives in Congress to reform our immigration system so that it finally respects the fundamental civil rights and liberties that make our country strong and safe.

Contact your local NYCLU office today!

- **New York City:** 212-607-3300, arosmarin@nyclu.org
- **Capital Region (Albany):** 518-436-8594, CapitalRegion@nyclu.org
- **Central New York (Syracuse):** 315-471-2821, CentralNY@nyclu.org
- **Genesee Valley (Rochester):** 585-454-4334, GeneseeValley@nyclu.org
- **Lower Hudson Valley (White Plains):** 914-997-7479, LowerHudsonValley@nyclu.org
- **Nassau County:** 516-741-8520, Nassau@nyclu.org
- **Suffolk County:** 631-650-2301, Suffolk@nyclu.org
- **Western Region (Buffalo):** 716-852-4033, WesternRegion@nyclu.org

the facts of a case or grant relief to deserving immigrants and their families.

- **Respects privacy and rejects backdoor attempts to establish a national ID card:** Sen. Schumer's worker ID proposal would lead to a national ID system – a concept long-opposed in America because of its inherent threat to our privacy rights. Workers shouldn't need to get the government's permission to take a job, especially in the current economic environment.

Achieving these reforms presents a stiff challenge. Powerful opposition, driven by irrational fear and anger, will surely attempt to scuttle any common sense reform.

"We can play a decisive role in this campaign both in the state and the nation, but we need volunteers to give teeth to our efforts," said Udi Ofer, NYCLU advocacy director. "With a strong effort, we can push our representatives in Congress to reform our immigration system so that it finally respects everyone's fundamental civil liberties. This would make our nation both safer and stronger." 🗣️

## Rochester Conference Draws Leaders in Immigrants' Rights Movement from Across Upstate New York

The campaign for comprehensive immigration reform requires making strong connections between state and local immigrants' rights groups and grassroots advocacy organizations.

To help build these collaborative relationships in central and western New York, the Genesee Valley Chapter hosted a summit of leaders and representatives of local immigrants' rights groups in Rochester on Nov. 10.

The idea for the summit was hatched in July at a meeting between the Genesee Valley Chapter Director Gary Pudup and Frances Liu, immigration advocacy field coordinator for the New York Immigration Coalition.

"There is a large immigrant community in western and central New York that faces problems unique to this area, yet there's been little coordination and cooperation between organizations that serve immigrants," Pudup said. "We saw the summit as an opportunity for everyone to share their experiences and knowledge toward a common goal of protecting and expanding immigrants' rights."

Pudup worked with Western Regional Office Director John Curr and Central New York Chapter Director Barrie Gewanter in organizing the summit. He led a steering committee of local advocates that created a program for the summit and identified groups to invite to it. The committee decided that the initial summit should focus on educating advocates about immigrants' constitutional rights and discussing effective advocacy techniques.

More than 25 leaders, not including NYCLU staff, attended the event. Sophie Feal, an immigration attorney from Buffalo, gave a presentation on the constitutional rights of immigrants. Ari Rosmarin, NYCLU senior advocacy coordinator, and Liu gave a presentation on effective advocacy strategies and tactics.

Attendees agreed to hold future summits over the course of the campaign for immigrants' rights. 🗣️

## Statewide Campaign an Extension of the Work Already Going on in Long Island and the Lower Hudson Valley

The statewide campaign for comprehensive immigration reform is an extension of the NYCLU's chapter and regional offices' work advocating for immigrants' rights.

Long Island and parts of the Lower Hudson Valley have become hotbeds of anti-immigrant sentiment. For years, our chapters in those areas have been working with local grassroots organizations to defend immigrants' rights against heated opposition.

No place in New York State demonstrates the failures of our nation's immigration system as clearly as Suffolk County. For years, county lawmakers have scored political points through anti-immigrant policies, statutes and rhetoric. Their demagoguery created a hostile atmosphere for Latino residents, which was illustrated last November by the senseless murder of Ecuadorian immigrant Marcelo Lucero in Patchogue.

Following the murder, the County Legislature created a task force to examine the sources of racial tension in the county and recommend ways to strengthen hate crime laws. The Suffolk County Chapter is working aggressively to ensure that the task force holds the county government, including top elected officials, accountable for promoting hostility toward immigrants.

"The Lucero murder was a consequence of years of bigoted rhetoric and policies targeting immigrants," said Chapter Director Andrea Callan, who has repeatedly testified before the task force. "Establishing the task force was an important step, but it will be meaningless unless the task force confronts the regular acts of discrimination and intolerance that plague our county and its policies."

The Nassau County Chapter is working against an ordinance in Oyster Bay that targets day laborers by making it a crime to stand on the sidewalk and solicit employment.

"This misguided ordinance uses safety as a smoke-screen to unfairly crack down on immigrants who are simply trying to support their families," said Chapter Director Samantha Fredrickson. "It is unfair and cruel to forbid people from seeking employment. That's not what America is about."

In Putnam County, anti-immigrant sentiments flared in June after an undocumented immigrant from Guatemala killed a mother and daughter in Brewster while driving drunk.

In October, the Lower Hudson Valley Chapter and local advocacy groups organized a candlelight vigil outside U.S. Rep. John Hall's Putnam County office calling for comprehensive immigration reform. Chapter Director Linda Berns later published a letter in the *Journal News* defending immigrants' rights and calling on Hall to support comprehensive reform. 🗣️

## Educating Youth Across New York about their Rights with Military Recruiters

Our six-year statewide campaign to protect high school students and their families from aggressive military recruiting paid off in June when the New York City Department of Education issued formal rules regulating recruitment in the city's public high schools.

"New York City has finally acknowledged that unchecked military recruitment is a serious problem in our schools," said NYCLU Lead Organizer Erica Braudy. "If this regulation is fully enforced, it will be a significant step toward protecting the privacy of our children."

The regulation, drafted with input from the NYCLU, requires school principals to, among other things, develop procedures for regulating military recruiter access, ensuring that students understand their privacy rights and receive opt-out forms. The NYCLU continues to push for additional privacy safeguards for students.

In Rochester, the Genesee Valley Chapter organized opposition to proposed changes to the local school district's policy for regulating military recruitment. While the school board approved several

*"New York City has finally acknowledged that unchecked military recruitment is a serious problem in our schools. If this regulation is fully enforced, it will be a significant step toward protecting the privacy of our children."*

changes that weakened students' privacy, the chapter's advocacy managed to limit the damage.

NYCLU volunteers are educating students on the privacy rights regarding military recruitment across the state. This fall, the New York City office organized a "Week of Action," in which teams of volunteers visited high schools often targeted by military recruiters to inform students of their right to withhold information from the military. The Western Regional Office also organized Week of Action, distributing hundreds of "Know Your Rights" palm cards to students in the Buffalo area. 🗣️

"Thanks for helping in the fight against wiretapping, against the monstrous Rockefeller Drug Laws, against overly exuberant policing and military recruiting in our schools." – Tony Kushner

## For Seventh Year, Broadway Stands Up for NYCLU Youth Programs and Civil Liberties

The seventh annual Broadway Stands Up for Freedom! concert, held on July 20 at NYU's Skirball Center for Performing Arts, was a sold-out hit. Dozens of Broadway's finest - including leading actors from *Hair*, the original cast of *Falsettos*, *Rent*, *Cats*, *Spelling Bee*, *Les Miz*, and the hit television shows *Lost* and *True Blood* - took to the stage night to salute the work of the NYCLU.

The show raised more than \$100,000 to benefit the NYCLU's youth programs, including its work with LGBT teenagers; its Teen Health Initiative, which educates teenagers on their rights to access health care in New York City; and its work to stop overly aggressive policing and military recruiting in the city's public schools.

The husband-and-wife team of Michael Emerson of *Lost* and Carrie Preston of *True Blood* recited winning entries from the NYCLU's annual Freedom in Expression contest, which invited young people in New York City to lend their voices and creativity to the struggle for social justice.

Tony Award- and Pulitzer Prize-winning playwright Tony Kushner, a longtime NYCLU member, opened the show and served as honorary chairman.

### Message from Tony Kushner:

*Every year, I have some particular reason to be grateful to the NYCLU. Last year, it was because of its participation in the Martinez decision as a consequence of which my same-sex marriage is now legally recognized in my home state.*

*This year, thanks to the NYCLU, I can pee during a Yankees game even when they play "God Bless America" without fear of being manhandled and forcibly evicted from the stadium.*

*I've never been to a Yankees game. In my whole life, I've only ever been to one baseball game and I remember absolutely nothing about it except that it went on forever, so I'm sure I must have peed at some point.*

*Peeing, baseball and patriotic songs are inseparable, and yet – like church and state – separation, distinction must be vigilantly, scrupulously maintained, and so thank god for the New York Civil Liberties Union, which keeps us free to speak, free to vote, free to express ourselves and even free to pee.*

*Welcome to Broadway Stands Up for Freedom. I'm thrilled, as I always am, to be a part of this extraordinary evening of song and dance – well I think there's dance – song anyway; this evening when expressive people get to express our gratitude to the people who make sure our society stays civilized, generous-spirited, open-minded, open-hearted and free.*

*I want to say thanks to all of you for coming. Thanks for helping in the fight against wiretapping, against the monstrous Rockefeller Drug Laws, against overly exuberant policing and military recruiting in our schools.*

*Thanks for supporting the NYCLU; its amazing youth programs.*

*Thanks for all your help in the past.*

*Thanks for helping keep constitutional, secular, pluralist democracy alive for the past eight years.*

*Thanks for continuing into the future, into the next eight years, when we can finally hope to build, to grow, to expand our civil liberties and not just defend them.*

*Thanks to these amazing actors, singers and musicians, and thanks to all of you brave people who bought tickets and brought your checkbooks and decided that you were going to give regardless of the general, dismal economic situation.*

*Thank you for investing in the future of America, a future unimaginable without the New York Civil Liberties Union.*



Photos by Starpix

Top row: The Tony-award winning cast of *Hair*: Andrew Kober, Maya Sharpe, Paris Remillard, Allison Case, Ato Blankson-Wood and Kacie Sheik. Middle row: Husband-and-wife Michael Emerson (*Lost*) and Carrie Preston (*True Blood*); Broadway Stands Up Musical Director Seth Rudetsky; and Todd Buonopane (*Spelling Bee*, *30 Rock*). Bottom row: Liz Callaway (*Baby, Cats*), Daphne Ruben-Vega (*Rent*), Broadway Stands Up Director Jen Bender, Broadway Stands Up founding performer Liana Stampur, Dana Steingold (*Spelling Bee*), Laura Osnes (*South Pacific*, *Greece*) and Celia Keenan-Bolger (*Les Miserables*, *Spelling Bee*).

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FOR  
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July 26, 2010

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# Justice Department Denounces Conditions at Four of New York's Youth Prisons

DOJ Report Comes After ACLU Issued a Scathing Critique of the Same Facilities

After the U.S. Department of Justice released a report in August condemning conditions at four of New York State's juvenile prisons, the NYCLU sprung into action, rallying advocates to demand reform.

The Department of Justice report documents a shocking culture of abuse and neglect of youth in four facilities operated by the state Office of Children and Family Services (OCFS): Louis Gossett, Jr. Residential Center, a facility for boys in Ithaca; Lansing Residential Center, a facility for girls also in Ithaca; Tryon Residential Center, a facility for boys located outside Johnstown; and Tryon Girls Residential Center, located adjacent to the boys' facility.

Shortly after the report's release, the NYCLU organized a press conference outside New York City Hall with the Rev. Al Sharpton and the National Action Network, the Children's Defense Fund-NY, and the ACLU to call attention to the DOJ's findings and demand an end to the neglect and abuse.

"These children desperately need care, rehabilitation and a therapeutic environment but what they're getting is a government-sponsored nightmare," said NYCLU Executive Director Donna Lieberman. "The state has made improvements to the juvenile justice system, but it's not enough – we need a massive culture change to end the widespread physical and mental abuse."

The NYCLU is currently working with state lawmakers to draft reform legislation to improve conditions at the facilities.

According to the DOJ, staff members at the four facilities consistently use excessive force against youth, place children in inappropriate restraints, and fail to provide adequate mental health care. The DOJ also concluded that administrators at the facilities fail to adequately investigate use of force incidents and often do not take corrective actions for staff members involved in them.

"The state has an obligation to treat our children in a manner that respects their human dignity," said the Rev. Al Sharpton, president of the National Action Net-



NYCLU Executive Director Donna Lieberman was joined by the Rev. Al Sharpton of the National Action Network as she called for reforms to end the culture of abuse and neglect in New York's youth prisons. The children in these facilities are overwhelmingly black and Latino children who often suffer from a variety of mental health issues, substance abuse problems and a number of other special needs.

work. "It has tragically failed in that duty. We cannot rest until this situation is rectified and we are assured that every OCFS employee is treating youth in a humane, therapeutic manner."

The children in these facilities – youth who were younger than 16 when arrested and overwhelmingly black and Latino New York City residents – live hundreds of miles from their homes and families. They often suffer from a variety of mental health issues, substance abuse problems and a number of other special needs, including trauma as a result of sexual assault and abuse. They often end up in these facilities for minor offenses, such as turnstile jumping and marijuana possession.

Abusive conditions at the state's juvenile prisons

have been a source of controversy over several years. In September 2006, the ACLU and Human Rights Watch released *Custody and Control: Conditions of Confinement in New York's Juvenile Prisons for Girls*, a report documenting alarming abuse and neglect of girls being held at the Tryon and Lansing Residential Centers. The report found that prison staff often used inappropriate and excessive force against girls.

Under the leadership of OCFS Commissioner Gladys Carrion, New York's juvenile justice system has adopted policies that reject the costly, failed punitive approach and instead embrace a community-based rehabilitative approach. The DOJ's findings show much more work is necessary. 🗨️

## An End to Mandatory Patriotism at Ball Game

From page 1

following 9/11. In an effort to promote patriotism, Yankee security officials and uniformed NYPD officers hired by the Yankees prevented fans from moving around Yankee Stadium when the song was played.

"Neither the Yankees nor the NYPD can force people to engage in acts of political loyalty," said Christopher Dunn, NYCLU associate legal director and lead counsel in the case. "As a result of our lawsuit, fans can now go to a ballgame at Yankee Stadium knowing they will not be subjected to NYPD-enforced patriotism."

Campeau-Laurion, the director of web production for a media company, had quietly watched the Aug. 26 Yankees-Red Sox game with a friend, eating a bag of peanuts and drinking two beers. He decided to use the bathroom during the seventh-inning stretch – a period when fans routinely flock to the restrooms. An NYPD officer blocked his path, indicating he could not leave his seat during "God Bless America."

Campeau-Laurion, a Red Sox fan, explained that he needed to use the restroom and attempted to walk

*"This settlement ensures that the new Yankee Stadium will be a place for baseball, not compelled patriotism. It is a victory for the freedom of expression – a core constitutional principle."*

past the officer, who grabbed him by the arm before he took a step. A second officer assisted in restraining the baffled fan and forcibly marching him out of the stadium. The officers refused to ease their grip, even though Campeau-Laurion did not resist them.

In a separate judgment, the city was ordered to pay \$10,000 to Campeau-Laurion, who pledged to donate a portion of the judgment to the NYCLU.

"It's a proud day for freedom to know that people can now enjoy America's pastime at Yankee Stadium without being forced into acts of patriotism," Campeau-Laurion said. 🗨️

## Lawsuit Seeks to Protect 9th Grader who Suffered Viscous Harassment

Jacob Endured Near Constant Verbal Assault from Other Students and a Teacher Told Him He Should be Ashamed of Himself for Being Gay

From page 1

The lawsuit, filed in U.S. District Court for the Northern District of New York, maintains that the school district violated Jacob's rights under the 14th Amendment; Title IX of the Education Amendments Act of 1972, and state human rights and civil rights laws.

Beginning in the seventh grade and continuing through Jacob's eighth grade year, numerous students relentlessly harassed Jacob because he is gay, dyes his hair, wears eye makeup and speaks in a high-pitched voice. He endured a range of slurs, such as faggot, queer and

homo, on a daily basis, occasionally with teachers present. Indeed, at least one teacher contributed to this climate of harassment by telling Jacob he should be ashamed of himself for being gay.

Aside from the continuous verbal assault, Jacob has also experienced physical intimidation and violence at school. Students have thrown food at him in the cafeteria; pushed him down the stairs; knocked books from his hands; destroyed or defaced his belongings, including his clothing, cell phone and iPod; and threatened to beat, stab and kill him. When the student who brought a knife to school threatened to kill him, he said he would string Jacob's "ass up from the flagpole."

"People always make fun of what they don't understand, but the school has a responsibility to protect people," said Jacob, who is currently in the ninth grade. "I shouldn't have to fear for my safety at school. No one should." 🗨️

## Guidelines Set Around Role of Police in Syracuse Schools

The Central New York Chapter played a pivotal role this summer in the creation of guidelines for Syracuse police officers assigned to maintain safety and address criminal activity in the city's public schools.

Syracuse City School District amended its Code of Conduct on Sept. 9 to include a new job description for school resource officers. The NYCLU had advocated for this change following a disturbing series of reports about incidents in which officers reportedly mistreated and abused students. In one particularly disturbing incident, an officer at Corcoran High School repeatedly punched a female student in the face.

In April, the NYCLU sent the school district a demand letter, calling for a series of reforms to add accountability to police activity in the schools. The new job description responds to several parts of the demand letter. It aims to limit the role of police to criminal matters, leaving school officials responsible for maintaining discipline. Among other provisions, it also requires regular reporting on student-police encounters in the schools.

Central New York Chapter Director Barrie Gewanter worked closely with school district officials and local stakeholders, including parents, teachers, civil rights advocates and community activists, in refining the job description.

"We asked for a document clarifying the lines of authority between these officers and school administrators, and the school district did just that," Gewanter said. "The challenge now is to ensure that these requirements are fully enforced so that we can continue developing school safety practices that respect students' rights and dignity."

The conduct of police in schools drew increased scrutiny in late September following two separate incidents in which city police officers used Tasers on students. The incidents raise serious questions about the use of force by police in the schools. The presence of armed officers, Gewanter said, is an "invitation for mistakes that have serious consequences." The NYCLU is investigating both incidents. 🗨️

# The 2009 Legislative Session: Change is Messy

Legislative Director Robert Perry on the NYCLU's View

On June 8, Senator Tom Libous delivered to the presiding chair of the Senate a motion that, in effect, proposed restoring political control of the chamber to the Republicans.

Two Democrats, Pedro Espada and Hiram Monserrate, joined the Republicans in support of the motion. The vote was 32-30.



## What the "coup" portends for 2010

In the November 2008 election, the Democrats had won a majority of Senate seats for the first time in more than 40 years. Now the Republican conference was back in control.

The tabloids called it a coup. And what ensued was portrayed as a circus. (*The New York Post* even sent a clown to stalk the lead players.) But the cartoon version of events obscured a deeper meaning. Underlying this drama was a clash of political ideologies.

## The back story

Here's what happened in the five months Democrats controlled the legislative calendar in the Senate.

On April 2, the Senate passed landmark legislation dismantling the state's notoriously unjust mandatory sentencing scheme for drug offenses.

The Senate Democrats also approved an increase in the basic welfare grant -- the first in nearly 20 years. Scheduled for a Senate vote the day after the coup was a bill restoring regulation of rent hikes on hundreds of thousands of New York City apartments. (The vote, of course, was never taken.)

Before the coup the Senate leadership was also expected to move legislation establishing a paid family-leave benefit, as well as bills that would extend labor law protections to domestic workers and farm workers.

This is not Joe Bruno's Senate. (For 14 years, until his retirement in 2008, Joe Bruno was the Republican leader of the Senate.)

Now, for the record, the NYCLU is non-partisan; the organization holds no brief for any political party. We embrace friends of civil rights and civil liberties as we find them. That said, the business taken up by the Senate seemed to auger a period of glasnost as regards fundamental rights and liberties. All it took was the defection of a single Democrat to tie the score, 31-31, and stall a bill. But even still, the signs of an ideological shift were unmistakable.

## Post Coup: Women's Rights, Women's Health

The coup officially concluded when the two renegade Democrats negotiated the conditions of their return to the fold. The Senate then passed, with active support from the NYCLU, legislation that:

- Prohibits corrections officers from shackling pregnant women while in labor;
- Eliminates the requirement that a woman applying to the state for child support assistance must first file a legal petition seeking support from an absent parent (The consequences can be catastrophic for all concerned -- parents and children); and
- Creates a Breastfeeding Bill of Rights, which is intended to ensure that every woman in New York knows about the benefits of breastfeeding.

The bills were introduced in the Senate by De-

### 2010: The Civil Liberties Agenda

- ✓ **LGBT rights:** As to passage of the marriage bill -- it's not if it will pass, but when. In 2010 we'll focus our advocacy for marriage fairness in key electoral districts. We'll also press for action in Albany on bills that prohibit bias-based bullying in schools and discrimination based upon gender identity and expression.
- ✓ **Reproductive freedom:** Under New York law the right to an abortion is recognized as an exception to the penal code -- a statutory anachronism that pre-dates *Roe v. Wade*. The NYCLU has helped draft a bill that clearly and affirmatively recognizes reproductive rights. The goal is adoption of the Reproductive Health Act in New York law.
- ✓ **Juvenile justice facilities.** In August of 2009 the U.S. Department of Justice issued a report documenting serious abuses by corrections officers in New York State juvenile justice facilities. The NYCLU supports legislation establishing the Office of Child Advocate, with independent authority to monitor and investigate the state's juvenile justice facilities.
- ✓ **Medical privacy:** Each year some 70,000 New Yorkers' suffer a catastrophic health crisis and have no medical directive regarding their medical treatment. The NYCLU strongly supports the Family Health Care Decisions Act, a bill that would authorize a family member, domestic partner, or close friend to ensure that medical decisions respect the wishes of an incapacitated loved one.
- ✓ **DNA databank:** A state commission has approved a policy authorizing law enforcement to investigate family members whose DNA is a "partial match" with the DNA of an individual held in the state's databank. The theory is, the partial-match DNA of a blood relative may belong to the perpetrator of a crime. The NYCLU argues that the policy poses a grave risk to the privacy and due process rights of those who become the targets of a "familial search."
- ✓ **Civil liberties and economic justice:** The NYCLU is supporting legislation that would make farm workers subject to state labor laws; establish a paid family leave benefit that allows workers to care for a sick relative or a new child; and give domestic workers protections against exploitation in pay and working conditions.

mocrats, and each of the primary sponsors was a woman. Governor Paterson has signed all three bills into law.

## ... But Marriage for Some

On the afternoon of December 3 the Senate took up the ability of same-sex couples to marry. In the floor debate on one of the defining civil rights issues of our time, only 18 members rose to their feet to explain their vote. And of the 24 votes in favor of the same-sex marriage bill, none was cast by a Republican.

One can argue the wisdom of bringing the bill to a vote on the heels of an uprising of social conservatives in Maine and in New York's 23rd Congressional District. But Senator Ruth Hassell-Thompson's telling of the story behind her vote -- of calling home an estranged older brother who felt exiled because of his sexual orientation -- left no question as to where the arc of justice leads on this issue.

Her moving testimony (which became a national news story) -- and the remarks of senators Eric Adams, Eric Schneiderman, Diane Savino, Liz Krueger and others -- helped the people of New York take a long, hard step closer to enactment of a law that recognizes everyone's marriage.

## A Third Way? . . .

The political demographics of the state have been shifting Democratic in areas that have long been counted as Republican. In 2003 Republicans held a 12-seat majority, but

then lost seats to the Democrats in three consecutive biennial elections. And when the 2009 legislative session began, the Democrats held a tenuous, two-seat majority.

It was before this political body, riven almost precisely in two, that the Dalai Lama appeared on May 6. (The coup was still about a month in the future.)

The spiritual leader observed that all human endeavors are driven by the motivation of the individual: A "compassionate mind" brings positive energy into the community, he said to this gathering of politicians parched for positive energy.

He concluded his brief address by wondering aloud whether he should join the Republican Party or the Democratic Party. And then, pausing, he asked, "Or should I start another, new party?"

This cut too close to home. The proposal was greeted with stiff smiles and wheezing, nervous laughter. It was as if some mysterious higher power (one not yet tested in the courts) had declared that all member items -- known as "pork" -- would heretofore be distributed by lottery.

There will be no Compassionate Mind Party on the ballot in 2010. Either the Democrats or the Republicans will prevail. The victorious party controls the drawing of electoral district maps.

And this is the dynamic driving the frenzied politics in Albany. 🗣️



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- Bring accountability to police in schools
- Advocate for fair marriage laws that protect all families
- Guarantee women's reproductive freedom
- End racially-biased policing practices

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## NOTICE REGARDING BOARD NOMINATIONS

The annual meeting of the members of the NYCLU will be at 6 p.m. on Wednesday, June 9, 2010 at 125 Broad St., New York NY for the purpose of electing directors, receiving the annual report and transacting any other appropriate business.

All directors are elected by a vote of the statewide membership. This year there are 13 vacancies to be filled. The NYCLU Nominating Committee is charged by the NYCLU by-laws to nominate only as many candidates as there are vacancies on the Board.

The Nominating Committee will nominate its slate of nominees. If you are interested in finding out who the nominees are, please write to Donna Lieberman, Executive Director, 125 Broad St., New York NY 10004.

The governing board of each NYCLU chapter is entitled to nominate one director. Nomination may also be made by petition of at least 25 members.

Nominations must be filed with Executive Director Donna Lieberman by April 12, 2010, 60 days prior to the annual meeting, at 125 Broad St., New York NY 10004.

A proxy ballot, along with biographical information and supporting statements of each of the candidates, will be published in the next issue of the NYCLU News.