NYCLU Scores a Victory for Free Expression at Yankee Stadium

As 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.

“The 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 during Labor

Lawsuit Targets Upstate School for Failing to Protect Gay Youth

Middle 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.”

Continued on page 7
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, the NYCLU mounted 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, a website featuring videos and stories of a dozen New York couples explaining why marriage matters to them. Among the 12 couples who volunteered to tell their stories are Skeaneatees residents Colleen and Jimmy 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 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.

The website allows visitors to quickly and easily see why fair marriage is important to New Yorkers and provides ways to recruit friends into the campaign through social networking websites, such as Facebook and Twitter. The campaign features videos, stories and powerful 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.”
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 invasive and humiliating search.”

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 grounds 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 and 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.

After this student was searched by a female librarian in front of three males – her principal, a police officer and the male state trooper. “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 to. I felt helpless and humiliated.”

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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 Jihad,” which featured a video-game parody in which a suicide bomber attempts to locate former President Bush.

The exhibit was intended to provoke thought about 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 the property owner’s First Amendment 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 restore 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 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 his First Amendment rights of speech and association.

In December, the federal court 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.”

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

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

More than 300 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.

NYCLU... YOU

Surviving Nazi Occupation Instilled a Lifelong Commitment to Civil Liberties

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 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 didn’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 organization was still called the American Civil Liberties Union.

“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 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 to 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 delayed his graduation.

“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.

You don’t protect freedom by destroying it.”

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....
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 over-rule the deeply flawed 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 untrained employees 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 biometric electronic device, 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 undocumented workers out of 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笺 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 family rights: Detaining family members and 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

We Can Make the Difference. Get Involved 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): 585-454-1334, 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

NYCLU requires school principals to, among other things, develop procedures for regulating military recruiters in the school. 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 changes that weakened students’ privacy, the chapter’s advocacy managed to block passage.

NYCLU volunteers are educating students on the privacy rights regarding military recruitment across the state. This fall, the New York City chapter 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.

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 Francis Liu, immigration advocacy field coordinator for the New York Immigration Coalition.

“There is a large immigrant community in west and central New York that faces problems unique to this area, yet there’s been little coordination and cooperation between organizations,” Liu said.

“We saw the summit as an opportunity for everyone to share their experiences and knowledge toward a common goal of promoting and expanding immigrant rights.”

Pudup worked with Western Regional Office Director John Curr and Central New York Chapter Director Barrie Gwatiner to organize the summit. He led a steering committee of local advocates to develop a proposal for the summit and identified groups to invite to it.

The committee decided that the initial summit should focus on educating and advocating for immigrant rights and discussing effective advocacy techniques.

More than 25 leaders, not including NYCLU staff, attended the event. Sophie Fein, an immigration attorney from Buffalo and a representative 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 for Extension of the Work Already Going on in Long Island and the Lower Hudson Valley

The statewide campaign for comprehensive immigration reform requires making strong connections between the NYCLU’s chapters and regional offices’ work advocating for immigrants’ rights.

Long Island and parts of the Lower Hudson Valley have been 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.

In June after an undocumented immigrant from Guatemala killed a mother and daughter in Brexter while driving drunk. In October, in Lower Hudson Valley, the NYCLU 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 guidelines regulating military recruitment in the city’s public schools.

“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.”

The regulation, drafted with input from the NYCLU, requires school principals to, among other things, develop procedures for regulating military recruitment. Detaining family members and 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

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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 Mis, 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 received 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 that 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.

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 program.
Thanks for all your help in the past.
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.

“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.” — Tony Kushner
A for the U.S. Department of Justice released a report in August condemning conditions at four 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. The report found that administrators at the facilities 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 Network. “It’s a proud day for freedom to know that people will not be subjected to NYPD-enforced patriotism.”

The NYCLU is investigating both incidents. In a separate judgment, the city was ordered to address criminal activity in the city’s public 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, the report clarifies the role of 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, the report clarifies the role of school resource officers.

The 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 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 to 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 the presiding chair of the Senate a motion that, in effect, proposed restoring political control of the Senate 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 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 sentence 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 that would restore 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 tip the scale, 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 ratified the conditions of their return to the fold. The Senate then passed, with active support from the NYCLU, legislation that:

- Prohibits corrections officers from shackle 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 Democrats, 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 or the Democratic Party. “Which is the dynamic driving the frenzied political game at Albany?”

2010: The Civil Liberties Agenda

LGBT rights: As 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 anomachronism 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.

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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 business as may come to its notice.

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.