The fight is far from finished

There are many ways to take part in the ongoing battle for civil liberties:
• Become a member at nyclu.org/join.
• Make a contribution at nyclu.org/donate.
• Become an online activist at nyclu.org/act.
• Learn more about volunteering at nyclu.org/volunteer.
• Follow @nyclu on Twitter and Instagram. Visit Facebook.com/nyclu.
A MESSAGE FROM NYCLU EXECUTIVE DIRECTOR DONNA LIEBERMAN

Still Standing Tall

For two long years, Donald Trump and his allies in Congress have used their ill-gotten hold on the federal government to put the interests of the Trump Organization and the wealthiest of the wealthy first. And though immigration defines so many American stories, our government finds new ways to demonize immigrants and refugees every day. The Trump regime has caused unspeakable harm for generations to come, and anyone with a heart cannot help but shudder at what is being done in Americans’ name.

In 2018 alone, we saw parents separated from their young children, even babies, because of Trump's policies. Despite an impressive fight put up by the ACLU, ACLU affiliates and our allies, the Supreme Court upheld the President’s third Muslim ban. We witnessed the confirmation of a Supreme Court Justice under a cloud of sexual assault allegations and the crassest voter-suppression and election-rigging efforts imaginable. Indeed, the Trump regime has been worse than our worst fears.

In these pages, you will read about how the NYCLU is working to shield New Yorkers from the atrocities coming from the federal government and to make the state government live up to its promise. You will see how we are fighting to reunite families while combatting dirty tactics employed by ICE to keep immigrants in detention. How we are mobilizing for a major push in Albany to make our state a beacon of hope through important reforms, and how YOU can get involved in the ongoing battle for civil rights and civil liberties. We share the inspirational stories of runners who competed in the NYC Marathon on our behalf and that of a longtime donor’s bequest to the NYCLU in honor of her late husband, himself a lifelong civil libertarian. On our website, nyclu.org, you’ll learn even more.

The America of 2019 is far from a perfect union. If you are a person of color, an immigrant, LGBTQ, a woman, impoverished or if you simply believe in democracy, inclusion and equity, you find yourself in the Trump regime’s crosshairs every day. I feel fortunate to get to channel my fury and deep concern for the well-being of our democracy into the work that we do here at the NYCLU.

As ACLU and NYCLU supporters, you have the power to be on the right side of history as we push back against the greed and hatred of the Trump regime and work together to build the pluralistic society where all people are treated with dignity and respect.

We have taken many blows, but we are still standing tall. Thank you for pressing forward with us towards a better tomorrow.

A New Era in Albany

In the midterms, New Yorkers voted to change state politics and it didn’t take long for them to see results. After the election, the NYCLU released “The First 100 Days” calling on our elected officials to protect New Yorkers from the attacks of the Trump regime. In January, we celebrated as lawmakers passed legislation reflecting some of our top priorities:

• With the passage of the Reproductive Health Act, our laws are now in line with the protections of Roe v. Wade: women can get the health care they need throughout their pregnancy, including when their health is at risk or the fetus is not viable. The Comprehensive Contraceptive Coverage Act requires insurers to cover a range of birth control options, including emergency contraception.

• The legislature made progress in reforming New York’s antiquated voting laws by passing legislation to provide nine days of early voting and taking the steps toward amending our constitution to make no-excuse absentee voting and same-day registration a reality.

• And, lawmakers passed the Gender Expression Non-Discrimination Act (GENDA) after over a decade of advocacy by NYCLU and allies. Gender identity and gender expression are now protected categories under state civil rights laws.

While this represents important progress, there is still work to do. We need to reform unfair court practices, legalize marijuana, protect students against discrimination and ban facial recognition technology in schools. Visit NYCLU.org/act to engage your representatives on these issues.

SAVE THE DATE!

Two years ago, a thousand New Yorkers rallied with us in Albany for our Emergency Day of Action. Join us on May 14, 2019 as we demand that lawmakers adapt long-overdue reforms to protect New Yorkers from the Trump regime and the erosion of our democracy.
A Gift of Hope for Tomorrow

Longtime NYCLU Supporter Makes a Bequest

When retired school librarian Rita Auerbach decided this fall to make a gift, through her will, of her entire estate to the NYCLU and the ACLU, she knew her late husband was very much by her side. Her husband of 44 years, Elliot Auerbach, a physicist and decades-long NYCLU board member, “was the one who planned and saved and built what we have,” she says. “The ACLU and NYCLU were his greatest passions, both intellectually and in terms of how he lived his life. I wanted to donate whatever we had to one place so it would make a difference.”

Making a difference has long been a theme for the couple. Rita lived on Manhattan’s West Side, where she worked on the 1964 Presidential election after having taken a year off from college and continued to work with the Riverside Democrats headed by liberal Congressman William Fitts Ryan. Elliot grew up in Brooklyn, the child of first generation immigrants. And while he was never a big political movement “joiner,” the aspiring scientist always followed developments in civil liberties law. Rita recalls that, when they met, Elliot subscribed to the Supreme Court Reports so he could read Court decisions in their entirety as soon as they were handed down. Years earlier, he had driven with a friend to Washington to be at the Court on a Monday when they announced their decisions. He was rewarded for the trek: when the Supreme Court ruled on the landmark 1957 case Roth v. U.S., which narrowed the definition of what constituted obscene material not protected by the first amendment, Elliot was inside the courtroom. When they began dating, one of Elliot’s first orders of business was to get Rita signed up as a NYCLU member.

For many years the couple lived in East Patchogue, N.Y., near the Brookhaven National Laboratory where Elliot worked for nearly 40 years. Before his death in 2015, he spent more than 30 years as a member of the Board of Directors for the NYCLU, including as acting president of the Suffolk County chapter and serving on the state board. He helped run the Suffolk chapter during a crucial transition period and advocated passionately to ensure the chapter had what it needed to do its work. Though Elliot and Rita shared a lifelong passion for protecting all civil liberties, they were particularly concerned with the suppression of voting rights, most glaringly evidenced by the 2014 Supreme Court ruling that gutted key parts of the Voting Rights Act. “What’s happening in this country, with Republicans trying to claim people are not eligible to vote, without an iota of evidence, is frightening,” says Rita. Not to mention the chaotic nature of New York’s voting system. “My brother was a poll watcher in Brooklyn during the midterms,” she adds, “and the scanners often jammed, as they did throughout the city. At times there were no working scanners in a packed polling center. And we still don’t have early voting and same day voter registration.”

Though Rita and Elliot lent their support to many organizations, Rita says the NYCLU stood out because of “everything they do. The work is so important. People say it’s important now under Trump, but it is always important. Elliot was disappointed with Obama’s record on civil liberties, such as drone attacks on American citizens and zeroing in on leaks to journalists. We always need to support these liberties.”

The couple’s gift will ensure their support continues. In recognition of the impact of the Auerbachs’ gift, the NYCLU will have an attorney position bearing their name: the Elliot and Rita Auerbach Voting Rights Counsel. Of the honor, Rita says: “I think it’s wonderful, it’s a position we need no matter who is in the White House.” After a beat she adds, perhaps most importantly, “Elliot would have approved.”

*Note: New York state lawmakers are in the process of reforming voting laws to allow for early voting, same-day registration and “no excuse absentee” voting.
Introducing Diana Lee

The NYCLU’s Communications Director

When she graduated from Northwestern University with a double major in political science and history, NYCLU Director of Communications Diana Lee knew she wanted a career in public service. But her specific vision of that career changed soon after taking her first job at the New York City-based think tank Brennan Center for Justice. The onetime aspiring attorney “quickly realized that I was not personally suited to be one.” Instead, Lee says, she discovered a deep interest in helping to explain and translate the work. That way, she was often “in the orbit of lawyers—which is the right place for me.”

Lee’s keen interest in communications was buoyed by a gradual understanding that social change is inspired by a variety of forces. “I used to have a one dimensional idea that laws change and life gets better for some people,” she says. “But with our world getting more complex I started thinking more about communications, how we learn about change, how people understand change, and to me that was really the most fascinating part of this.”

For Lee, the NYCLU held a powerful appeal because of its smart, immersive and thoughtful approach to issues. “There are a lot of organizations doing critical work but I think oftentimes the most critical work that people do not see is what happens before there’s a lawsuit, before something is announced publicly. An incredible thing to me was the work the NYCLU does before a case becomes known.” Instead of taking a uniform approach to cases, Lee says, the organization synthesizes its empirical data with open-ended discussion about how it spends time and resources to determine where it should be litigating. “Different groups do this of course, but the sheer intensity and integrity of the strategic process really spoke to me,” she explains.

The NYCLU’s often quiet heroic intensity was a motivator for Lee to think about creative ways to ensure that the NYCLU’s work would reach people in every way, wherever people wanted to learn about it. Her vision for the department revolves around the idea of putting the audience first and crafting the medium accordingly. “I think our ongoing goal is to give people lots of different ways to connect and learn more about what we are doing in ways tailored to them.”

That might mean anything from an Instagram caption to a video to a blog and more. “One of the things I love most about my job is I’m constantly putting myself in the shoes of other people: who are we fighting for, what do people need to know in order to connect with our work and the impact it has on people’s lives?” Regardless of the medium, she says, “emotional resonance is always the goal.”

She adds that such resonance must go both ways. “We want to hear from people; we want to give people a lot of choice and agency over how they want to interact.” That might mean offering an array of options on social media, Lee says, but the most important guideline is making people feel safe to connect. If someone has straightforward logistical questions on early voting, Lee says, “we want to be sure they don’t view NYCLU as some sophisticated legal resource” beyond their reach.

Given Lee’s fondness for the challenge of her work, it’s not surprising that she enjoys another challenge in her free time: New York Times crosswords. “I’ve completed every Sunday New York Times puzzle for the last 10 years.” More recently she has taken up bird watching—much of it in the heart of New York City. “I may be the youngest bird watcher in history,” she jokes. “But surprisingly, in both Central Park and Prospect Park you see a ton of really cool birds, falcons, hawks. It’s really beautiful to see.”

NOTICE REGARDING BOARD ELECTION

The annual meeting of the members of the NYCLU will be held on Thursday, June 20th, 2019 at the NYCLU offices at 125 Broad Street, 19th Floor, New York, NY, for the purpose of electing directors and receiving the annual report.
Reuniting Families

Like most Americans, Vivian Martinez watched in horror as media accounts detailed children and parents being torn from each other at the U.S.’s southern border as part of the Trump regime’s newly instituted “zero tolerance” immigration policy. But as a U.S. citizen and lifelong New Yorker whose husband Antonio was applying for his green card, Vivian felt far away from those atrocities. So in April, when she and Antonio appeared in downtown Manhattan for a routine interview as part of the green card application process, they were shocked when ICE officers seized Antonio and shipped him off to a New Jersey jail in handcuffs. They fell victim to a new policy to detain and deport all applicants with old orders of removal. A dazed Vivian said she had been under the impression this sort of thing “didn’t happen in New York City.”

Sadly the Martinezes, who have been together for 14 years and have two young children, are one of many families across the country—in cities and towns far from the southern border—who have been targeted, ambushed and separated under assaultive immigration rules. To combat the growing problem, in June the NYCLU and ACLU of New Jersey filed a lawsuit on behalf of the Martinez family as the new policy violated their due process rights and contradicted another federal decision requiring all adults living with those seeking to sponsor migrant children—including parents—to submit to lengthy fingerprint screenings. In one, a Queens resident who had been granted asylum in 2017 was seeking custody of her 14-year-old daughter, who had remained in detention six weeks after her mother had submitted fingerprints. On October 5, Southern District Judge Paul Crotty ruled for the NYCLU, saying the delays were unlawful, and the teen and her mother left the courthouse together.

The NYCLU also represented Eilyn Carbajal Pineda, who came to the U.S. in 2016 fleeing violence in Honduras. Eilyn followed procedures precisely, and submitted her fingerprints immediately after her 8-year-old son came to the U.S. in June 2018. After six weeks with no word on her son’s status, Eilyn—infant son and daughter in tow—made the 45-hour trek to New York City to be closer to the Office of Refugee Resettlement site where her son was being detained. Upon being informed by the NYCLU that the family would seek an emergency court order if the boy was not released to his mother immediately, ORR relented and released the boy to his family. After the NYCLU filed a nationwide class action against the federal government over their expanded fingerprinting rules in November, ORR revised its policy to limit background checks to parents only. This reversal should speed up the release of migrant children in New York and reduce the risk of family members being deported.

ICE’s immigration tactics in New York have taken other insidious forms. For example, it was common for local law enforcement agencies to detain immigrants at the request of ICE. But in November, a New York appeals court ended that practice when it ruled in a NYCLU and ACLU lawsuit that New York law enforcement officers have no authority to detain people for alleged civil immigration violations. (Police can only detain someone if they are a suspect of a crime.) This win stems from a lawsuit filed by the NYCLU in December 2017 on behalf of an immigrant from India who was detained by the Suffolk County Sheriff’s Office at ICE’s request. This decision has wide-ranging implications as law enforcement agencies now have a clear ruling that prevents them from doing ICE’s dirty work.

In 2018 alone, the NYCLU filed eight lawsuits—including five class actions—on behalf of migrants. We have also served a consulting role in three other immigrants’ rights cases across the country. As immigrants receive the brunt of Trump’s hatred and discrimination, the NYCLU will work hard to shield New York from his deportation machine.
Fabulous Fall 2018 Events

BSUFF Moves to Broadway

After 16 years, the NYCLU’s Broadway Stands Up for Freedom (BSUFF) concert has made it to Broadway. Artists at the annual fundraiser played to a packed house at New York City’s Town Hall on October 15, 2018. Themed “We The People,” the evening had some sober moments, falling on the heels of the confirmation of Brett Kavanaugh to the Supreme Court, despite allegations that he committed sexual assault. But performers and audience members did not let our reality dampen the mood and answered that breach with celebration. Songs included George Michael’s Freedom, performed by Erich Bergen (Jersey Boys, TV’s Madame Secretary); This is Me, from The Greatest Showman, performed by Wé McDonald (The Voice); Shaina Taub’s Huddled Masses sung by Ariana Debose (A Bronx Tale) and the Brooklyn Youth Chorus; as well as several tunes written exclusively for the evening. Obie-winning actor Aasif Mandvi, formerly of The Daily Show, hosted and presented 2018’s Freedom Award to actor-writer-director Alan Cumming. A vocal supporter of the rights of the LGBTQ community, women and immigrants, Cumming was honored for his longtime human rights activism. “The work of the ACLU and the NYCLU is incredibly close to my heart and very much in my bones,” he said. “To be honored by this organization is really a special thing for me.”

Running for the NYCLU

In November, the NYCLU and ACLU joined the TCS New York City Marathon as an official charity partner for the first time. Going the extra mile for team ACLU—which raised $23,000 in all—were Katherine Glaser, an OB-GYN from Arizona dedicated to the organization’s work for reproductive rights; attorney and activist R Jay Russell; Sam Ballantyne from Ottawa, Ontario; Julie Ebenstein, NYCLU alumna and ACLU voting rights attorney; and Leslie King, an activist for people of color, immigrants, women and the LGBTQ community. Describing her motivation, King says: “Over the past 18 months, whenever I’ve felt like the world has turned upside down, I’ve looked for directives from the ACLU and NYCLU. They are actualizing what we all wish to do.” As for Ballantyne, he remembers being inside the courtroom when the ACLU successfully blocked implementation of the first Muslim ban. “As an immigrant and the son of a human rights lawyer, I know firsthand the life-changing work the ACLU does. I believe in the ACLU’s mission and I want to support it,” he said. “When it came time for me to choose a charity to run for, it was an easy choice.”

Support NYCLU online at www.nyclu.org
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Photos (top – bottom): Donna Lieberman and Wé McDonald (Photo by Donna Aceto); Aasif Mandvi, Host (Photo by Donna Aceto); Alan Cumming accepting the Freedom Award (Photo by Mike Pont/Getty Images for NYCLU)

SAVE THE DATE: October 28, 2019
BSUFF will be at The Town Hall again this coming fall.