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NYCLU Victory Brings Transparency to NYC School Safety Policies
Student Safety Act Becomes Law Following Three-Year Advocacy Campaign

At a January ceremony in City Hall, Mayor Michael Bloomberg, flanked by NYCLU staff, signed the Student Safety Act, a comprehensive reporting law on student discipline and arrests in New York City schools. The signing followed the City Council's unanimous vote to pass the bill. The vote was the product of three years of advocacy by the NYCLU and its partners in the Student Safety Coalition.

"The Student Safety Act sheds light on policing and disciplinary practices in the city's schools," said NYCLU Executive Director Donna Lieberman. "It is an important first step toward establishing school safety procedures that promote learning instead of intimidation and unwarranted arrests."

The Student Safety Act requires regular reporting by the New York City Department of Education to the City Council on student suspensions. In addition, it mandates quarterly NYPD reports to the council that detail the activity of police personnel in the public schools, including the number of students arrested and given summonses, broken down by geographic region, and details of noncriminal incidents involving NYPD personnel.

Information in the reports will be broken down by students' race, gender, age, grade level, special education status and English language fluency, to better understand disciplinary practices and trends and their impact on certain student populations. Educators, parents, policymakers and advocates will be able to analyze this data regularly to determine the impact of school safety policies on student achievement and school culture.

"Armed with data provided by the Student Safety Act, advocates and policymakers can work together to improve school climate, narrow the achievement gap and ensure the safety of all NYC students," said Lieberman.

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NYCLU staff stand with fellow advocates as Mayor Bloomberg signs the Student Safety Act into law during a Jan. 6 ceremony at New York City Hall. Photo by Alberto Morales.

Appeals Court Reinstates NYCLU, ACLU Lawsuit Challenging Unconstitutional Spying Law

In a landmark victory for privacy rights and the rule of law, a federal appeals court has reinstated an NYCLU and ACLU lawsuit challenging the 2008 FISA Amendments Act, a spying law that permits the government to secretly monitor people's private international phone calls, text messages and e-mails.

Reversing a lower court decision, a three-judge panel of the U.S. Court of Appeals for the Second Circuit ruled that the plaintiffs in the case could challenge the spying law without first showing with certainty that they had been spied on under the statute.

"Americans shouldn’t have to accept as a fact of life that the government may be monitoring their e-mails and phone calls and they can do nothing about it," said Christopher Dunn, associate legal director of the NYCLU and a co-counsel on the case. "This landmark ruling allows people to defend their right to privacy from unwarranted and illegal government surveillance.”

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Words from NYCLU Executive Director Donna Lieberman

Celebrating 60 Years of Making a Difference

The NYCLU celebrated our 60th anniversary in March with a wonderful party hosted by Aasif Mandvi of The Daily Show. The night featured eloquent tributes, proud moments—and some admittedly uneven dancing but with everyone in The Room. It featured a lot of great people, too.

We honored Ana Oliveira, the dynamic executive director of the New York Women’s Foundation that has supported human rights work on behalf of women worldwide. We also honored Legal Director Arthur Eisenberg and Associate Legal Director Christopher Dunn for their visionary leadership in creating such an effective and vibrant legal program at the NYCLU. And we recognized Dorsey & Whitney LLP, co-counsel in our landmark class-action lawsuit challenging the heavily-policing in New York City’s schools.

The 60th anniversary isn’t just a moment to celebrate. It’s also a time to reflect on all that we’ve accomplished over the past six decades, as well as an occasion to consider the challenges ahead. The work we do in some ways tells the story of the movement for justice, equality and human rights over the past 60 years. It will do the same over the next 60 years.

In the 1950s, we fought the loyalty oaths and witch hunts of the McCarthy era. Today we are fighting the anti-immigrant and anti-Muslim hysteria that pervades much of the national debate. We recognize the danger that the new law is not targeted at speech or a particular viewpoint but rather aims to solve a specific and significant problem that defunds Planned Parenthood, puts new restrictions on abortion access or endangers women’s health.

We worked with a coalition of organizations to advocate for the Dignity for All Students Act—a law protecting New York State’s public school students from harassment and bullying. Several of our coalition partners have joined us on special statewide task force that the State Education Department established to guide the implementation of this new law.

At the height of the anti-Muslim sentiment that swept the nation last summer over the Park51 project in Lower Manhattan, we played a critical role in forming New York Neighbors for American Values—a coalition of more than 100 interfaith, civic and civil rights organizations that stood up for tolerance and religious liberty. We continue to work with the coalition to confront Islamophobia and politicians who pander to it.

We’re organizing a similar coalition on Long Island—Conservative Medical Decision. These partnerships will be crucial as we prepare to counter the inevitable flare up of anti-Muslim activity which will accompany that the 10th anniversary of 9/11.

We’re working with a statewide coalition of immigrants’ rights groups to persuade Governor Cuomo to withdraw New York State from Secure Communities, a misguided federal program targeting immigrants for deportation that violates the constitutional rights concerns. The Obama administration bills the program as a public safety measure targeting dangerous criminals, but data shows that most people deported under the program had no criminal record and had been picked up for low-level offenses, like traffic violations.

We’re currently working with allies to push a marriage fairness bill through the Legislature. Our organizers have targeted specific Senate districts to let those lawmakers know that nobody should be denied the opportunity to legally marry the person they love just because they are gay or lesbian.

Through all this work, our most important partner is you, our loyal members. Since I opened with news about a party, I’m going to close with some news about another party. Broadway Stands Up for Freedom, our annual star-studded concert to support the NYCLU’s youth programs, is scheduled for Monday, July 25 in Manhattan. Mark your calendars. It will be a great show.

NYCLU News Writer

Check us out online at www.nyclu.org

And become a fan on Facebook!
Court Grants NYCLU Public Defense Lawsuit Class Status

A state appellate court has unanimously granted class-action status to the NYCLU’s landmark lawsuit charging New York State with failing to provide effective counsel to poor New Yorkers—reversing a lower court’s ruling. “Class-action status permits the case to proceed as a broad systemic challenge to New York’s public defense system,” said NYCLU Senior Staff Attorney Corey Stoughton, lead attorney on the case. “Now the case is about all criminal defendants who rely on public defenders, not just the individuals named in the lawsuit.”

The lawsuit maintains that New York State denies poor criminal defendants their constitutional rights to a lawyer and due process. It seeks systemic reform. The failures of the state’s “patchwork” public defense system have been well-documented for decades. In 2006, a commission headed by then-Chief Judge Judith S. Kaye found that New York’s indigent defense resources were “seriously dysfunctional and structurally incapable of providing effective counsel and due process. Despite the strong denunciations by the Kaye Commission and legions of advocates and stakeholders, the State Legislature has failed to enact meaningful reform.”

The class-action lawsuit, Harrrell-Haring et al. v. State of New York, maintains that poor criminal defendants are being unconstitutionally denied their right to a lawyer and seeks systemic reform. It was filed on behalf of all criminal defendants in Onondaga, Ontario, Schuyler, Suffolk and Washington counties who have encountered an unconstitutional public defense system. In a landmark legal victory in May 2010, the New York State Court of Appeals reversed a lower court’s decision granting the state’s motion to dismiss the case. The 4-3 decision paved the way for the case to proceed to trial.

Warrantless GPS Search of State Employee Unconstitutional, NYCLU Lawsuit Charges

S tate investigators acted illegally when they planted a GPS tracking device on a Department of Labor employee’s personal car without a warrant, according to a lawsuit the NYCLU filed in December in State Supreme Court for Albany County. The GPS device, planted as part of an investigation into workplace misconduct, tracked the whereabouts of a 30-year Department of Labor employee Michael Cunningham and his family for at least a month, including during evenings, weekends and while the family went on vacation out of state.

“Your boss can’t sit in the backseat of your car and watch you, your wife and your children 24 hours a day, but that’s exactly what the Department of Labor did to Mr. Cunningham,” said Melanie Trimble, director of the NYCLU’s Capital Region Chapter. “The courts have already prohibited police from using GPS devices to track people without a warrant. We’re confident that government agencies will be held to the same standard.”

On June 3, 2008, at the Dol’s request, investigators for the office of the State Inspector General placed a GPS tracking device on Cunningham’s family car. It was planted for the purpose of investigating whether Cunningham accurately filled out his time sheets. In all, his family car was tracked 24 hours a day in June and July of 2008, including during a weeklong family vacation in Massachusetts.

“I can’t believe that they would invade my privacy so brazenly,” Cunningham said. “It made me scared for myself and the rest of my family, who also drove and rode in the car. I don’t want other state employees subjected to this invasive, illegal surveillance.”

Evidence gathered by the GPS device was used in hearings that led to Cunningham’s eventual dismissal from his position at the Dol, where he had served as director of staff and organization development since 1988.

“Even in the role of an employer, the state is not free to engage in unchecked surveillance,” said NYCLU Senior Staff Attorney Corey Stoughton, lead counsel on the case. “In an era of rapidly advancing technology, the courts must weigh in and squelch this sort of behavior.”

In May 2009, the New York State Court of Appeals, the state’s highest court, ruled in People v. Weaver that police must obtain a warrant before using a GPS device to track criminal suspects. The NYCLU filed an amicus brief in that case.

“This boss can’t sit in the backseat of your car and watch you, your wife and your children 24 hours a day, but that’s exactly what the Department of Labor did to Mr. Cunningham.”

NYCLU Suit Challenges Police Officer’s Use of Taser on a Student at a Syracuse High School

T he New York Civil Liberties Union filed a federal civil rights lawsuit in December on behalf of a Syracuse high school student who suffered pain—full injuries when police officers shot him with a Taser while he attempted to stop a fight at school. The lawsuit, filed in U.S. District Court for the Northern District of New York, maintains that the police officers used excessive force and violated the student’s constitutional rights. It names the city and the two police officers involved in the incident as defendants.

“Tasers are dangerous, even deadly, weapons,” said Barrie Gascon, director of the NYCLU’s Central New York Chapter. “These officers were following policies and practices that are completely inappropriate for work in a school setting.”

The plaintiff, A.E., was a 15-year-old ninth grader at the time of the incident. On Sept. 28, 2009, A.E. was sitting on a school bus in front of the school when a female student asked to borrow his cell phone. A.E. lent the student his phone and followed her off the bus as she made a call. While outside, another female student attacked the student who had borrowed A.E.’s phone. A.E. stepped between the students and attempted to break up the confrontation. Then several police officers arrived on the scene. Without warning, one of the officers fired a Taser. At least one of the weapon’s twin barbs lodged into A.E.’s left arm. A.E., who was not resisting any lawful order, suffered two extremely painful shocks that caused him to tense up and spin around in agony and confusion. The officers yelled at A.E. to get on the ground. He was handcuffed and arrested with the Taser barb still in his arm.

Later, A.E. was taken by ambulance to SUNY Upstate Medical University Hospital. He was never charged with any crime.

The lawsuit argues that the incident was the inevitable result of the city’s policies and practices governing the actions of armed police officers in the public schools. It maintains that officers are not adequately trained to patrol the hallways and playgrounds of its schools. Furthermore, the Police Department’s policy on Tasers makes no distinctions between using the weapon on an adult or a child. Nor does it differentiate between using a Taser in schools or on the streets, and it does not require an officer to issue a warning before firing the weapon.

The lawsuit asks the court to declare that the officers’ actions against A.E. violated the U.S. Constitution and state law. It also requests compensatory damages for A.E.’s family, who incurred substantial medical bills as a result of the incident.

“Americans shouldn’t have to accept as a fact of life that the government may be monitoring their e-mails and phone calls and they can do nothing about it. This landmark ruling allows people to defend their right to privacy from unwarranted and illegal government surveillance.”

Appeals Court Victory in Spying Lawsuit

From page 1

Congress passed the FISA Amendments Act (FAA) in July 2008, retroactively authorizing the Bush administration’s illegal warrantless surveillance practices. The NYCLU and the ACLU immediately filed a federal lawsuit contesting the law on behalf of a broad coalition of attorneys and human rights, labor and media organizations whose work requires sensitive and occasionally privileged international communications.

A U.S. District Court judge dismissed the lawsuit in August 2009, on grounds that the plaintiffs could not prove they were the target of government spying—proof that is impossible to produce in practice because government records of communications are secret.

The NYCLU and the ACLU appealed the decision to the Second Circuit. The Second Circuit’s ruling found that “the FAA has put the plaintiffs in a lose-lose situation: either they can continue to communicate sensitive information electronically and bear a substantial risk of being monitored under a statute they allege to be unconstitutional, or they can incur financial and professional costs to avoid being monitored. Either way, the FAA directly affects them.”

“The FAA allows the executive branch of the U.S. government sweeping and unauthorized authority to monitor international communications by law-abiding citizens and residents,” said NYCLU Senior Legal Counsel Melissa Goodman, who has served as co-counsel on the case. “It violates the First Amendment, the Fourth Amendment and the core principle of separation of power. Now that standing has been granted, we will be able to challenge the law in the courts, and protect the rights guaranteed by the constitution.”


To learn more, visit: www.nyclu.org
Daniel L. Alterman
Nominated by the Nominating Committee
Attorney: Nominated to the Board of Directors. Alterman is a partner in the law firm of Alterman & Boy LLP, a small law firm in Lower Manhattan. He has been doing protracted plaintiff-side legal work in NYC since 1989 after graduating from NYU Law School. He has also taught, lectured and practiced in NYC for the last 38 years.
I participated in the Attica defense team in Bufalino, which prosecuted pre-trial detention policies in Brooklyn, represented demonstrators at the RNC in Miami in 1972 and in New York in 2004, when I was instrumental in the suit to hold NYC in contempt.
My main reason for seeking re-election to the board is my children. My wife, LiWah Lai and I have two kids who were NYCLU peer educators and who traveled to schools to talk about privacy, sex education and students’ rights to know what they need to make informed decisions.
As a board member, I have worked to make the NYCLU more financially stable, developing a program where art with a civil liberties theme has been made and will be auctioned off or used as a vehicle to encourage and reward new donations to enhance the NYCLU’s program work. Moreover, I have sought to strengthen the chapters and expand membership—especially among youth and the diverse groups who rely on NYCLU ever more in these difficult times for civil liberties.
Deborah N. Archer
Nominated by the Nominating Committee
Professor of Law and Director, Racial Justice Project, New York Law School
Protecting civil rights and civil liberties has been a lifelong commitment. My legal career began as an ACLU Kaplan Fellow. Following that, I was an attorney with the NAACP-LDF before joining New York Law School, where I direct the Racial Justice Project.
That said, I have worked on cases involving the range of issues including education reform, voting rights, indigent defense and employment discrimination.
I am proud to be a member of the NYCLU for the past three years. During that time, I have served the NYCLU as chair of the Nominating Committee and as a member of the Education, Election/Voting and Affirmative Action Committees. I have also served as a co-counsel for NYCLU in working on school suspension cases and as a member of its Education Working Group. Since joining the NYCLU board, I was also elected to the ACLU board and serve as national co-chair of the Advocacy and Development Committee. I am proud to be a part of that undertaking having served on two affiliate boards and one chapter board including the ACLU-NE Board of Directors. I am also a member of Privacy Committee. Suffolk County Chapter board member since 1980s; Chapter treasurer (currently and in 1990s); Chapter president 1998-2003.
Assurance of equal rights to all persons in the state should be our highest priority. In particular, passage of “marriage equity” legislation is essential.
Due to less friendly courts, more effort is needed to forward our aims through legislation on the state level. Our chapters are vital assets in these efforts and their effectiveness through outreach to local populations must be measured.
The right to vote and to have one’s vote counted accurately is essential in a democratic society. The franchise for all citizens is most important in disenfranchisement for any reason needs to be opposed. Honest reapportionment following the decennial census should be demanded; communities of interest must not be divided to lessen their power for partisan advantage.
An area of increasing importance is that of privacy. As technology and widespread computer use allow the building of databases from which detailed profiles of individuals can be constructed (usually from information initially intended for business purposes) and detailed tracking of one’s cell-phone movements becomes possible.
As a board member I have served as a member of the Executive Committee which, at the instigation of national, caused us to review the benefit plan for our staff members, to work on the NYCLU’s benefit program and to consider how we can more efficiently run our organization.
I am excited about the opportunity to continue to serve the NYCLU, given the NYCLU’s innovative utilization of the media, public education and grassroots organizing to effect meaningful change in New York State. If re-elected, I will continue to work hard to support this critical work.
Elliott H. Auerbach
Nominated by the Nominating Committee
Physicist (retired); NYCLU Board Member since 2003; Secretary 2005-2006, chair of Election Committee, member of Privacy Committee. Suffolk County Chapter board member since 1980s; Chapter treasurer (currently and in 1990s); Chapter president 1998-2003.
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Rebekah Cook-Mack
Nominated by the Nominating Committee
I am a staff attorney at South Brooklyn Legal Services in the Foreclosure Prevention Project.
I am a long-time supporter of the NYCLU and have been honored to serve my first term on its board; I hope to be reelected to serve a second term
As a board member I have come to appreciate just how much I love the NYCLU. I love being part of an impressive organization. Over the past three years I have been continually impressed with just how much this organization manages to do and just how thoughtfully it is about what it takes on and how it proceeds. The NYCLU is creative—in working on an issue it leaves no stone unturned. From litigation to ‘know your rights’ guides, legislative advocacy and Occupy Wall Street research and reporting, the NYCLU does it all. This commitment to creative advocacy is why the NYCLU is an organization I find so easy to champion.
Should I get re-elected to the board, I hope to focus my efforts on expanding the membership of the organization, encouraging a new generation of activists to join in and participate in protecting our civil rights. Thank you for giving me the opportunity to serve on this board, I hope to have the good fortune to be granted a second.
Janice Goodman
Nominated by the Nominating Committee
My hero, Eleanor Roosevelt, said: “I have spent many years of my life in opposition and I rather like the role” which captures completely my dedication to the NYCLU and my desire to continue to serve as a board member. The ongoing assault on our civil rights and civil liberties calls upon us to lift our voices in opposition and the NYCLU is the perfect organization through which we can be heard. I believe my experience as a board member allows me to play a significant role in this struggle to preserve our constitutional rights. While a board member I have served as a member of the Executive Committee, which provided the opportunity to help lead our organization in solidifying our structural soundness and increasing our civil liberties activities. In addition, my experience includes chairing the Board Retreat Committee, which brought board members together with staff to enhance our working relationships, and thereby strengthen our organization. I also chaired the Pension Committee which, at the instigation of national, caused us to review the benefit plan for our staff members, which we decided to retain. I continue to serve on the Legal Committee. I was born an activist, grew up to be a freedom fighter in the southern movement, marched with the feminists in support of women’s rights and am now a civil rights lawyer. I want to continue to dedicate myself in opposition to those who trample on our civil liberties.
Michael J. Hall
Nominated by Nominating Committee
For over ninety years, the ACLU has been a guardian and defender of our most precious rights and freedoms. I am proud to be a part of that undertaking having served on two affiliate boards and one chapter board including board terms as president of the Nebraska affiliate. These experiences provide me with an understanding and appreciation for the role individual affiliates play in maintaining the voice of the people over their respective states. I always find the strength and zeal of arguments presented by civil libertarians to be invigorating. Passionate activism may at times be a path to personal power, but I strive to work collaboratively in the best interest of the cause. Those with whom I may not agree today may be my partners tomorrow.
work, my passions include pursuing equality for the GLBTQ community, protecting the interests of, and advocating for children and education.

Regrettably, the NYCLU is needed now, more than ever, to address threats presented to the constitutional rights of all New Yorkers. I have long been aware of the exemplary service the NYCLU provides and with your vote I will lend my energy, voice and skills to the cause as we continue into the future.

George Kannar
Nominated by the Nominating Committee
Professor of Law, SUNY-Buffalo; ACLU, Karpatkin Fel-low (1979-82), Staff Attorney (1979-86); NYCLU Board since 2001.

No organization in America performs a more vital civic function than the ACLU and the NYCLU. As new technologies and external threats place increasing pres-

sure on our rights to liberty, equality and privacy, the NYCLU’s long and principled record of helping resisted similar threats in the past makes it a uniquely credible voice for freedom.

As a member (and now chair) of the board’s Legal Committee, much of my board work has focused on improving institutional democratic processes to enhance board-election voter turnout and assisting staff in areas where NYCLU policy seems ambiguous or incomplete.

Policy committees have included end-of-life and police in schools.

Several current issues highlight the continuing importance of maintaining full statewide presence on the board. Among these is the public’s right to public records, the statewide NYS Health Information Network now being established, whose electronic records protocols may well serve as a field-test for federal health care reform, and the local right of access to civil liberties of the drastic budgetary cuts recently imposed upon New York’s courts.

Issues like these will likely make the role of the board’s sole representative from Western New York especially important.

As a former ACLU staff member, I have considerable experience with the NYCLU’s institutional culture and workaday needs to meet the most profound respect and affection for it. I hope very much to be able to put all that to continuing good use.

Deborah Karpatkin
Nominated by the Nominating Committee
Civil Rights and Employment Rights Attorney; NYCLU Board Member; 1980-; Executive Committee, 1982-; Previously: Secretary, Vice President.

Recent Service: • Member, Executive and Governance Committees; • 60th Anniversary Committee; subcommittees on NYCLU Archives and on compliance with New York Prudent Management of Institutional Funds

• Support board policy committees (e.g., Privacy, High Stakes Testing, Path to Citizenship) in the presentation of policy for board consideration, to maintain focus on the underlying civil liberties principles.

• Support the development of board members into leadership roles.

• Organize board fundraising (Times Square billboard on ex-offender voting rights; Bia Lieberman tribute).

• Co-founded with NYCLU on Lennon v. Salvation Army, church-state and employment discrimination litigation arising from government funding of The Salvation Army’s social services work.

• Co-represented NYCLU in cases in Connecticut, Southern California, and District of Columbia to represent military conscientious objec-
tors. Each achieved a successful outcome for the C.O. client. I have worked in conscientious objec-
tor cases in the Second and Fourth Circuits (with NYCLU, ACLU-MD, and ACLU.)

I am here to re-nominated notwithstanding a policy prescription against re-nomination after three consecu-
tive terms. I feel a particular obligation to be sure that my representation of constitutional knowledge and commitments continue to add value to the work of our board and to the work of our extraordinary staff.

I love the NYCLU and the ACLU, and am proud to be associated with the NYCLU as a board member and as an attorney.

Arlene Popkin
Nominated by the Nominating Committee
Incumbent. Committees: Legal, Elections. Vice-Chair, Lower Hudson Valley Chapter: Criminal defense lawyer, Legal Aid Society of Westchester County.

I’ve been representing poor people accused of serious crimes for 36 years. I’ve been a member of the Civil Liberties Union rather longer than that—since I was a teenager. In addition to the easily-recognized free speech, separation of church and state, anti-discrimina-
tion, etc., I am particularly concerned with the constant pushing out of “undesirables.” Petty bureaucrats and demagogic politicians seem to have an inextricable appetite for intruding on the privacy of the minority, the mentally ill, people in non-traditional families, the developmentally disabled, people of “foreign” religions, people who don’t dress like everybody else, people who don’t speak English...there is always someone, usually with the power of government behind them, who just doesn’t want “them” around.

The CLU is an organization that pushes back. The CLU puts out the studies that show what’s happening. The CLU organizes people and groups to say “no.” The CLU, as necessary, sours the bastards. I am very proud to be part of that. I believe each of us should be encouraging people not only to support the CLU, but to join, to attend events, to participate in issue actions— to increase our involvement in the presentment.

I’ve been part of the Lower Hudson Valley Chapter of NYCLU for many years. I have done for the CLU everything from stuffing envelopes and sweeping floors to co-editing the annual report and worse. I would be honored to be re-elected to the NYCLU board.

Vera M. Scanlon
Nominated by the Nominating Committee
Attorney, Bellock Levine & Hoffman LLP

I am pleased to ask for your support for my re-elec-
tion to the NYCLU board. A board member since 2008, I was a member of the Immigration Policy Committee, assisted with the Development Committee’s fall campa-
gains, and coordinated last year’s election vote-count-
ing. Since the fall of 2010, I have served on the Execu-
tive Committee. In the past year, I was a cooperating attorney with the ACLU-MD on a Fourth Circuit amicus curiae brief in support of a conscientious objector, and with the ACLU-CT to represent a Navy ensign who the Navy recognized as a conscientious objector after we filed a habeas petition.

For the past nine years, I have primarily litigated employment, police abuse and First Amendment cases in state and federal court in New York. Before that, I litigated commercial cases then clerked for three federal judges. I have volunteered with the alumni program of the Jesuit Volunteers Corps, and the New York City Bar Association’s Special Committee to Encourage Judicial Service; and I am on the board of small non-profit serv-
ing immigrants in Brooklyn and Queens.

I believe that it is important that the NYCLU maintain a significant presence in the national and local civil liberties debates of our time, in part by serving as a facilitator of sometimes difficult inter/intra-constituency dialogues. My involvement in various civil rights efforts and organizations will help me facilitate these conversa-
tions with the NYCLU.

Thank you.

Naved Sheikh
Nominated by the Nominating Committee
Last summer, I observed the controversy over the planned Muslim cultural center near the World Trade Center site with particular concern. As a Brooklyn-raised native New Yorker, I understood the sources of the emotion and sensitivity surrounding the debate. But as a Muslim-American, I worried about how casually New Yorkers approached the possibility of effectively stripping Islam of the protections afforded other reli-
gions in America.

The controversy taught me that, while the usual suspects periodically buffet our civil liberties, we New Yorkers—the very beneficiaries of those liberties—can also undermine them inadvertently if we do not strive to understand them and appreciate the work needed to sustain them.

The NYCLU is not just a force for advocacy, but also for the outreach and education needed to continu-
ally remind our fellow citizens (and ourselves) that protecting our civil liberties is especially critical during times when supporting those liberties may appear un-
popular or disingenuous to many.

I appreciate and support the NYCLU’s work in protecting our freedom of speech and of religion. I also support the NYCLU’s efforts to curb government encroachment into citizens’ privacy, an effort I would like to help the NYCLU augment to address threats to our privacy when that encroachment involves private corporations. As an NYCLU member, I would seek to join discussions regarding policy, to leverage my experience assisting not-for-profit organizations with corporate governance, and to assist funding efforts by engaging fellow volunteers in the NYCLU network, particularly those of South Asian or Muslim heritage.

continued on page 6

PROXY BALLOT

TO: Ron Tabak
NYCLU - 125 Broad Street, 19th Floor, New York, NY 10004

You are hereby authorized as my proxy to cast my votes as indicated at the annual meeting of the New York Civil Liberties Union to be held on June 15, 2011 at 6 p.m. at the NYCLU offices, 125 Broad Street, 19th floor, New York City for the election of directors, with the same power I would possess if I were personally present.

Naved Sheikh
Rebekah Cook-Mack
Daniel L. Alterman
Vera M. Scanlon
Janice Goodman
Robin Willner
Michael J. Hall
Ralph Valente
Elliot H. Auerbach
Arlene Popkin
Gemma Solimene
Deborah Karpatkin
Deborah N. Archer

PROXY BALLOT

Mail the ballot you have filled out to Ron Tabak, Election Supervisor, New York Civil Liberties Union, 125 Broad Street, 19th Floor, New York, N.Y. 10004. So that we may verify your mem-

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

ABOUT THE BALLOT

There are fourteen (14) candidates for fourteen (14) positions. NOTE: There are two columns of boxes. If you have a single membership, mark only boxes in the first column. If you have a joint membership (indicated by a mailing label on this newsletter with both names on it), you are enti-
tled to two votes and can vote by marking boxes in both columns. To view lengthier candidate statements and to obtain contact information for individual candidates, please visit www.nyCLU.

PROXY BALLOT

PROXY BALLOT

www.nyCLU.org/boardelections.
I have served as a board member for the past six years and have been honored to do so. I have taken my duty as an NYCLU board member seriously throughout my tenure and wish to continue to serve the NYCLU in that capacity for a three- or four-year term. As a woman of color, a native New Yorker and a member of the legal profession, I am keenly aware of the important work that the NYCLU undertakes to protect our civil rights and liberties. I truly appreciate the part I am able to play in helping to ensure that the NYCLU’s work and legacy can continue and welcome re-nomination to the board.

My work with the NYCLU began over twenty years ago when I had the privilege of working at the NYCLU after my first year of law school. From there, I continued my work in fighting for what I believe is just. I have always been a legal advocate for those without a voice: as a lawyer for The Legal Aid Society and now as a professor leading Fordham University School of Law’s Immigrant Rights and Access to Justice Clinic. At Fordham, I have been involved in a number of projects that affect the marginalized segments of our society. I believe in the importance of preserving and expanding our civil rights and civil liberties. As a member of the board I would diligently commit my energies to the NYCLU’s work.

I am a lifelong New Yorker. I grew up in the Hudson Valley, spent 26 years living in NYC, and have been living in Central New York for the past six years. I strongly believe in the goals and mission of the NYCLU and I am committed to fighting for equal rights for all New Yorkers regardless of their age, gender, gender identity, religion, sexual orientation, ability, racial and ethnic identity, or geographic location.

Having lived in NYC for many years I realized that living there is like living in a cocoon; you are often insulated from many things that exist elsewhere. Central New York is that elsewhere. In spirit and form, CNY is very much like the rest of the country. I’m continually amazed at how different attitudes are about so many things once you leave the city. From issues like police brutality to safely living an alternative lifestyle, this is very much not NYC. Central New York faces a different set of challenges from downtown; challenges that the NYCLU must continuously address. The unique circumstances of life in Central New York demands that there be strong, committed advocates for CNY on the NYCLU board. I will be one of those people.

I am honored to be a nominee for the NYCLU board, and will do my very best to help this organization continue its important work. Thank you for your consideration.

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Elijah, a New York City eighth grader, enjoyed school and got good grades. A black student at a mostly white school in Queens, he got caught with some friends one day playing with a miniature baseball bat—the kind sold at the Yankee Stadium gift shop.

The school’s principal determined that the toy was a weapon and suspended Elijah, even though another student had brought the toy but to school. None of Elijah’s friends, all of whom were white or Asian, were suspended.

Elijah’s story illustrates a problem documented in Education Interrupted: The Growing Use of Suspensions in New York City’s Public Schools, a report the NYCLU released in January that analyzes 10 years of previously undisclosed suspension data for New York City public schools.

The report shows that the number of student suspensions in city schools spiked dramatically over the past decade while the percentage of long term suspensions also grew significantly—a phenomenon disproportionally affecting black students and students with disabilities.

“Education is a child’s right, not a reward for good behavior,” NYCLU Executive Director Donna Lieberman said. “The increasing reliance on school suspensions in New York City denies children—often the most vulnerable and in need of support—that right. The combination of harsh discipline and aggressive policing in the schools risks pushing kids from the classroom into the criminal justice system.”

The report, which examines 449,513 suspensions served by New York City students from 1999 to 2009, found that the number of suspensions served each school year nearly doubled over the decade, even as the student population decreased. In 2006-09, public-school students served nearly 74,000 suspensions, a 68 percent increase over 1999-2000 when students served about 44,000 suspensions. By far the largest increase occurred during the Bloomberg administration.

Students with special needs are four times more likely to be suspended as their mainstream classmates. Students with special needs have the authority to detain, search, handcuff and arrest children, yet they receive only 14 weeks of training—compared to six months for police officers. All too often, this police presence has led to interventions by law enforcement situations that should be handled by educators.

The NYCLU continues advocating for the restoration of school discipline authority to educators. The Department of Education must end its reliance on law enforcement tactics and police personnel to address school disciplinary problems. Instead, schools should institute positive discipline measures, such as restorative justice, conflict resolution programs, and positive behavioral interventions and supports to address school disciplinary problems.

Research has repeatedly demonstrated that overuse of suspensions can worsen school climate and lead to lower test scores. Many students who are suspended tend to be suspended repeatedly, until they either drop out or are pushed out of school—and are more likely to become involved with the criminal justice system. To counter these destructive practices, schools should provide stronger services for students’ social, emotional and psychological needs, in order to better anticipate and address potential disciplinary issues.

The report offered several recommendations to the DOE, and state and city lawmakers, including ending the use of zero tolerance discipline, mandating positive alternatives to suspension whenever possible, including non-punitive responses like peer mediation, guidance counseling, conflict resolution, community service and mentoring.”

According to the NYCLU’s analysis of 10 years of suspension data, New York City Schools suspend black students at a much higher rate than students of other races. Image by Lauren Webster.

NYCLU Analysis Finds Dramatic Spike in NYC Suspensions
Black Children and Students with Special Needs Most Affected

Student Safety Act Passes

From page 1

and raise graduation rates in the city’s schools,” said NYCLU Advocacy Director Udi Ofer.

The presence of NYPD and school safety officers in the public schools has risen dramatically since 1998, when then-Mayor Rudy Giuliani signed a memorandum of understanding with the police department permitting NYPD officers into public elementary, middle and high schools. Currently, there are more than 5,200 police personnel in the city’s schools. On its own, the NYPD’s School Safety Division would be the nation’s fifth-largest police force—ahead of Boston, Detroit, Dallas, Las Vegas and Washington, D.C. There are 61 percent more police in our schools than there are guidance counselors.

NYPD school safety officers have the authority to

White - 15%
Asian - 13%
Latino - 39%
Black - 53%

White - 8%
Asian - 4%
Latino - 35%
Black - 53%

Service and mentoring.”

NYCDOE: 888-730-SAFE

A CONCEPT TO BENEFIT THE YOUTH PROGRAMS OF THE NEW YORK CIVIL LIBERTIES UNION

BROADWAY STANDS UP FOR FREEDOM

MONDAY
JULY 25, 2011

www.nyclu.org/bway

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NYCLU, ACLU Challenge Discriminatory “Defense of Marriage Act”  
Obama Administration Won’t Defend Unjust Law;  
House Republicans Intervene

In February, the Obama administration concluded that Section 3 of the Defense of Marriage Act—which bars the federal government from recognizing the legal marriages of same-sex couples—is unconstitutional and that the U.S. Department of Justice would no longer defend the discriminatory law in court. The Obama administration concluded that DOMA is unconstitutional because it fails to meet the legal standard—“heightened scrutiny”—that applies when the government treats gay people and straight people differently.

On April 18, the Republican leadership of the House, led by Speaker John Boehner, moved to intervene in the lawsuit—and vowed to preserve DOMA.

“DOMA violates core American values of fairness, justice and dignity for all. It’s a shame that Speaker Boehner refused to respect the Obama administration’s principled decision to not defend this cruel and discriminatory law in court,” said NYCLU Senior Litigation and Policy Counsel Melissa Goodman, co-counsel on the case.

Ordinarily, whether a couple is married for federal purposes depends on whether they are considered married in their state. New York recognizes Edie and Thea’s marriage, but because of DOMA, the federal government refuses to treat married same-sex couples the same way as other married couples. In short, DOMA requires that the federal government treat Edie and Thea as if they were strangers, not a married couple. DOMA’s restrictions bar same-sex spouses from marital benefits in life and in death. This denial of benefits cost Edith Windsor untold grief, and more than $363,000 in federal taxes—that taxes Windsor would not have to pay had she been married to man.

“DOMA is so clearly unjust in the way that it treats me as a second class citizen,” Windsor said. “I am very disappointed that the House of Representatives has decided to intervene in my case in order to try to prevent me from obtaining a refund of estate taxes that another widower would not be denied.”

On April 25, the law firm retained by the House Republican leadership to defend DOMA withdrew from the case, prompting the resignation of firm partner and former Solicitor General Paul Clement, who will continue to defend the law in court.

Abiding belief in diversity, tolerance and the “value of coercing peacefully” were the building blocks of McVity’s childhood in Washington, D.C., where, as a junior choir boy at Washington’s National Cathedral, McVity heard Martin Luther King, Jr. address the congregation from the Canterbury pulpit on March 31, 1968. Five days later, King was shot dead on the balcony of room 306 of the Lorraine Motel in Memphis, Tenn.—and McVity’s young life was altered by the sudden loss and his family’s response to the national tragedy.

McVity grew up in a family steeped in public policy and social justice, he says, and finely attuned to the civil rights struggles: His father worked on Great Society policies with the Johnson administration, contributing to landmark civil rights legislation. His mother made sure all five McVity siblings knew that other children lacked the stability that their family enjoyed. After King’s death, she sent them all to school wearing black armbands, to honor the slain civil rights leader. That last Sunday sermon of King’s life remains fresh for McVity, and sparked an early awareness of civil rights and his personal responsibility to “represent.”

He says: “My mother taught us never to avert our eyes. Bad things don’t disappear just because you can walk away from them.”

Throughout his career, from his early days on Wall Street, and now, as managing partner of Gambit Capital Advisors, McVity’s personal values have remained consistent with his parents’ teachings. His increasing engagement with the NYCLU and issues around national security, privacy, immigration, reproductive rights and the rights of the incarcerated are their legacy, and a way to honor the values that anchored his youth.

But the need for the NYCLU’s work is only increasing, McVity said.

“Right now, we’re living in an increasingly noisy country. The dialogue is less cohesive and more confrontational, dominated by demonization of interest groups. That the Civil Liberties Union is out there, looking out for us—that’s the main reason for my commitment. The frictions within the American internal dialogue—our interactions with each other—are threats to the constitutional guarantee to live a quiet and private life.”