



NYCLU NEWS

NEW YORK CIVIL LIBERTIES UNION
SPRING 2016

www.nyclu.org

Published by the New York Civil Liberties Union

Vol. LV, No. 2

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APPLE VS. FBI: SECURITY ON THE LINE. The intersection between privacy, security and technology was front page news this winter. As part of its investigation into the San Bernardino attack, the FBI demanded that Apple help it unlock the iPhone of one of the shooters, and succeeded in getting a judge to grant a court order requiring Apple to build a new operating system with security flaws – a backdoor for the FBI to access the phone. Apple refused.

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New York State Overhauls Solitary Confinement

On March 31st, Judge Shira Scheindlin approved a settlement between the NYCLU and New York state that comprehensively overhauls solitary confinement in the state prison system — one of the largest prison systems in the country — and provides a framework for ending the state's overreliance on extreme isolation.

This was a historic moment both for New Yorkers and for the NYCLU. The agreement reflected years of effort by the NYCLU's staff, our co-counsel professor Alex Reinert and Morrison and Foerster and our clients — who have stood up for the humane treatment of incarcerated people even while languishing in solitary themselves. The agreement ends traditional solitary confinement for more than 1,100 people — one-quarter of the current solitary population — who will either be placed in alternative units or provided with less isolating, more rehabilitative conditions.

The settlement is expected to reduce the solitary population even further by eliminating solitary confinement as punishment for all minor violations and limiting the duration of most solitary sentences. It reduces the severe sensory deprivation of solitary by allowing prisoners access to radio hookups. The agreement also abolishes several of solitary's most dehumanizing features altogether, including serving prisoners the inedible food known as the "loaf" as a form of starvation punishment.

"This settlement represents a watershed moment and puts New York on the path toward a system that rightly recognizes that respecting human dignity and improving public safety go hand-in-hand," said Taylor Pendergrass, lead counsel and NYCLU Senior Staff Attorney.

Every day thousands of incarcerated New Yorkers are subjected to grossly disproportionate sentences of extreme isolation, in violation of the Constitution. In many cases an offense that lands

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New Protections from Discriminatory NYPD Surveillance

This winter the NYCLU and the ACLU were successful in establishing groundbreaking protections for American Muslims by reaching final agreements in *Raza v. City of New York*, a three-year legal battle with the NYPD over discriminatory surveillance of the Muslim community, and *Handschu v. Special Services Division*, our four-decade old settlement that protects against political surveillance.

Our agreement with the NYPD was all the more necessary during a time of anti-Muslim rhetoric and hysteria across the country, especially in the lead-up to the presidential election. By establishing — for the first time since 9/11 — constraints on law enforcement's discriminatory surveillance of American Muslims for the largest police force in the country, the settlement sent an important message that we can prioritize public safety without trampling on people's constitutional rights.

"This settlement is a win for all New Yorkers," said Arthur Eisenberg, legal director at the NYCLU. "It will curtail practices that wrongly stigmatize individuals simply on the basis of their religion, race or ethnicity. At the same time, the NYPD's investigative practices will be rendered more effective by focusing on criminal behavior."

The *Raza* case was brought in June 2013 by the NYCLU and ACLU along with the Creating Law Enforcement Accountability & Responsibility (CLEAR) project of the CUNY School of Law, and the law firm Morrison & Foerster LLP. The suit was filed on behalf of religious and community leaders, mosques and a charitable organization that were swept up in the NYPD's dragnet surveillance of Muslims.

As documented extensively by the NYPD's own records, its Intelligence Division built a program dedicated to the total suspicionless surveillance of Muslims in the greater New York City area. Officers and informants routinely monitored restaurants, bookstores and mosques and created records of innocent conversations. The department also sent paid infiltrators into mosques, student associations and beyond to take photos, write down license plate numbers and keep notes on people for no reason other than because they were Muslim. An NYPD official admitted that the mapping activities had not generated a single lead or resulted in even one terrorism investigation.

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Words from NYCLU Executive Director Donna Lieberman

Herstory...History...Privacy

Every time I send out an email announcing a historic victory, I wonder whether I'll ever be able to say that again... And sure enough, thanks to the work of the NYCLU's remarkable team and the social justice coalitions with whom we partner up all the time, the NYCLU is proud to be part of HERstory... HIS-tory... the changes that will improve the lives of New Yorkers – especially the 99 percent.

The Paid Family Leave act is indeed a HERstoric victory that will give New York the strongest **paid family leave benefits in the country** – ultimately providing two-thirds salary for up to 12 weeks of leave time (paid for through an employee-funded insurance program) to care for a newborn baby or newly adopted child or disabled family member.

And the same day the state legislature passed paid family leave, federal court Judge Shira A. Scheindlin approved the historic settlement that will **overhaul solitary confinement** in New York state prisons—reforms that should dramatically reduce the number of people subjected to solitary, the length of time they can be held there and the brutality of the conditions. The NYCLU and our legal partners – pro bono counsel at Morrison & Foerster and Prof. Alex Reinert of Cardozo Law

School — will monitor the implementation under court supervision for at least the next three years.

In this time of anti-Muslim rhetoric, we also helped win groundbreaking protections for American Muslims by reaching final agreements in a three-year legal battle with the NYPD over discriminatory surveillance of the Muslim community, and our **four-decade old settlement** that protects against political surveillance.

As hard fought –and huge – as these victories are, neither really lightens the load for the NYCLU. They are imperfect. For example, family leave doesn't protect farmworkers and doesn't fix flaws in the disability law it is part of and it doesn't kick in until 2018. And solitary confinement is not abolished.

But the NYCLU is working hard to extend basic workplace protections to farmworkers (they are included in the upstate reduced minimum wage hike that phases in at a glacial pace over the next 5 years). And as we make sure that the reforms are carried out in the state prisons, we will fight to dismantle the infrastructure of mass incarceration – including the dangerous, draconian debtor's prison known as Rikers Island, where people who can't afford bail are punished without ever being convicted of a crime.

And we're smack in the middle of the battle over privacy...

Actually, you might say we've got a double standard – we're fighting hard for the privacy for individuals – the sanctity of our homes, our internet browsing habits, our communications, our cell phones — against government intrusion. But when it comes to government, we're fighting just as hard for the opposite: transparency. Indeed, both are fundamental to our democracy. Privacy is at the core of individual liberty. And democracy can only work if we have the information we need about what the government is doing to participate effectively in political discourse and hold our public officials accountable.

Privacy for the People

With each wave of new technology, the NYCLU has sought to educate the public about the risks and benefits and press the government for transparency: What kinds of surveillance are being carried out, who has access to the video or other data collected, what's the relationship between private data collectors and the government regarding videotaping, GPS tracking, cellphone towers? The list goes on and on and on....

Recognizing the importance of online privacy and security, tech companies – including, of course Apple – have made it a top priority to make their products safe from hackers... so safe, in fact, that even the manufacturer does not have a master key to unlock a phone. We might think of it as just protecting the emails and text messages we send on our smartphones. But it's about so much more than that. It's about the safety and security of the private information we carry around with us – information that could easily allow identity thieves to wipe out anyone's life saving in record time. But it's also about the safety and operability of nearly every important system in the country – from the banking industry to the IRS and national defense, even our power grid. Encryption technology, like that which Apple seeks to protect, can indeed afford the bad guys cover – but it also protects the good guys — the good people and good countries from unthinkable harm. Perhaps we should be thinking about encryption technology along the lines of free speech – we can't just protect the speech we like... free speech has to be for all.

That's why the recent stand-off between Apple and the FBI is so important. The FBI asked a court to order Apple to build a backdoor to the iPhone so that the government could unlock the iPhone of the San Bernardino shooters. The FBI wasn't seeking something that Apple had in its possession – it sought to compel Apple to build something it did not have – something that would undermine one of the most important goals of its product development: Protecting their products from being hacked.

The FBI claimed it wanted a hack for just this one phone. But most of the rest of the tech community — and the ACLU – knew that there was no way to build a system to hack just one phone. In fact, the Manhattan District Attorney made it quite clear that he had 175 locked phones waiting in the wings that he wanted to crack in run-of-the-mill criminal cases. Months before the news about the FBI vs. Apple hit the front pages,

the NYCLU submitted a brief opposing a prosecution request for a hacking order in a New York drug case. That request was rejected.

Despite repeated assertions that the FBI had no other choice but to compel Apple to write computer code to hack its own phone – and with public opinion strongly favoring Apple — the FBI figured out a hack on its own and abandoned the request...for now.

The NYCLU has also focused on other new technologies that allow government unprecedented access to personal information, but about which there are no clear guidelines to protect individual privacy:

- **Drivers Beware:** License plate readers give police departments access to the entire nationwide database of Vigilant Solutions, a private company, that boasts data on over 15 million license plates.
- **Feeling the Sting:** Stingray technology mimics a cell tower and can enable police to pinpoint a person's location, pick up bystanders' phones and even "suck up" emails and text messages.

Get a Warrant

As law enforcement's surveillance tools become increasingly powerful, New York's privacy laws need to keep pace. The NYCLU has developed model legislation that would require police to get a warrant before seizing or accessing sensitive information from people's phones, emails and text messages. Now, we've launched a campaign to pass the New York State Electronic Communication Privacy Act. And the big tech firms like Google and Facebook are actively on board. This campaign has a real chance to take an important step toward restoring the balance in the relationship between technology and privacy.

Transparency for the Government

For nearly a decade, the NYCLU fought for transparency to expose the racial bias and unthinkable excesses of NYPD stop-and-frisk policies. And partly as a result of that effort, New York City has dramatically rolled back stop-and-frisk. We continue to push the government to come clean with the people about policing and a whole range of policies and practices.

In Flint, Michigan, as government officials insisted that the city water supply was safe, our ACLU colleagues hired an investigative reporter, Curt Guyette, who unearthed the shocking truth that the government was trying to hide: Independent tests revealed that the water was so contaminated that in one family's home it met federal standards for toxic waste.

Our new **Police Report Card Project** will press for transparency of police departments in cities around the state. Using the state Freedom of Information Law, we're asking police departments to disclose policies and data including numbers and racial breakdown of use of force, stop-and-frisk, low level enforcement and surveillance technologies. We've already sued the Buffalo Police Department to force it to turn over the documents, and we'll sue others as needed. And we're pressing for state legislation that would require every police department in the state to report the race and ethnicity of every person who receives a summons in New York. We'll use the information to expose injustice, to call out racial bias and press for fair and just policing.

Ongoing access pursuant to court order for data about **solitary confinement practices** in state prisons will enable the NYCLU and the broader advocacy community to ensure that prison officials comply with the court-ordered reforms that should reduce the number, duration and inhumanity of the brutal practice.

We will use the data we obtain through New York City's Student Safety Act to identify excesses and racial disparities in **school disciplinary practices** and to make a case for reform.

So yes, privacy for the people, but not so much for the government.

Thank you for all of your support... We're proud to stand with you and hundreds of thousands of ACLU members who have supported our work and helped to make civil rights victories possible. 



NYCLU News (ISSN 0746-0801) is published twice a year by the
New York Civil Liberties Union
125 Broad St., New York NY 10004

212.607.3300  www.nyclu.org

Subscription by membership only at \$20 and up, of which 50 cents is for a one-year subscription.

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Spotlight: Google's William Floyd Joins Push to Modernize Privacy Laws



Pictured above: William Floyd of Google New York.

New York's privacy laws need an upgrade and one of the most prominent tech companies on the planet is joining the NYCLU's push to bring public policy into the 21st century.

William Floyd is at the forefront of that campaign. As Head of External Affairs at Google New York, Floyd is the point person for the company's efforts to help pass the New York State Electronic Communication Privacy Act (ECPA). The bill, introduced by Assemblyman Jeffrey Dinowitz and championed by the NYCLU, will require police to get a warrant before seizing or

accessing sensitive information from people's phones, emails and text messages.

The legislation, Floyd said, offers a chance to update the state's privacy laws to reflect our modern reality. While computers, smart phones and other technological advances have proliferated, federal privacy laws have been unchanged since the 1980s. With Washington D.C. in a state of near total gridlock, lawmakers at the state level have a chance to lead the way toward modernization.

"We all want to address how we keep our citizens safe and enforce the law, while still keeping our personal information secure from hackers or the abuses of our government."

"Our privacy laws were originally passed at a time when data was shared and stored in a completely different way," Floyd said. "It's hard, but it's really important that we allow public policy to catch up."

Floyd said passing ECPA would be a huge leap in the right direction. The bill would require that, under most circumstances, police have to go to a judge and get a warrant before they can see a person's sensitive electronic information, including emails, digital

documents, text messages and location information. The bill also features exceptions to the warrant requirement for emergency situations, like when police are searching for a missing child.

"The reason we support ECPA is simple — what we've found is that technology develops at such a quick rate, it completely outpaces public policy," Floyd said. "For the foreseeable future that's going to be the state of affairs. What this bill does is it helps modernize the regulatory regime around data requests."

As Floyd and the NYCLU see it, it makes sense to ask police to get a warrant before they're allowed to read someone's emails, for example, the same way they're required to do so before they read someone's regular mail.

"This is a reasonable, modest request. We ask them to adhere to something that they should be doing already," Floyd said. "The growing consensus is that people want more scrutiny when it comes to sharing their data. They want more regulation to safeguard it so that it's not being misused or falling into the wrong hands. At Google, we think privacy and security are really important."

ECPA's clear-cut rules of the road will help law enforcement, companies like Google and average New Yorkers, Floyd said.

Our current privacy laws "provoke unnecessary conflict between third party organizations like Google and law enforcement and create a lot of uncertainty and ambiguity for the normal citizen," Floyd said. "We all want to address, in a reasonable way, how we keep our citizens safe and enforce the law, while still keeping our personal information secure from hackers or the abuses of our government."

Exposing Police Surveillance Across the State

For years, the NYCLU has worked to protect the privacy of all New Yorkers. As technology develops quickly, giving police even more power to peer into our personal lives, we've been shining a light on the surveillance devices that pose unique and serious concerns.

In February, the NYCLU announced that the NYPD owns and operates Stingrays, which are controversial surveillance devices that spy on cell phones nearby and can be used to track location.

Our announcement in February was the first time the NYPD's use of Stingrays was made public. The documents we received came in response to our FOIL request. The NYPD disclosed it used Stingrays nearly 1,016 times between 2008 and May of 2015 without a written policy and without getting a warrant. Instead, the NYPD said it obtained lower-level court orders before deploying the devices.

The NYCLU's FOIL request to the NYPD is part of our advocacy to lift the shroud of secrecy surrounding police departments' use of surveillance devices, such as Stingrays and X-ray vans, that were developed for military purposes but are now deployed in New York neighborhoods.

"New Yorkers have very real concerns about the NYPD's adoption of intrusive surveillance technology," said NYCLU Senior Staff Attorney Mariko Hirose. "The NYPD should at minimum obtain warrants before using Stingrays to protect the privacy of innocent people."

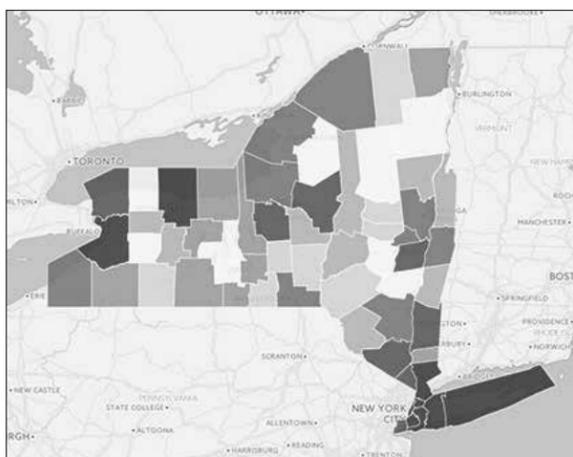
The same day that the NYCLU disclosed the NYPD's use of Stingrays, the department said it would adopt a specific policy for how it uses the devices.

We also revealed for the first time information that the NYPD was hoping to enter into a multi-year contract that would give it access to the nationwide database of license plate reader data owned by the company Vigilant Solutions.

The Vigilant Solutions database of license plates raises numerous privacy concerns — in large part because of the massive amount of information it is collecting. And because the database isn't limited to New York City, the NYPD can monitor your car wherever you live. There is also no incentive for Vigilant Solutions to delete any data because its business model is to profit off of selling that data.

New York City isn't the only place where these

surveillance technologies are becoming routine — law enforcement departments across the state are taking surveillance to a never-before-seen level. In the village of Freeport on Long Island, we urged for more transparency when it came to data collected as a part of the new license plate scanner system — the "Ring of Steel" — that consists of 27 cameras that reportedly scan the license plates of almost every vehicle that enters the town. Millions of license plates are scanned, collecting information about the private lives of innocent New Yorkers.



Automatic License Plate Readers, Density Per 100,000 Residents.*

Source: New York State Division of Criminal Justice Services (DCJS) FOIL Production (Aug. 27, 2013). *This map is limited to plate readers that are funded through DCJS. Municipalities may have more units through other funding streams. This map also excludes any plate reader owned by the NYPD, the State Police, and the state DMV.

"The so-called 'Ring of Steel' program is a significant intrusion into the lives of millions of innocent people," said Jason Starr, NYCLU Suffolk and Nassau Chapter Director. "The tracking of people's location constitutes a significant invasion of privacy, which can reveal many things about their lives, such as what friends, doctors, protests, political events or churches a person may visit."

Digital Privacy Campaign Kick-Off

This winter New York Assemblyman Jeffrey Dinowitz joined the NYCLU in a campaign to pass the New York State Electronic Communication Privacy Act, a bill that will require police to get a warrant before seizing or accessing sensitive information from people's phones, emails and text messages.

The NYCLU's campaign launch was one of 17 taking place simultaneously throughout the country on January 20, in states including Illinois, Hawaii, Alabama and New Hampshire. ACLU affiliates are working in all of these states as part of the #TAKECTRL campaign — urging people to stand up for their privacy. Altogether, the bills have the ability to impact nearly 100 million people.

"New Yorkers keep their most sensitive, private and personal information on phones and emails, and this information is increasingly accessible by law enforcement's powerful surveillance tools," said NYCLU Director of Advocacy Campaigns Lauren Frederico.

The New York State Electronic Communication Privacy Act will make sure that under most circumstances, the police go to a judge and get a warrant before they can access data from personal electronic devices, emails, digital documents, text messages and location information.

The bill will also include reasonable exceptions to the warrant requirement in emergency situations — such as when police are searching for a missing child — so that law enforcement can continue to effectively and efficiently protect public safety. The legislation will include notice, reporting and enforcement provisions so that there is proper transparency and oversight to ensure it will be followed.

The successful launch of the nationwide #TAKECTRL campaign was due in large part to the efforts of the NYCLU's legislative department, which worked with Assemblyman Dinowitz to give momentum to the bill.

"We applaud Assemblyman Dinowitz for introducing a bill to ensure that law enforcement can protect our safety without violating our privacy," said Rashida Richardson, legislative counsel at the NYCLU.

For more info and to view the list of supporters, visit:
www.nyclu.org/ECPA

NYCLU Board of Directors



The annual meeting of the members of the New York Civil Liberties Union will be held on Wednesday, June 15 at 6 p.m. at the NYCLU offices at 125 Broad St., 19th Fl., New York, New York, for the purposes of electing directors and receiving the annual report.

This is a contested election. There are 16 candidates and 15 vacancies.

WHO MAY VOTE

Anyone who has met the NYCLU membership requirements as of June 1, 2016 may vote. To be a member, you must have made a non-tax-deductible contribution to the NYCLU or ACLU— notwithstanding any tax-deductible donations to the NYCLU Foundation or to the ACLU Foundation — since February 1, 2015 and no later than May 31, 2016, or you must be a lifetime member. If you have any questions about your membership status, please call the NYCLU at 212.607.3364 or email kkole@nyclu.org. There is still time to become a member and vote: Go to <https://action.aclu.org/secure/join-aclu-new-york>.

HOW TO VOTE

NYCLU members may vote either: 1) in person, at the annual meeting or 2) by proxy, the ballot that appears printed on page 5 of this newsletter or available for downloading at www.nyclu.org/boardelections. (All votes not cast in person must be cast on paper ballots; one CANNOT vote electronically.) Ballots must be received before the Annual Meeting is convened at 6:00 P.M. on June 15, 2016.

IN ORDER TO VOTE BY PROXY

Complete a hard copy proxy ballot. Mail or deliver the ballot you have filled out to Douglas Cuthbertson, Election Supervisor, New York Civil Liberties Union, 125 Broad Street, 19th Floor, New York, NY 10004. So that we may verify your membership, cut

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

CANDIDATES:

There are sixteen (16) candidates for fifteen (15) seats on the board. Of the 15 seats on the board that will be filled in the election, the 13 people who get the highest number of votes will be elected to full three-year terms and the two people who get the next highest number of votes will serve one-year terms, completing the terms of members who left the board in mid-term. In accordance with the NYCLU bylaws, the NYCLU Nominating Committee nominated 15 people (as indicated in their biographical statements), the exact number of people to be elected. As also provided for in the NYCLU bylaws, the Capital Region Chapter Board nominated a candidate. Each candidate was asked to supply biographical data and a brief statement of views on NYCLU policies and issues. These are set forth below in alphabetical order. To view lengthier candidate statements, to obtain contact information for individual candidates or to print out a proxy ballot (one CANNOT vote electronically), please visit www.nyclu.org/boardelections.

Claudia Angelos

(Nominated by the Nominating Committee)
NYU Law Professor, teaching civil rights clinics in partnership with the NYCLU and ACLU. NYCLU board member since 1993; board president 2002-08; current NYCLU General Counsel, representative to the ACLU National Board, and National ACLU Executive Committee member.

I remain committed to devoting whatever useful experience and skill I have to the NYCLU. Its exceptional vigilance in protecting and advancing civil rights and liberties is needed now as much as ever; its statewide program is thriving; and its staff is brilliant, dedicated and effective. I take pride in our passionate and hard-working board, which works in common cause with our gifted staff and enjoys the occasional lively disagreement. The Union and its board and staff are thankfully becoming younger and more geographically and ethnically diverse, yet we adhere to our core values and honor those who have lived our history.

I support the NYCLU's program by bringing 32 talented clinic law students every year from NYU Law to litigate cases for the NYCLU and the ACLU through NYU's clinical program. I am very proud of our contributions, which have had a real impact on the case outcomes of the legal department.

As our representative to the ACLU National Board and a member of its governing executive committee, I support the national organization and promote the values and interests of the New York affiliate. And I continue to advise the NYCLU board and staff as general counsel.

I believe in openness, community, and the value and pleasure of engaged debate. I am confident in the future of the NYCLU, which will both change and endure. I promise to stand with the membership, board and staff of the NYCLU throughout the state in the cause of our most fundamental freedoms.

Eva-Maria Anthony

(Nominated by the Nominating Committee)
I am very excited to be nominated to the NYCLU Board of Directors. I think that my diverse background and experience would be a valuable asset to the organization.

Although my day jobs have been in the private sector during my career, I have always been engaged in and committed to the fight for equality for the LGBT community. After completing a fine arts degree at Cooper Union in NYC, I attended Brooklyn Law School where my commitment began. There, I joined and became co-chair of the lesbian and gay rights organization and was active in organizing events and fundraising. After graduating, I joined the Board of the LGBT Bar Association of Greater New York, where I was a contributing member, including co-chairing the committee in charge of the annual dinner, our primary fundraising event. I have also served on the LGBT Rights Committee at the New York City Bar, where I served on several sub-committees and also organized events.

In addition to LGBT issues, I am deeply inter-

ested in criminal justice reform. One area of particular concern is bail reform in New York. The civil rights of poor defendants are trampled daily by a system that is organized against them, needlessly wreaking havoc with their lives. We must persuade our legislators to pass meaningful bail reform now.

In addition to serving on substantive committees to address issues that I am passionate about, I would also welcome using my financial services background to serve on any of the finance committees.

John Cirrin

(Nominated by the Nominating Committee)
Retired Public Information Officer for the Albany Public Library. Long-time member of the NYCLU Capital Region Chapter.

During my two terms on the NYCLU Board, my discussions with other members of this Board have given me a great deal of respect for the work that the NYCLU does and the selfless attitudes of the individual members. This experience has been valuable to me; both in helping formulate how I can best contribute as a member of this Board in the future, and in making my contributions to the NYCLU in our state's Capital more effective.

In my current term on the NYCLU Board I have served on the Auditing Committee, the Statewide Presence Committee, the Remote Participation on Board Meetings Committee and the Chapter Committee. I have also been a significant aid in the NYCLU's Lobbying efforts at the State Capital in Albany, where I live.

My background in Public Library Public Relations gives me a unique perspective on how we can craft our message to resonate with the public. It also gives me the ability to work effectively with the diverse perspectives that our Board embodies. If re-elected to this Board, I would like to participate in any Public Relations initiatives that the Board and the NYCLU staff wish to embrace.

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

Michael Gallagher, Jr.

(Nominated by the Nominating Committee)
It is an honor to be nominated for a directorship position and to serve one of the most significant organizations in New York. The NYCLU's tireless effort to defend civil rights is awe-inspiring and essential; the staff's commitment to the organization and a client's courage to stand against injustice is remarkable.

Although my husband and I (and our two, four-legged children) live in NYC, I grew up in Lancaster County. I am mindful that although injustice is often more recognized in larger cities, it is equally, painfully present, often silently, in rural communities. I am proud the NYCLU focuses their work on a statewide level.

I have had the joy of being a part of the ACLU (Philadelphia) for eight years as an organizer, volunteer,

board member, solicitor, and as a chair of a task force. My goal as a board member is to best enable the work of the organization and to volunteer, fundraise, advise when asked, and assist the organization in its lobbying, policy, and legal work. I ask for your vote so I may share my passion and continue to serve the organization I so deeply believe in.

Please see my online nomination statement for my specific interests in the NYCLU, my professional background (I am a plaintiff's antitrust lawyer with a background in finance) and my email, for questions. Regardless of who you vote for, thank you for being a member. Your support makes a difference. Please do continue to give your time, talent, and resources.

Jonathan Horn

(Nominated by the Nominating Committee)
Attorney. NYCLU President 2010-2015. Vice President 2009-2010. Secretary 2003-2005. Member of Executive Committee 2003-to date. Service on Numerous Board Committees. Delegate to ACLU Biennial Conferences, ACLU Leadership Conference and ACLU Affiliate President's Conference. Board Member since 2001.

The NYCLU has been one of the constants in my life. In high school, I volunteered in a chapter office. As a young lawyer, I did pro bono work for both the ACLU and the NYCLU. Later, I joined the board and eventually served as NYCLU President for five years. I remain passionate about the NYCLU and its mission.

I decided to seek re-election because I believe my experience – and, particularly, my five years as NYCLU President -- gives me a broad and unique perspective on the work of the organization and the role of the board. As president, I set the board's agenda, presided over its meetings and framed its discussions. I met regularly with the Executive Director to stay abreast of developments. I interacted with all most all of my board colleagues. Like my predecessors, I rolled up my sleeves and dove into never-ending organizational matters large and small. The work has given me a deep understanding of the NYCLU's history as well as insights on the challenges and opportunities we face going forward.

Our board functions best when its members bring a wide variety of backgrounds, experiences and perspectives to our discussions. I look forward to being part of those discussions in the years ahead.

Anne Keenan

(Nominated by the Nominating Committee)
I am honored to be nominated to the NYCLU Board. If elected, I will bring:

A passion for reproductive justice. I have spent over a decade at Planned Parenthood, working to expand access to reproductive health and information. I worked at both the national office and the New York City affiliate. At PPNYC, I worked closely with partners across the state to advance our statewide legislative and electoral agenda. I've also served on the boards of two of the largest abortion funds—the New York Abortion Access Fund and the Eastern Massachusetts Abortion Fund.

Experience in strategy. I currently work at Purpose, a proud public benefit corporation, to create strategy and campaigns for social change. In previous roles, I've worked with organizations like Feeding America, Iraq and Afghanistan Veterans of America, and the American Cancer Society to develop corporate, brand, and marketing strategy. I'd love to use my experience in digital brand and campaign strategy to help NYCLU expand its digital education and advocacy presence to reach new communities.

Another perspective. As a queer new mother, I will add to the diverse experiences represented on the board. As I watch my son grow, I experience New York in a different way—and am more committed than ever to fighting for a world where rights are not tied to identity or to relationship status, where we reimagine the justice system (including finally closing Guantánamo), and where we are all equal under the law.

Mayur Lakhani

(Nominated by the Nominating Committee)

For 65 years, the NYCLU has tirelessly undertaken the fight to ensure that the blessings of freedom are shared by us all. Its actions have been essential in protecting individual rights, which have often lost out to political expediency. Policies and practices which have chipped away at our basic rights have been countered by the NYCLU's positions and legal intervention. As a board-member, I will work vigorously to support the continuation of this important mission.

Since my youth, I have identified as a civil libertarian. A portion of my first paycheck went towards my ACLU initial membership, and I've supported the organization ever since.

Professional: I am an investment manager, having worked with one of the largest Social Funds in the U.S.

Advocacy: I work with organizations providing fair financial access to individuals with challenged credit; founded a bi-partisan advocacy promoting civil rights and fair immigration laws; served as a leader within the Muslim community, interfacing with the NYPD and political leadership.

Board Experience: My experience spans both public and private, for-profit and non-profit, organizations; in policy and strategic planning roles. Accordingly, I am familiar with best practices for effective Board operations.

Personal: I arrived as an immigrant at 8 years old, and have since lived all across NY: Queens, Long Island, Northern NY, and Manhattan. I am married and have two children, for whom I hope to leave this country as strong, fair and free as all of NYCLU's members expect.

Thank you for your consideration.

Edwin Lopez-Soto

(Nominated by the Nominating Committee)

I come from a legal services background. While working in New York State's legal services support center, the Greater Upstate Law Project, I brought and won over a dozen class actions on behalf of the rights of disabled individuals. I was also co-counsel in a class action on behalf of the 37,000 children of the Rochester City School District. Unfortunately, that case lost. Notwithstanding, I continued working behind the scenes to convince our surrounding suburban schools that money alone won't remedy the problem but deconcentration of poverty along with money might.

I have had two stints on the Board of the NYCLU. In my last term, I served as the Vice President for three years. I chaired the Statewide Presence Committee, which was charged with ensuring that the entire organization, both downstate and upstate, worked as one. This work was important as we relieved the burden of the chapters spending too much of their precious time raising money to put a roof over their head. I felt that we could work to spread the great work of the NYCLU to parts of the State that currently have little or no presence. I think the NYCLU is accomplishing both those goals better today.

After my last term, I became the General Counsel at the Rochester City School District. I hope to be able to put my experience in an urban school to good use in helping the NYCLU eradicate the school to prison pipeline in New York.

Theresa McGovern

(Nominated by the Nominating Committee)

It is truly an honor to be nominated for the NYCLU's Board. I am a native New Yorker, and I admire the NYCLU because it is bold, creative and righteous.

I have been a social justice advocate for over thirty years. My formative legal experience was as a Legal Services attorney when the HIV epidemic hit NYC in the mid-eighties. Because women, LGBT people of color, undocumented clients were literally dying without treatment, housing, custody rights to their children, I founded the HIV Law Project in 1989. I served as the

Executive Director for ten years. We represented thousands of low income HIV affected clients and I litigated cases against the federal, state and local governments successfully, including a class action charging that the U.S. government had discriminated against women in its response to the AIDS epidemic. We fought rampant discrimination in housing, detention facilities, schools, foster care and in family court proceedings. I watched clients die needlessly and these experiences shaped my life.

I am currently a Professor at Columbia University Mailman School of Public Health where I direct the Human Rights program and teach human rights and environmental justice. Before that I was a Senior Program Officer in the Human Rights Program at the Ford Foundation fighting for funds to build the strategic capacity of groups advocating for human rights globally.

I am a 1986 Georgetown Law graduate, SUNY Albany undergraduate. I would love to use my knowledge of advocacy, philanthropy, and research to further strengthen the NYCLU.

Carlin Meyer

(Nominated by the Nominating Committee)

I became a CLU supporter in high school, after witnessing the last of the House UnAmerican Activities Committee hearings. I have remained one, and became a lifetime member of the NYCLU -- a leading force in fighting discrimination and inequality, and pathbreaker in linking economic to civil rights.

What I offer is 50 years of experience in organizing and activism: against Harvard's complicity with the Vietnam War and encroachment into the surrounding community; against the wrongful use of grand juries to subvert social movements; in electing a progressive school board slate, halting a hospital closing, and much more. My strengths are in strategic thinking, organizing and networking. I served as president of the New York City chapter and Board member of the National Lawyers Guild. I have for 27 years taught members of the "next gen." I served on the Board of Non-Traditional Employment for Women and was a Demos Fellow, as well as on the NYCLU nominations committee and, now, its committee on aid in dying. (I also helped direct a significant bequest to the Chapter.)

These are troubling times, and yet ones full of possibility. Public figures and news media foster racism and xenophobia at home; across the globe millions suffer. Yet Black Lives Matter, the Occupy Movement, and the campaigns of Sanders and Warren reveal considerable support for progressive ideas, especially among youth, who suffer from failed policies of the past. I would be honored to have the opportunity to navigate these waters with the NYCLU Board.

Elizabeth Nicolas

(Nominated by the Nominating Committee)

I am a Haitian-American, native New Yorker with a commitment to collective liberation and movement work.

I have worked and volunteered with organizations that support civil and human rights work in different capacities. In North Philadelphia, I worked alongside individuals in recovery communities who courageously fought back against marginalization, social erasure and gentrification. In Haiti, I worked with orphanages to rebuild community. In South Africa, I interviewed Zimbabwean refugees who had been tortured by their government. In Colombia, I accompanied communities that non-violently resisted abuses committed by their government and other armed actors. My work locally and abroad has deeply humbled and shaped me. I have learned the vital importance of community-directed movement work. The communities which are most negatively affected by systems of violence must lead and direct actions to dismantle these systems.

I am currently a Workers' Rights Attorney with Empire Justice Center in Rochester, NY. I work closely with a worker center and community organizers with the understanding that lasting, sustainable change must begin at the grassroots level. I have brought cases that are representative of the issues low-wage workers face in New York such as wage theft, workplace discrimination and harassment. However, my community lawyering work has convinced me that the most effective work that I can do is to participate in the empowerment of workers and communities through education and connecting them with resources. I want to participate on the NYCLU Board to facilitate, inform and support radical movement work.

Arlene Popkin

(Nominated by the Nominating Committee)

I have been active with the Civil Liberties Union for

PROXY VOTING INSTRUCTIONS

Mail or deliver the completed ballot (either from page 5 of the newsletter or downloaded from the NYCLU web site) to Douglas Cuthbertson, Election Supervisor, New York Civil Liberties Union, 125 Broad Street, 19th Floor, New York, NY 10004. So that we may verify your membership, cut out the address label (listing your name and address) on page 1 of this newsletter and affix it to the outside of the envelope; or, write your name (or both names, if you have a joint membership) and your address legibly on the back of the envelope. You must affix this label, or write your name(s) and address on the back of the envelope in order to provide verification of your membership so that your vote can be counted. (Note: To ensure a secret ballot, do not sign the ballot or put your mailing label inside the envelope.) Ballots must be received before the Annual Meeting is convened at 6:00 pm on June 15, 2016.

ABOUT THE BALLOT

There are sixteen (16) candidates for fifteen (15) positions.

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

PROXY BALLOT

TO: Election Supervisor, NYCLU - 125 Broad Street, 19th Floor, New York, NY 10004

You are hereby authorized as my proxy to cast my votes as indicated at the annual meeting of the New York Civil Liberties Union to be held on June 15, 2016 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.

Edwin Lopez-Soto	<input type="checkbox"/>	<input type="checkbox"/>
Maria I. Valentin	<input type="checkbox"/>	<input type="checkbox"/>
John Cirrin	<input type="checkbox"/>	<input type="checkbox"/>
Arlene Popkin	<input type="checkbox"/>	<input type="checkbox"/>
J. Stanley Yake	<input type="checkbox"/>	<input type="checkbox"/>
Jonathan Horn	<input type="checkbox"/>	<input type="checkbox"/>
Ronald Tabak	<input type="checkbox"/>	<input type="checkbox"/>
Claudia Angelos	<input type="checkbox"/>	<input type="checkbox"/>
Carlin Meyer	<input type="checkbox"/>	<input type="checkbox"/>
Michael Gallagher, Jr.	<input type="checkbox"/>	<input type="checkbox"/>
Wendy Stryker	<input type="checkbox"/>	<input type="checkbox"/>
Mayur Lakhani	<input type="checkbox"/>	<input type="checkbox"/>
Elizabeth Nicolas	<input type="checkbox"/>	<input type="checkbox"/>
Eva-Maria Anthony	<input type="checkbox"/>	<input type="checkbox"/>
Anne Keenan	<input type="checkbox"/>	<input type="checkbox"/>
Theresa McGovern	<input type="checkbox"/>	<input type="checkbox"/>

From page 5

about 50 years. I started young. I am a retired criminal defense lawyer, but I do not expect ever to retire from advancing the work and promoting the strength of the Civil Liberties Union.

I am Vice Chair and former Chair of the Lower Hudson Valley Chapter of NYCLU. I am on the Chapters and Privacy committees of the NYCLU. I believe we should have more issue-specific committees and activity, utilizing the time, skills, and experience of our Board to investigate and develop policy areas in which the staff may, in the future, be called upon to act. The Fourth Amendment implications of drone technology and an exploration if whether there are, or should be rights to anonymity or to have personal information deleted from electronic data systems are among the futuristic-sounding subjects I think we should be considering now.

My principle civil liberties focus currently is police accountability, because when you've been shot dead, the rest of your rights are kind of academic. We need to spread understanding that an unaccountable police force makes no one safer, and work to change police recruitment and training so that officers can be a part of the communities they serve. I am delighted that the CLU has become so active in prison conditions issues. All human beings should be treated as human beings.

I also expect to devote some of my "extra" time to opposing the parochialization of our public school system.

Wendy Stryker

(Nominated by the Nominating Committee)

It has been my great honor to serve on the NYCLU Board for the past four years, including currently as Vice President.

My experience working at the ACLU before law school inspired me to go on to a career as an employment lawyer also working in the areas of civil rights and defamation defense. I am a member of my firm's pro bono and diversity committees and have a deep interest in and commitment to workplace fairness and gender equity issues.

Since joining NYCLU's board, I have devoted countless hours to supporting NYCLU's business goals and the overall organization. I have held leadership roles including twice chairing the Nominating Committee, serving on the Executive Committee, and as the Vice President of the Board. I have also provided support in substantive civil liberties areas: I chair a Board subcommittee discussing and debating the sensitive policy issues around aid in dying. I have also advocated for the organization, by attending lobby days and rallying in Albany for the Womens' Equality Agenda, and helping to organize NYCLU's first economic justice "hackathon" as part of a celebration for NYC's Open Data Day.

NYCLU has been incredibly successful in its campaigns to educate the public and promote and protect the rights of New Yorkers. I thank you for taking the time to evaluate candidates and hope to be able to continue

bringing my skills, experience, institutional knowledge, and interest in civil liberties and social justice to the NYCLU for another term on the Board.

Ronald Tabak

(Nominated by the Nominating Committee)

It is my privilege to seek re-election to the NYCLU Board.

I have devoted most of my career to pro bono, including representing death row inmates, fighting capital punishment, chairing the City Bar's civil rights committee, and co-chairing a state bar committee whose recommendations on re-entry from prisons and jails and on diversion away from prison and jail were adopted in January.

My NYCLU service has included chairing the Governance Committee – which has kept the NYCLU compliant with new state laws, serving on the Statewide Presence and Chapter Committees – whose combined work has made statewide activities far more coherent, membership on the Executive Committee – including suggesting a policy that enables the Board to have a real sense of what will be in the proposed budget months before it votes on the budget, and being the Secretary – whose minutes almost always pass unchanged. I am now also serving on the committee making the latest effort to develop policy on aid in dying.

I participate actively in Board and Executive Committee discussions with the aim of achieving consensus after there is clear understanding of the subjects at hand.

I am delighted that the NYCLU focuses on such important subjects as police interactions with people of color, the horrendous quality of much indigent criminal defense, discrimination against same-gender couples, and threats to women's autonomy. I hope to stay on the NYCLU's front lines in these and other crucial areas.

Maria I. Valentin

(Nominated by the Nominating Committee)

HS Teacher / Adjunct Professor Westchester County and Immigration Attorney Chair, LHV Chapter of the NYCLU

I am a zealous supporter of civil rights. As a Latina Teacher and an Attorney, I have served as an advocate for social justice for most of my life. As a native of Newark, NJ, I was witness to the discriminatory and disparate treatment that Latinos, African Americans and others faced in urban areas, particularly when it came to housing, education and the legal system.

In my various "hats," I have spoken to numerous groups on voting rights, gender rights, education and immigrant rights. I have organized various programs to raise awareness of these issues to those most affected by them and to the community at large.

During my tenure on the NYCLU Board, I have served on the Nominations Committee and now serve on the Executive Committee of the Board, where I hope to contribute to NYCLU in an even greater capacity. As a Chapter Board President, I assist the Board on issues related to Chapter functioning within the NYCLU

framework. I am currently serving on the newly formed Economic Rights Committee. I have organized several Bill of Rights Days for our Chapter. I hope to contribute to the development of Civil Rights education for more youth throughout the state. I hope I am re-nominated to serve on the Board to continue the good work of this organization. I welcome your support.

J. Stanley Yake

(Nominated by the Capital Region Chapter)

As a Philosopher, I'm writing papers on ethics, politics and public life, and aesthetics. As an Artist, I'm creating beautiful ceramic pots, poetry, and photographs. As a do-gooder, I'm supporting women's rights, public theater, and liberal political servants. As a citizen educator, I'm supporting inner-city sports and education programs. As an opera and theater enthusiast, I spend regular evenings in NYC at the MET and Broadway venues. As an avid Celtics basketball fan, I spend many evenings as a season-ticket holder at the Garden in Boston. As an inquisitive academic intellectual, I keep track of many facets of public life, activities, policy and thought. As a wanna-be athlete, I play golf, tennis, and table tennis, eagerly, if not well. As an on-going parent, I tout my psychologist son, my international do-gooder son, and my world class horseman-daughter. As a lucky, linked ancestor, I try to steer investments with moral savvy and sensitivity. As a proud husband, I admire and tout my loving wife Barbara, both for her wisdom, her tolerance, and her well-exhibited talents.

SAVE THE DATE
 07.18.16
BROADWAY STANDS UP FOR FREEDOM
 FOR MORE INFORMATION:
www.nyclu.org/bway

Campaign Spotlight: Humanity for Homeless

This past December, the NYCLU filed notices of claim on behalf of three homeless New Yorkers whose belongings were destroyed by police and launched a photo campaign, #TheThingsWeCarry, asking for humanity in the treatment of homeless New Yorkers.

We released never-before-seen footage of homeless people being kicked awake and watching as their possessions were dragged away and thrown in a trash compactor. The three men lost some of their most valuable possessions. Floyd, the lead complainant, lost his birth certificate, social security card, blood pressure medication, inhaler and clothing.

Our notices of claim ask the city to return to these three homeless people the monetary value of what they lost, as well as damages for emotional distress. Altogether, the monetary value of their possessions is low. But the emotional cost is priceless: To many homeless New Yorkers, the things they carry give them a sense of home where there isn't one.

"It's heartbreaking to watch a group of homeless people be treated as though they are less than human," said Alexis Karteron, NYCLU supervisory senior staff attorney. "We're committed to ensuring our city does not lose its humanity in how it treats those who are the least fortunate."



Pictured above: Floyd's few possessions (among them were his birth certificate, social security card and blood pressure medication) were destroyed by the police. View the campaign at #TheThingsWeCarry Photo by Alberto Morales

“Bathroom Bills” put Transgender Discrimination in Focus

Across the country, discrimination targeting transgender and gender nonconforming people’s access to bathrooms is the latest front in a national battle in LGBT rights. Despite a growing number of legal decisions confirming that transgender people have the right to access facilities that correspond with their gender identity—just like anyone else—so-called “bathroom bills” are relying on ignorance and fear to deny people that basic right.

In March, North Carolina passed a law that said in schools and government buildings, transgender people are barred from using the bathrooms that correspond with their gender identity. This law, passed as the result of a misinformation campaign that demonized transgender people and characterized them as predators, will expose an already-vulnerable population to increased harassment, violence, and marginalization. More broadly, it also stops cities from passing any ordinances to protect

LGBT people from discrimination.

While the ACLU of North Carolina has taken action by filing a federal lawsuit, the controversy has had national implications. Following the passing of the North Carolina law, both Governor Andrew Cuomo and Mayor Bill de Blasio banned non-essential state travel to North Carolina as a response to the discriminatory law.

The NYCLU has played a critical role in establishing New York as a progressive leader when it comes to respecting the rights of transgender New Yorkers, including when it comes to accessing sex-segregated facilities like bathrooms. Last year, the NYCLU’s “Dignity for All?” report on transgender youth led Governor Cuomo to push successfully for the State Department of Education to adopt guidance protecting transgender students from discrimination and confirming their right to gender-appropriate bathroom access.

And in New York City, Mayor Bill de Blasio also

signed an executive order that confirms the right of transgender people to access public facilities that correspond with their gender identity and requires the training of city employees on these rights.

“The commitment to actually educate city employees—frontline staff, managers, people on the ground—on the requirements of the law is the best way to ensure that transgender and gender nonconforming New Yorkers are not subject to discrimination and harassment for simply using a public bathroom,” said Bobby Hodgson, NYCLU Staff Attorney.

New York is on its way to being a leader when it comes to transgender rights, and the NYCLU continues to work on litigation, policy reform and advocacy to make sure that our state—and not North Carolina—becomes a model for the rest of the nation. 🇺🇸

Apple v. FBI

From page 1

The controversy between Apple and FBI was always about more than just one iPhone. Apple had complied with FBI requests for information that it already had. But it drew the line at creating a tool that could threaten the security of its own product. The operating system the FBI asked Apple to create could be used as a blueprint for hackers and other bad actors to unlock other iPhones.

“Everyone—from human rights activists to companies protecting trade secrets to government agencies—benefits from access to secure communications,” said NYCLU Executive Director Donna Lieberman.

The ACLU submitted an *amicus* brief in support of Apple, joining a broad group of people from rights groups to technologists to the former N.S.A. Director Michael Hayden in support of encryption.

Despite claiming that there was no way to access the phone without compelling Apple to create the backdoor, the FBI in March found a way in without Apple’s help. But the controversy isn’t over – it’s just delayed. Other law enforcement agencies and prosecutors are anxious to get Apple to help it unlock phones in other cases. Manhattan District Attorney Cy Vance, for example, has said he has 175 iPhones he wants unlocked.

Months before the San Bernardino case, the NYCLU and the ACLU submitted an *amicus* brief in a drug case in Queens arguing the government cannot require Apple to unlock an iPhone. The federal judge ruled that the district attorney had gone too far – a decision that will hopefully set a precedent for future cases and help protect our digital security. 🇺🇸

Same-Sex Couples Face a New Discrimination



Pictured above: NYCLU clients, the McCarthys, faced discrimination when choosing their wedding venue in upstate New York.

After victories for same-sex marriage in front of the Supreme Court by the NYCLU and ACLU, across the country a new form of discrimination emerged against same-sex couples. Wedding businesses have in some cases refused to serve them, citing religious freedom.

The NYCLU is proud to have established legal precedent against this new form of discrimination in the courts. In January, the Appellate Division of the New York Supreme Court upheld that it is illegal for businesses to discriminate based on sexual orientation. The

NYCLU victory came in the case of Melisa and Jennifer McCarthy, who were turned away by the Albany wedding venue they chose after the venue owners found out that they were a same-sex couple.

While all Americans are welcome to express their personal beliefs, businesses like the Albany wedding venue that open themselves up to the public don’t have a right to discriminate when it comes to who they serve.

“This decision not only recognizes how discrimination has affected the two of us, it also helps to protect others from being targeted by the same type of discrimination,” said Jennifer and Melisa McCarthy in a joint comment. (They have since gotten married at another venue.) “We are grateful that going forward other couples will be less likely to have the joy of their wedding planning tarnished by discrimination.”

“New York chose to guarantee a society where lunch counters would serve Black and white customers and businesses would not discriminate on the basis of sexual orientation, and all of us benefit from these protections,” said Mariko Hirose, senior staff attorney at the NYCLU and lead counsel on the case. “We’re glad the court upheld longstanding laws against discrimination, and we’re proud of the McCarthys for standing up for equal treatment of all New Yorkers.” 🇺🇸

Next Steps: Statewide Public Defense

Every day, poor New Yorkers are being harmed by the right to counsel crisis in our state.

The NYCLU has worked for years to confront this disaster. In 2014, we entered into a settlement agreement that requires the state to improve public defense for people too poor to hire an attorney in five counties named in our lawsuit. Now, it’s up to the state to take responsibility for fully and adequately funding public defense across New York.

“With this legislation, we have an important opportunity to fix New York’s broken public defense system.”

Countless New Yorkers who are accused of crimes cannot afford to spend thousands of dollars on a lawyer. They rely mostly on public defense attorneys who often face a severe lack of funding and massive caseloads—many describe having only minutes with their clients before entering the courtroom and do not have resources even for investigation.

This year, legislation with bipartisan support could change that. Senator and Deputy Majority leader John A. DeFrancisco and Assemblymember Patricia A. Fahy introduced bills in January that would gradually shift the cost of providing public defense away from cash-strapped counties and onto the state. The bill has numerous sponsors in both the state assembly and senate where both bills enjoy broad bipartisan support.

“With this legislation, we have an important opportunity to fix New York’s broken public defense system,” said NYCLU Genesee Valley Chapter Director Kaelyn Rich. “It’s time that the state upholds fairness and justice for all.”

Chapter directors and organizers for the NYCLU are working with stakeholders and community influencers in all corners of the state to gain support and raise public awareness. Each chapter will offer seminars and forums to help educate the public and stakeholders about the bill, what it contains and why it will place responsibility for funding public defense on the state, where it belongs.

The consequences of the current state of public defense are all too abundant. We documented several in our 2014 report, “State of Injustice: How New York State Turns its Back on the Right to Counsel for the Poor.” Take Kimberly Hurrell-Harring, a registered nurse with no criminal record. She pled guilty to a felony charge because she was denied meaningful representation by her public defense attorney, who failed to recognize that the charged facts only amounted to a misdemeanor. As a result she lost her job, her nursing license and her home during a jail sentence she never should have served.

“New York’s most vulnerable people are losing their jobs, families and homes – and taxpayers are bearing the costs of mass incarceration when we send innocent people to jail or lock up minor offenders for too long simply because they don’t have counsel,” said Capital Region Chapter Director Melanie Trimble. “The state is now providing assistance in five counties, but we can’t leave the others behind.” 🇺🇸

Muslim Surveillance

From page 1

The rules currently governing NYPD surveillance of political and other First Amendment-protected activity are called the Handschu Guidelines. They were originally ordered by the *Handschu* court in 1985 and were weakened in 2003 following NYPD requests. The NYCLU and other lawyers filed papers in 2013 arguing that the NYPD’s investigations of Muslims violated a long-standing consent decree in the *Handschu* case to protect lawful political and religious activities from unwarranted NYPD surveillance.

With the settlement of both cases, significant new safeguards against discriminatory surveillance have been established – and that will make for a safer city and a more effective NYPD.

For example, the settlement installs a civilian representative within the NYPD to act as a check on investigations involving political or religious activity. And organizations will no longer be subject to covert and invasive NYPD surveillance when there’s no suspicion of criminal activity.

“In America, we have the right to stand up and speak out in response to unfairness and injustice, just as throughout this country’s history, other minorities have done the same thing and secured their rights,” said Imam Hamid Hassan Raza, lead plaintiff in the case. “We believe we have made important progress with this settlement, not only for New York Muslim communities but for other minorities in New York and beyond.” 🇺🇸

Victory! A Statewide Campaign brings Paid Family Leave



Group of advocates and supporters, including Donna Lieberman, at the governor's signing of the paid family leave bill.

This spring brought a civil rights victory the NYC-
LU has long been fighting for: New York became
the fourth state to pass family leave.

Governor Cuomo and the state legislature finally passed a strong paid family leave bill that will provide New Yorkers across the state with paid time off to care for a newborn child or a sick relative. That's especially significant given that, nationwide, Americans put in more hours at work than any other workers in the industrialized world, and are given – and take – fewer vacation days.

The legislation will provide a much needed helping hand for the vast majority of New Yorkers who are currently without paid family leave.

The law will provide 12 weeks of job protected leave to 6.4 million private sector workers in New York who currently lack access to paid family leave, and will be phased in over four years: In 2018, workers will be able to receive 50 percent of their wage, and eventually workers will receive up to approximately \$850 a week. The law also includes critical job protection so that New York workers can be confident they will have a job to return to after taking leave.

The bill will cover all workers protected by the Temporary Disability Insurance program, and the benefit will be funded solely by employee payroll contributions, amounting to less than a dollar per week per employee.

Of course, there is still work to be done. The legislation won't increase temporary disability pay, frozen at 1989 levels with a maximum benefit of \$170 per week, and it excludes farmworkers from protection. But the law will be monumental in bringing us closer to equal opportunity for New York. It will assist a broad swath of New Yorkers, but it will be especially impactful for

low-income, hourly workers, who are disproportionately Black or Latino and who are overwhelmingly women. That's because low-income workers are far less likely to receive paid family leave from their employers and often lack the job security to even take unpaid leave.

"Having a child or a sick parent shouldn't mean facing debt or bankruptcy," said NYCLU Central New York Chapter Director Yusuf Abdul-Qadir. "Statewide paid family leave will help all New Yorkers take care of their families without losing their jobs, and level the playing field for women and low-income workers of color who are struggling the most without it."

The law will also provide a boost for the LGBT community.

"LGBT adults raising kids are more likely to be near the poverty line," said Western Regional Organizer Emily Terrana. "An LGBT-inclusive paid family leave law is important for equality for the LGBT community."

"This is a victory for all New Yorkers including workers, families and businesses."

- Katharine Bodde,

NYCLU Policy Counsel

In order to ensure this historic victory, the NYC-
LU's chapters across the state worked to get lawmakers all over New York to take notice and take action. Much of the effort involved using the media to keep the momentum going and the pressure on lawmakers. The NYCLU sent emails to members, published op-eds and spoke to the press throughout the legislative process. In Syracuse, the new Central New York Chapter was involved in a paid family leave press conference and Western Regional Organizer Emily Terrana spoke at a paid family leave press event with U.S. Secretary of Labor Thomas Perez.

The Lower Hudson Valley Chapter provided a training to area health care providers on the legislation, organized a rally in Newburgh, connected the Paid Family Coalition to local business leaders and secured letters to the editor and participated in social media and action alerts.

"Paid family leave is, first and foremost, about equal opportunity for all," said Lower Hudson Valley Chapter Director Shannon Wong. "And for that reason, paid family leave is a civil rights issue and this win is a civil rights victory."

Solitary Confinement Reforms

From page 1

a person in solitary is minor and not violent in any way. Tonja, for example, a named plaintiff in the lawsuit, spent months in "the box" for purchasing a hair dryer from the commissary for another prisoner in violation of prison rules. People like Tonja who are forced into extreme isolation are either confined in their cells 23 hours a day entirely alone or with another person in a cell the size of a parking space that includes an open toilet and shower. They are denied all meaningful human interaction and mental stimulation.

Solitary confinement affects all New Yorkers because it undermines public safety. Far from rehabilitating incarcerated people to lead productive lives upon release from prison, "the box" can cause devastating, in some cases permanent, psychological harm, putting the other prisoners, prison staff and communities at risk.

No one benefits from New York's abuse of solitary confinement. That's why in 2011, the NYCLU began an intensive, year-long investigation into the use and consequences of extreme isolation in New York, documented in our report "Boxed In." We found that the use of solitary confinement is arbitrary, inhumane and unsafe. The investigation paved the way for the historic class-action lawsuit challenging the use of solitary confinement in federal court.

"For more than 100 years, it has been shown that extreme isolation causes serious harm while accomplishing little if any of the goals of a rational corrections system," said co-counsel Reinert. "This settlement puts New York on the right path, one joined by an increasing number of states and localities."

In 2014, with New York state, we reached an "interim" settlement agreement that provided immediate protections to those most vulnerable to solitary, including youth, pregnant women and developmentally disabled prisoners.

The final settlement is the result of nearly two years of additional negotiations that produced a global settlement agreement overhauling solitary confinement in all New York state prisons. No prison system of its size has ever taken on such sweeping and comprehensive reforms to solitary confinement at one time as New York. Under the \$62 million agreement, the state commits to reducing solitary, limiting the length of solitary sentences, increasing rehabilitative features in solitary and abolishing its most dehumanizing aspects. The state must implement the provisions in the agreement within three years after which there is a two year monitoring period.

"To their credit, New York officials recognized the vast overuse of solitary confinement in the corrections system and came to the table with an appetite for reform," said Jennifer K. Brown, co-counsel and senior pro bono counsel at Morrison & Foerster.

Research has shown that reducing solitary confinement is linked to making prisons safer. A federal study released in December 2014 found that states that reformed solitary confinement found no decrease in safety inside the prisons, and that in some state prison systems, like Colorado, safety improved as fewer prisoners were subjected to solitary.

Plaintiff Tonja Fenton, who was given three solitary sentences for non-violent conduct, said, "I hope that New York can finally begin to find its way out of the box."



NYCLU and ACLU supporters and staff march in the 2015 Pride Parade in New York City. This year, the NYCLU won a case on behalf of Melisa and Jennifer McCarthy, whose wedding was rejected by the owners of an Albany area farm and wedding venue when the owners found out that they were a same-sex couple. Photo by Donna Aceto

YES, I will be there for the New York Civil Liberties Union!

The NYCLU's new strategic initiatives are to:

- **Advocate** for integrated and equal educational opportunities in New York;
- **Increase** transparency and accountability in policing;
- **Build** the framework for more robust digital privacy protections; and
- **Guarantee** the right to counsel for all New Yorkers.

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SNY250N1604