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 reflects years of effort by the NYCLU’s staff, our co-counsel professor Alex Reinert and Morrison and Forster 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 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.

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.

The 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.

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.”

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Words from NYCLU Executive Director Donna Lieberman

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 agreement 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 a victory as these victories are, neither really lightens the load for the NYCLU. They are imperceptible. For example, family leave doesn’t protect farmworkers and doesn’t fix flaws in the disability law it is passed 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 for workers (they are included in the upgraded 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 the government’s own systems, 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 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 doesn’t 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 unthinkably harmful. 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. They were asking 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 just for this one phone. But most of the rest of the tech community — and the NYCLU — 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 sitting 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 favoring Apple — the FBI figured out a hack on its own and abandoned the request… for now.

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 court order 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 that will end spying by 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 present for transparency the government for the entire state. Using the state Freedom of Information Law, we’re asking police departments to disclose policies and data including when, where and how often the 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 pressure 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 solitary confinement.

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.

Follow @JustAskDonna on Twitter
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 thin-spandex 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 1,000 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. “This legislation is limited to plate readers that are funded through DCJS. Police departments’ use of Stingrays is 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.

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 @TAKETRCL 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 @TAKETRCL 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.
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.

**WHO MAY VOTE**
Anyone who has met the NYCLU membership requirements as of July 1, 2016 may vote.

**CANDIDATEs**
There are sixteen 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 Board of Directors has the right to use a slate-nomination process for filling vacancies on the board for the remaining terms of members who resign (or if the board determines that your vote can best be cast in the NYCLU’s interest to do so). I encourage you to consider this option when you return your proxy ballot.

**How to Vote**
NYCLU members may vote either: 1) in person at the annual meeting or 2) by proxy, the latter if you are unable to attend the meeting. For more information on voting by proxy, see our website at www.nycul.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 by 6:00 PM 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 Cuberberry, 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 in which you are sending your vote (or both options, 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 proxy vote and to ensure a secret ballot, do not sign the ballot or put your mailing label inside the envelope.

**CANDIDATES**
There are sixteen candidates (15 seats) for the 2016 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 Board of Directors has the right to use a slate-nomination process for filling vacancies on the board for the remaining terms of members who resign (or if the board determines that your vote can best be cast in the NYCLU’s interest to do so). I encourage you to consider this option when you return your proxy ballot.

Please see my online nomination statement for my specific interests in the NYCLU, my professional background (I am a plaintiff’s attorney who has experience in finance and law), and legal work. I ask for your support because I would like to continue to serve the organization and to bring my expertise and passion to the role.

**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. I had one full-time job, with a focus on helping to stop the War on Drugs and to end the over-incarceration of people for drug offenses. As a lawyer, I’ve argued cases in the courts of the United States, including before the Supreme Court. 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 support because I would like to continue to serve the organization and to bring my expertise and passion to the role.

**Eva-Staria 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 job has been in the private sector during my career, I have always been engaged 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 conference in charge of the annual dinner, our primary fundraising event. I have also served on the LGBT Rights Committee at the New York Civil Liberties Union on several sub-committees and have organized events.

In addition to LGBT issues, I am deeply interested 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 on their lives. We must persuade our legislators to pass meaningful bail reform now.

I believe in openness, community, and the value and importance of engaged debate. I am confident in the future of the Union and in the NYCLU board and staff as general counsel. I believe in openness, community, and the value and importance of engaged debate. I am confident in the future of the Union and in the NYCLU board and staff as general counsel.

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 dedicated 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 made up of a passionate, hardworking, talented and brilliant people.

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I have spent a relatively short time in 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 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 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 Pur-
pose, a proud public benefit corporation, to create strat-
ey 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 audiences.

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 new way and am more committed than ever to
effort for a world where rights are not tied to identity
or to relationship status, where we reimage 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 under-
taken the fight to ensure that the blessings of freedom
are shared by all us. All its actions have been essential in
protecting the rights of undocumented clients for which
we fought so long and hard, and are often swept away 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 liber-
tarian. A portion of my first paycheck went towards
the NYCLU’s positions and legal intervention. As
public figures and news media foster racism and
xenophobia at home; across the globe millions suffer.

I am truly an honor to be nominated for the NYC-
CLU’s Board. I am a native New Yorker, and I admire the
goals better today.

time to deconcentration of our resources. This work was
important as we relieved the burden of providing health
services to subvert social movements; in electing a progressive
school board that was,midst closing, and much
more. My strengths are in strategic thinking, organizing,
and networking. I served as president of the New York
City Bar Association and am a member of the National Lawyers
Guild. I have for 27 years taught members of the “next
generation.” I served on the Board of Non-Traditional Employ-
ment for Women and was a Demos Fellow, as well as on
the NYCLU nominations committee and, now, its com-
nitee on aid in dying. (I also helped direct a significant
bequest to the Chapter.)

These are troubling times, and yet one full of poss-
ibilities. Public figures and news media foster racism and
don’t fix what has been done. My strengths are in strategic think-
ing and harassment. However, my community law-
ary present.

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 Great Lakes State Legal Aid, I brought
young people who were homeless children to
their legal rights. The NYCLU is an organization
which was charged with ensuring that the entire orga-
nization, both downtown and upstate, work as one.
This is a diverse organization, but it is clear that
the NYCLU is accomplishing both those goals better
today.

As a lawyer, 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)

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
Service Attorney when the HIV epidemic hit NYC in
the mid-eighties. Because women, LGBTQ people of
color, undocumented clients, children facing dyna-
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 thou-
ousands 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 against housing, detention facilities, schools
and foster care and in family court proceedings. I watched
cases 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. I was a Senior Policy Officer
in the Human Rights Program at the Ford Foun-
dation funding 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 knowl-
dge of advocacy, philanthropy, and research to further
strengthen the NYCLU.

Carlin Meyer
(Nominated by the Nominating Committee)

I became a NYCLU supporter in high school, after
witnessing the last of the House Un-American 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 organiz-
ing 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 that was,midst closing, and much
more.

I believe that the NYCLU is accomplishing both
those goals better today.

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 mem-
bership (indicated by a mailing label on this
newsletter with both names on it), you are entitled
to two votes and can vote by mark-
ing boxes in both columns. For
further 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 person-
ally present.

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

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 Cuth-
bertson, 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 page number at the top
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 ad-
dress 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 or-
er 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.

PROXY VOTING

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Theresa McGovern

continued on page 6
Board Bios

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 Committee 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.

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 employer-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 arising around in-dying. I have also advocated for the organization, by attending lobby days and rallying in Albany for the Women’s 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—which 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—which 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 Nominating the NYCLU 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 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.

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 Philanthropist, I write papers on ethics, politics and public life, and aesthetics. As an Artist, I am creating beautiful ceramic pots, poetry, and photographs. As a do-gooder, I am supporting women’s rights, public theater, and liberal political servants. As a citizen educator, I am 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.

Campaign Spotlight: Humanity for Homeless

T his past December, the NYCLU filed notices of claim on behalf of three homeless New York- ers 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; to many others, 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 and belonging. When those possessions are 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; to many others, 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 and belonging. When those possessions are lost, the emotional cost is priceless. To many homeless New Yorkers, the things they carry give them a sense of home and belonging. When those possessions are lost, the emotional cost is priceless.

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
“Bathroom Bills” put Transgender Discrimination in Focus

A cross the country, discrimination targeting transgender and gender nonconforming people’s access to bathrooms is the latest front in a na- tional 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—a so-called “bathroom bills” are relying on ignorance and fear to de- fend 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 misinformed campaign that demonized trans- gender people and characterized them as predators, will expose an already-vulnerable population to increased ha- rassment, violence, and marginalization. More broadly, it also stops cities from passing any ordinances to protect the rights of transgender New Yorkers. As a result, the NYCLU’s “Dignity for All” report on transgender youth led Governor Cuomo to push successfully for the State Department of Educa- tion to adopt guidance protecting transgender students from discrimination and confirming their right to gender- appropriate bathroom access.

Next Steps: Statewide Public Defense

E very day, poor New Yorkers are being harmed by the right to counsel crisis in our state. The NYCLU has worked for years to con- front this disaster. In 2014, we entered into a settlement agreement that requires the state to improve public defense for people to be held in custody 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 defenders—lawyers 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 to use hand sanitizer.

This year, legislation with bipartisan support could change that. Senator and Deputy Majority leader John D. DeFrancisco and Assembly Speaker Carl Heastie 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.

LGBT people from discrimination.

While the ACLU of North Carolina has taken action by filing a federal lawsuit, the controversy has had na- tional 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 establish- ing New York as a place not subject to this new form of discrimination and harassment. When it comes to respecting the rights of transgender New Yorkers, includ- ing 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 Educa- tion 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 corre- spond with their gender identity and requires the training of city employees on these rights.

New York's commitment to provide education to city employ- ees—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 York- ers like bathrooms.

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

Same-Sex Couples Face a New Discrimination

NYCLU victory came in the case of Melissa and Jennifer McCarthy, who were turned away by the Albany wed- ding 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 discrimina- tion has affected the two of us, it also helps to protect others from being targeted by the same type of discrimi- nation,” said Jennifer and Melissa McCarthy in a joint statement. (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 wed- ding planning tarnished by discrimination.”

“New York chose to guarantee a society where lunch counters would serve Black and white custom- ers 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 discrimina- tion, and we’re proud of the McCarthys for standing up for equal treatment of all New Yorkers.”

Muslim Surveillance

The rules currently governing NYPD surveil- lance 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 argu- ing that the NYPD’s investigations of Muslims violated a longstanding 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 repre- sentative within the NYPD to act as a check on inves- tigations 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 Razza, 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.”

Apple v. FBI

The controversy between Apple and FBI was al- ways about more than just one iPhone. Apple had com- pleted 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 compa- nies 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 a way to access the phone without unlocking it, FBI Director James Comey admitted that creating 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 ex- ample, has said he has 175 iPhones he wants unlocked.

Months before the San Bernardino case, the NY- LU 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.
industrialized world, and are given – and take – fewer
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 NYCU-L's chapters across the state worked to get lawmakers all over New York to 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.”

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.

Support NYCLU online at www.nyclu.org

Enclosed is my check payable to the NYCLU Foundation in the amount of:

$500 $250 $100 $50 Other

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Please charge $ ________ to my AmEx Visa MasterCard

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SNY28031604

NYCLU and ACU supporters and staff march in the 2015 Pride Parade in New York City. This year, the NYCLU won a case on behalf of Melissa 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 Dario Anato

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 performing a hair dryer from the commissary for another prisoner in violation of prison rules. People like Tonja who are forced into extra-treme 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 rehabili-
tating 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 2014, 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 Reiner. “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 includes 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 overturning solitary confinement in all New York state prisons. No prison system of its size has ever taken on such sweeping and comprehen-
sive reforms to solitary confinement at one time as New York. Under the $62 million agreement, the state com-
mits 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 oversize 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 Morrison & Foerster. Research has shown that reducing solitary confine-
ment is linked to making prisons safer. A federal study released in December 2014 found that states that re-
formed solitary confinement found to 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.”