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Suffolk County resident Jason Porter spent two months at Riverhead Correctional Facility and encountered shockingly unsanitary conditions, including showers caked with mold, cold temperatures and chronically malfunctioning toilets. *Photo by Alberto Morales*

Death and Disease at Long Island Jails

Dire conditions at Long Island jails have spurred two lawsuits to address deplorable conditions and bring oversight and accountability: one against the Nassau County Correctional Center and one against Suffolk County Correctional Facilities. The majority of people housed in both jails have not been convicted of a crime—many are poor people who haven't yet had a trial but can't afford to pay bail.

The Nassau suit follows the recent suicide of an Iraq war veteran housed at the Nassau jail—the fifth suicide there in less than two years. The lawsuit was filed in State Supreme Court for Nassau County on behalf of two individuals currently housed in the jail. It seeks to force compliance with a 22-year-old unfulfilled charter mandate to establish an independent board to oversee and reform conditions at the jail.

“Tragically, a stay at the Nassau County Jail can become a death sentence for the 11,000 people a year who are housed there awaiting trial or serving time for minor misdemeanors,” said Samantha Fredrickson,

director of the Nassau County Chapter. “Since Nassau County Executive Edward Mangano has turned a blind eye to this disturbing reality, we have no choice but to ask the court to compel the county to take this initial step toward finally treating people housed at the jail with basic human dignity.”

The two plaintiffs currently housed at the jail were both denied medical treatment on numerous occasions. Joseph Marone was forced to wait weeks to see a nurse after noticing blood discharging from his left ear. By the time a nurse examined him the bleeding had stopped, though he believes he suffered hearing loss.

“People shouldn't be forced to live in constant pain because the county won't provide them basic medical care,” Marone said.

Meanwhile, in the Suffolk County jails, inmates are subjected to Dickensian conditions such as overflowing sewage, chronic overcrowding, rodent and insect infestations, and pervasive mold and rust. These and other dehumanizing circumstances prompted the NYCLU and

Continued on page 3

Class Action Lawsuit Challenges NYPD Patrols of Private Apartment Buildings

Imagine facing the threat of a police stop anytime you entered or left your home to check your mail or go to the store. Picture a mother who must keep watch from apartment windows to make sure police officers don't throw her son against a wall and search him for no reason.

These scenarios take no stretch of the imagination for residents of River Park Towers, a private Bronx apartment complex enrolled in Operation Clean Halls, a program that extends the NYPD's discriminatory stop-and-frisk practices into thousands of private apartment buildings citywide. The program permits police officers to patrol the premises of privately owned buildings, forcing residents to live under the constant threat of being stopped, frisked, harassed and even arrested in their own homes.

“If you are 30 and below and a minority, they are definitely going to stop you” said Tony Ledan, resident of River Park Towers. “I see them everyday going into their pockets, telling them to take their pants down, taking them in the staircase and searching them in the staircase.”

Continued on page 8

United to Reform the NYPD



Lower East Side resident Steve Kohut (with NYCLU Executive Director Donna Lieberman) speaks at a rally about being subjected to the NYPD's stop-and-frisk practices. The NYCLU and dozens of community and advocacy groups have united to form Communities united for Police Reform, or CPR, to reform the NYPD so that police officers really do treat all New Yorkers with courtesy, professionalism and respect. Read more about CPR on page 3. *Photo courtesy of Amal Chen*



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Words from NYCLU Executive Director Donna Lieberman

We're Changing the NYPD ... and New York State

Throughout the course of our history, the NYCLU has been raising concerns about police abuse.

Personally, I always thought that when the Giuliani administration took its final bow things would improve and that we'd see a new day where courtesy, professionalism and respect were more than just a slogan printed on the side of police cruisers.

But more than a decade into Mayor Michael Bloomberg's tenure, the challenges haven't gone away—the city just has a better PR machine. And until recently, because of the Bloomberg administration's masterful use of spin and because NYPD Commissioner Ray Kelly's persona stood in such stark contrast to the police commissioners under Giuliani, the NYCLU had far too little company when we said anything about issues of police abuse.

Indeed, many New Yorkers gave the NYPD a free pass because crime was down and because we all have a lot of respect for most of the men and women who make up the force.

But, now New Yorkers from all walks of life are saying enough already. (*Read more on page 3*).

Of late, the NYPD has been plagued by one disgrace after the next. From the killing of Ramarley Graham, a teen killed by cops in his own home as his grandmother watched when he tried to flush a small amount of pot down the toilet, to ticket fixing scandals, arrest quotas, drug planting, deception about surveillance of American Muslims and political protesters, and a sky-rocketing stop-and-frisk regime that targets hundreds of thousands of innocent people—mainly blacks and Latinos—every year.



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Today, New Yorkers who previously were content to take whatever the NYPD said as gospel truth are now asking questions and demanding answers. And sometimes it feels like the NYPD has created a cottage industry for the NYCLU.

We're not giving up on achieving change during the remainder of the Bloomberg administration. But we're also looking to the future and working to ensure that no serious mayoral candidate can dodge discussion of NYPD reform. In our city, police excesses and abuse have become a key civil rights issue of our time.

Though this work has focused on New York City, criminal justice is a critical issue statewide as other police departments adopt equally problematic policies and practices.

We're pleased that just this spring we filed two critically important class action lawsuits on Long Island to reform the conditions in the county jails. This is literally a matter of life-and-death for inmates, the majority of whom are pre-trial detainees (poor people who haven't had their day in court yet, but who can't afford bail) or who are incarcerated for misdemeanors and petty offenses. No human being should be subjected to the shocking, Dickensian conditions at the Long Island jails. (*Read more on page 1*).

But just as we are a leader on criminal justice issues in New York State, the NYCLU has done groundbreaking work and had a major impact on public discourse and policy across the spectrum. Our electronic health records report (*Read more on page 7*) garnered a front-page *Albany Times-Union* headline worthy of announcing the end of WWII. Virtually no one in the state besides the NYCLU is paying attention to the privacy implications of the march toward electronic health records exchange.

Same goes for New York's adoption of an all-crimes DNA database (*Read more on page 7*). As *The Albany Times-Union* noted recently, the NYCLU stood virtually alone for years as the sole voice questioning the public safety value of collecting a genetic sample of every person convicted of any crime, including turnstile jumping and shoplifting, without adding safeguards to prevent error, fraud and abuse.

We're known for being that lone voice and for taking on issues popular and unpopular. Everyone is against bullying, but we've been at the forefront trying to push our state to take effective steps to reduce the risk of bullying while being careful not to succumb to wrong-headed proposals to criminalize adolescent behavior. It's

NYCLU Stands behind Bronx NYPD Officer and Against Punitive Quota System

For 14 years NYPD Police Officer Craig Mathews received positive annual reviews. But that was before he questioned an unlawful quota system within his own precinct that pressured officers to write summonses, make arrests, and conduct stop-and-frisks. In February the NYCLU filed a federal lawsuit challenging the repeated retaliation against Mathews for having disclosed the illegal quota system in the 42nd Precinct in the Bronx.

According to the lawsuit, the Bronx precinct developed a detailed quota system, which includes regular color-coded computer reports used to track compliance with quotas. Officers who fail to meet quotas are highlighted in red and face a wide range of reprisals. Since reporting the system to the precinct's commanding officers, Mathews has been given punitive assignments, denied overtime and leave, separated from his longtime partner, given poor evaluations and subjected to constant threats.

"Quotas lead to illegal arrests, summonses, and street stops and they undermine trust between police and residents," said NYCLU Associate Legal Director Christopher Dunn, lead counsel in the case. "Officer Mathews chose to expose this abusive system and his supervisors have made his life miserable."

The lawsuit filed on Officer Mathew's behalf on Feb. 23 in U.S. District Court for the Southern District of New York, asks the court to declare that the NYPD's retaliatory actions violate the officer's free speech rights under the First Amendment and the New York Constitution.

The 42nd Precinct's quota system reflects a wider problem within the NYPD. For years, the Department has been mired in scandals about its use of quotas that

hard work—it's much easier for lawmakers to grab a good headline by "getting tough" on bullies and forgetting that the bullies themselves are children who are still growing up and have often been subjected to torment themselves. But we've built a coalition across the state for effective enforcement of the Dignity for All Students Act, an anti-bullying law that goes into effect this fall, and to fight back against proposals that seek to lock kids up for making mistakes.

We're also working with our allies across the state to build support for passage of a transgender rights law, the Gender Non-Discrimination Act (GENDA). Even people who consider themselves strong advocates of LGBT rights sometimes get uncomfortable talking and thinking about "the T." As we celebrate the increased equality many families have now found through marriage, it's important that we keep trying to expand the rights of all New Yorkers. In the coming weeks, the NYCLU will be releasing a report on the need for GENDA and we'll be out lobbying hard for its passage. And as we approach New York's first fair marriage anniversary, we haven't forgotten about the federal law that continues to block true marriage equality and we continue to challenge the so-called Defense of Marriage Act in federal court on behalf of Edie Windsor.

Finally, it's important to remember a segment of our population that we rarely see or think about, the New Yorkers who are responsible for our food. Our state's farmworkers, overwhelmingly immigrants, endure back-breaking labor so we can eat and yet they are not guaranteed a day of rest, overtime pay or the right to bargain collectively. The NYCLU is working with labor, immigrants' rights and religious groups across the state to make this the year that New York finally passes the Farmworkers Bill of Rights.

And that's not the half of it. The NYCLU works on so many significant social justice issues that face our community and we view each of our issues as a potential victory. It may take years, or decades, but sooner or later, with your help, we'll get the job done. Please join us in our fight for justice in New York. To learn more about these issues and the rest of the NYCLU's work, visit www.nyclu.org today.

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lead to unjustified stops and arrests of innocent people. Starting in May 2010, *The Village Voice* ran a series of articles exposing a quota system in the 81st Precinct in Brooklyn as revealed by audio tapes secretly made by Officer Adrian Schoolcraft. A police officer in Queens recently admitted that the use of enforcement quotas led officers to plant cocaine on innocent people in order to boost arrest numbers.

In August 2010, then-Gov. David Paterson signed legislation that expanded protections for police officers under the state's anti-quota statute to ban retaliation against officers for not meeting quotas for tickets, summonses, arrests, and stop-and-frisk encounters. Previously, the quota law only covered traffic violations.

"It's no secret that the NYPD is using enforcement quotas," said NYCLU Executive Director Donna Lieberman. "Instead of retaliating against officers who expose this unjust and illegal practice, the NYPD should work to ensure that nobody is stopped and arrested because of arbitrary quotas."

Quotas have become such a contentious issue in the 42nd Precinct that officers are now retaliating against other officers who comply with them. Recently, the lockers of officers complying with quotas have been knocked over or vandalized, and the precinct has had to resort to stationing an officer in the locker room to halt this.

Kate Doniger, Holly Mowforth, and Jacob Tracer, who are students enrolled in the New York University School of Law's Civil Rights Clinic, are co-counsel on the case. In April, a federal judge granted the city's motion to dismiss the case. The NYCLU is appealing the ruling.

Communities united for Police Reform Fights for NYPD Accountability

"If you move you will get shot." Steve Kohut received this warning as three men lunged out of an unmarked van that had jumped the sidewalk in his Lower East Side neighborhood.

"Before I could blink I had three guns pointed at me: one at my right temple, one to my chest and one on the left side of my neck," Kohut said.

As the situation escalated Kohut, who is Puerto Rican and a member of the community-based organization Justice Committee, realized his aggressors were plain-clothes cops. The police officers proceeded to search Kohut, even forcing him to remove his shirt and shoes. When they finally determined the obvious—that Kohut was entirely innocent—they left him standing barefoot and half-naked in broad daylight.

One of the officers told Kohut: "Today must be your lucky day." Then they simply drove off in the van without any further explanation.

Kohut's story is a particularly frightening example of abusive and discriminatory policing in New York City. It shows the extent to which the NYPD's stop-and-frisk program and other discriminatory policing practices have spiraled out of control. The NYCLU has joined forces with a diverse range of community groups and advocacy organizations to reform the NYPD so that police officers really do treat all New Yorkers with courtesy, professionalism and respect.

We're spearheading Communities united for Police Reform (CPR), an unprecedented campaign to end discriminatory policing in New York City. This movement has united community members across all five boroughs with activists, lawyers and researchers to work for change.

Last year, the NYPD stopped, interrogated and/or frisked people 684,330 times—the highest total since the Police Department began collecting data on its stop-and-frisk program in 2002. Close to nine out of 10 people stopped last year were black or Latino.

"Last year alone, the NYPD stopped enough totally innocent New Yorkers to fill Madison Square Garden more than 30 times over," said NYCLU Executive Director, Donna Lieberman. "Communities where the

NYCLU Confronts NYPD Spying on Muslims and Political Activists

In a disturbing case of insidious government spying and religious profiling, the NYPD has been monitoring and infiltrating Muslim communities across the state.

According to a series of startling reports by the Associated Press, the NYPD's Intelligence Division, a squad that operates with virtually no independent oversight, has used numerous tactics to monitor and infiltrate groups, including:

- Deploying "mosque crawlers" to monitor hundreds, if not thousands, of prayer services
- Monitoring Muslim student associations at local colleges and universities
- Compiling dossiers on Muslim residents engaged in no wrongdoing
- Dispatching undercover officers to Muslim and Arab neighborhoods to monitor daily life, including visiting mosques, bookstores, restaurants and Internet cafes.

In late March, the AP reported that the NYPD's spying has not been limited to Muslim communities, but has also been used to monitor lawful liberal political organizations. The report shows that the NYPD has kept intelligence files on individual activists as well as organizations involved in protest across the country. These communities and individuals have engaged in no unlawful conduct, but are instead being targeted based solely on their religious or political identity and activities.

The NYCLU is co-counsel in a longstanding lawsuit intended to stop the NYPD from maintaining dossiers on individuals and political or religious groups unless the police have reason to believe that unlawful activity had taken place or is about to take place. The recent revelations about NYPD surveillance practices strongly suggest that the NYPD is in violation of a 1984 court order. Consequently, the NYCLU is in court again to enforce the terms of the decree.

"A federal court order prohibits the NYPD from maintaining dossiers on people unless there is reason to believe those people are or were engaged in unlawful activity," said NYCLU Legal Director Arthur Eisenberg. "The NYPD is spying on countless innocent populations up and down the Eastern seaboard, but who is watch-

highest numbers of stops and frisks are occurring are overwhelmingly communities of color. Wherever you go in New York, the people that get stopped are people of color."

Under Mayor Bloomberg, the NYPD has dramatically expanded unjust tactics that aggressively target low-income communities of color, young people, homeless people, LGBT people, people with disabilities, and immigrants. For instance, the number of street stops has skyrocketed 603 percent since 2002—Bloomberg's first year in office. Many people who have been stopped have reported being harassed and manhandled by police, like Kohut's experience.

CPR's campaign was introduced during a Week of Action in late February. The week included community-based events ranging from an arts and culture day and youth open mic, to informative *Know Your Rights* and CopWatch workshops, which train New Yorkers to monitor and document police abuses. At the center of it all, a press conference on Feb. 29, CPR members joined New York City Council members Jumaane Williams, Brad Lander, Melissa Mark-Viverito and Rosie Mendez to introduce a package of NYPD-reform legislation. The landmark civil rights legislation, known as the "Community Safety Act," will:

- Put teeth in the current prohibition on profiling by the NYPD. The legislation would prohibit the NYPD from relying, to any degree, on race, ethnicity, religion, or other protected categories when engaging in law enforcement activities, with few exceptions. The legislation would also, for the first time in New York City law, make the NYPD accountable for practices, such as stop and frisk, that have a disproportionate impact on communities of color and other New Yorkers. Finally, it would broaden the communities protected against profiling by including a prohibition on discrimination based on race, religion, age, sex, gender identity, sexual orientation, immigration status, housing status, or other characteristics. Illinois has a similar disparate impact law in place.

ing the NYPD? The lack of oversight is stunning and it demands attention at the local, state and federal level."

In February, the NYCLU and ACLU called for a federal investigation into the reported use of White House funds by the NYPD for its religious and racial profiling activities. Our chapters and regional offices have seen the fear the NYPD's spying has caused in local Muslim communities.

Central New York Chapter Director Barrie Gewanter has worked with countless Muslim community groups.

"You should be able to practice your religion and congregate accordingly without fear of surveillance by a police department hundreds of miles away from your community," Gewanter said. "For a community already extremely wary of the police to now find they are being watched, is extremely chilling."

Western Region Director John A. Curr III says he has encountered similar spying by local law enforcement.

"Since 2003 we have documentation that local law enforcement agencies have kept 'information' on groups and individuals active in rallies and protest," Curr said. "We had the Buffalo Special Services Unit shut down for its spying practices in the past, but recent events remind us just how important it is to take every opportunity to draw a bright red line around these practices and their reprehensible attack on people's First Amendment rights."

The NYCLU is dedicated to confronting this issue head on and has encouraged New Yorker's to hold law enforcement accountable for its policing practices through the re-launch of our "Spy Files" campaign. If you want to find out if you or your organization is under police surveillance file a Freedom of Information request. These requests are one way to hold the NYPD accountable for its actions by forcing it to turn over the records it keeps on New Yorkers.

To find out if you or your organization is under police surveillance, file a Freedom of Information request at www.nyclu.org/spyfiles.

- End the practice of the NYPD pressuring New Yorkers into consenting to wrongful searches (for example, searches that lead to the disproportionate arrest of black and Latino New Yorkers for possession of small amounts of marijuana). Police officers would have to provide New Yorkers a "Miranda" warning that they have the right to refuse a search when there is no warrant or probable cause. The NYPD would have to obtain proof of the consent given. Similar laws exist in Colorado and West Virginia.
- Require that NYPD officers provide their name and rank to the subjects of law enforcement activity (such as a stop and frisk), as well the specific reason for the stop. At the end of the encounter, the police officer would have to provide a business card to the person being stopped that includes information on how to file a complaint. There are exceptions for extenuating circumstances. Similar laws exist in Arkansas, Minnesota and Colorado.

"Hardly a day goes by without another story of NYPD abuse hitting the news and undermining the ability of the community to trust the Police Department," said NYCLU Advocacy Director Udi Ofer. "The Community Safety Act will put New York City at the forefront nationally in the effort to combat discriminatory policing."

The NYCLU is also working with lawmakers and our allies at the Brennan Center for Justice to introduce legislation in the City Council to create an independent Inspector General's Office with the responsibility of assessing the impact of NYPD practices on the civil rights and civil liberties of New Yorkers.

To learn more about Communities united for Police Reform, please visit www.ChangeTheNYPD.org.

Death and Disease at Long Island Jails

From page 1

the law firm of Shearman & Sterling LLP to act.

"Nobody should be forced to live in the sickening conditions that exist in the Suffolk County jails," said Amol Sinha, director of the Suffolk County Chapter. "Raw sewage bubbles from floor drains, rats and roaches infest the kitchens, black mold covers the showers—it shocks the conscience. That county officials have allowed such horrendous conditions to persist for years is simply shameful."

Former inmate Jason Porter described the horrifying conditions he lived under, including crowding onto a small table with his fellow inmates for 30 hours while rivers of human waste 6-inches deep covered the prison floor after toilets exploded. Human feces and urine spewed as high as the ceiling.

Nobody should be forced to live in the sickening conditions that exist in the Suffolk County jails. Raw sewage bubbles from floor drains, rats and roaches infest the kitchens, black mold covers the showers—it shocks the conscience.

Suffolk inmates who try to file grievances regarding jail conditions often face retaliation. On at least one occasion, officers have denied inmates heat until they agreed to abandon their request for grievance forms.

For too long county officials have been content to make people live in these barbaric conditions.

"Strong, independent oversight can help end the troubling conditions in both Nassau and Suffolk," said NYCLU Senior Staff Attorney Corey Stoughton. "Officials in both counties have been ignoring these deplorable conditions for too long. It's time they meet their moral and constitutional obligations to provide humane conditions to everyone housed at the jails."

NYCLU Board of Directors



The annual meeting of the members of the New York Civil Liberties Union will be held on Wednesday, June 13 at 6 p.m. at the NYCLU offices: 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 15 candidates and 14 vacancies.

WHO MAY VOTE

All members whose names appear on the NYCLU membership rolls as of May 30, 2012 may vote. If you have a question about your voting status, please call 212.607.3364.

HOW TO VOTE

NYCLU members may vote either:

- 1) in person, at the annual meeting.
- 2) by proxy, using any one of the ballots that appear in the following places:
 - printed on page 5 of this newsletter.
 - by downloading a ballot at www.nyclu.org/boardelections. (All votes not cast in person must be cast on paper ballots; one CANNOT vote electronically).

IN ORDER TO VOTE BY PROXY

Complete the proxy ballot. Mail the ballot you have filled out to Ronald Tabak, 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 fifteen (15) candidates for fourteen (14) vacancies. Thirteen vacancies are for three-year terms; one vacancy is for a one-year term. The person elected with the lowest number of votes will receive the one-year term. In accordance with the NYCLU by-laws, exactly as many candidates as there are vacancies were nominated by the NYCLU Nominating Committee. 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.

AM I A MEMBER?

The NYCLU has nearly 50,000 members statewide, plus many thousands of supporters. To be a current 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 March 1, 2011, 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.

Li Yun Alvarado

Nominated by the Nominating Committee
PhD. Candidate, Fordham University; NYCLU Member

I am thrilled to seek re-election to the NYCLU board. As a young Latina scholar, poet and educator, I believe that actively defending civil liberties ensures that my family and students are protected from the injustices often faced by people of color and by our youth. I am particularly impressed with the NYCLU's educational initiatives, including protecting students from aggressive school policing and military recruitment. I am also passionate about defending Reproductive Rights, LGBT rights, and Immigrant Rights. If re-elected, I will continue my work on committees including: Affirmative Action, Nominating, and Development. I have also served as a member of the Executive Committee, and am eager to use my experience over the last six years to continue serving as a leader on the board. This past fall I was elected as an at-large member of the ACLU's national board, and will continue to represent the NYCLU in that capacity as well. Finally, I will continue to support the NYCLU's Young Professionals in their work educating, recruiting, and fund-raising for the NYCLU. I hope that as a board member during these challenging economic times, I can continue to help advance the mission of the NYCLU while introducing new members of my generation and profession to our organization's invaluable work.

Charlene Barker

Nominated by the Nominating Committee
Litigation Associate, Fried, Frank, Harris, Shriver & Jacobson LLP

I am an ardent supporter of the innovative work NYCLU does in defending and protecting New Yorkers' civil liberties. As a young attorney committed to effectuating social change, I welcome the opportunity to serve as a member of the Board of Directors. From the beginning of my legal career I've taken every opportunity to help protect the civil rights and liberties of the marginalized. As the Racial Justice Project Fellow at New York Law School, I worked with the ACLU and NAACP Legal Defense and Educational Fund on a host of issues.

Recently, I assisted in drafting an amicus brief in a case before the Court of Appeals for the District of Columbia Circuit involving a challenge to Section 5 of the Voting Rights Act. Additionally, I have traveled to Tennessee with LDF to interview school board members in a pending desegregation case. My commitment to social justice is also reflected in my current work, presently, I am working on an asylum matter before the Executive Office For Immigration Review.

This work is both rewarding and disheartening as it highlights the fact that the civil rights and liberties of many remain under siege. Whether it is women's rights or the rights of minority children to attend school without being subjected to discriminatory prison-like condi-

tions, there remains work to be done. NYCLU is on the forefront, actively addressing these and other concerns. I would love to be a part of this effort.

John Cirrin

Nominated by Nominating Committee

During this first term 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 the Capital Region more effective.

If re-elected to this Board, I would like to contribute to the Statewide Presence Committee, as well as participate in any Public Relations initiatives that the Board, and the NYCLU staff, wish to embrace. I would also work to increase our general membership.

During the coming year, I will work strenuously for passage of the Reproductive Health Act.

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.

Nahshon Craig

Nominated by the Nominating Committee
Attorney; Vice-President of Business and Legal Affairs, Rush Communications of NYC, Inc.; The Hip Hop Summit Network; Real Reform 2004 supporter

As I complete my second term as a New York Civil Liberties Union Board Member and reflect on my rewarding experience, it only motivates me to want to continue to serve.

If re-elected, and given the opportunity to continue to serve, I will look forward to work collaboratively alongside my fellow board members to find more effective ways to increase the NYCLU's recently declining membership numbers. Increasing our New York State membership base is important on many levels, and I would like to continue contributing in this regard to see that this goal is achieved.

Additionally, as we enter full steam ahead into a pivotal election year, I look forward to assisting our organization's efforts to raise public awareness about key civil liberties issues at stake. Finally, as I have passionately noted in the past, youth empowerment continues to be near and dear to my heart. I sincerely wish to continue as a board member to strengthen the NYCLU's relationship with this important demographic.

Douglas Cuthbertson

Nominated by the Nominating Committee
Attorney, Debevoise & Plimpton LLP

It would be a tremendous honor and privilege to join the Board of the NYCLU and become part of this

impressive and critical organization that carries out vital work to protect civil rights and civil liberties and to promote justice and equality across the state. It is clear that the NYCLU's work has never been more important—whether striving to protect New Yorkers from the government's crackdown on civil liberties post-9/11, reforming the stop and frisk and war-on-drugs policies that have devastated low-income communities of color, or advancing reproductive justice while reactionary forces wage war on women's bodies with renewed zeal—New Yorkers need the NYCLU, now, more than ever.

I currently work at a private law firm. Previously, I worked at a progressive non-profit and as an attorney for a federal judge. I would be proud to put my skills toward broadening the organization's base of financial support and helping the NYCLU's talented staff advance their programmatic goals. In particular, I would aim to increase membership among younger professionals who share the NYCLU's core beliefs but who are not yet fully engaged with its efforts. I promise to bring energy and enthusiasm to my work with the Board, along with a healthy dose of humility and humor. Thank you very much for your consideration.

Tanya Douglas

Nominated by the Nominating Committee
Public Interest Attorney. Current member of Executive Committee, Affiliate Affirmative Action Officer; Board Governance Committee; Board of Directors since 1994; past co-chair of nominating committee; delegate to ACLU biennials, 1999, 2001, 2005, 2007.

As an African American woman, civil liberties rights are very important to me. Despite our nation's progress with the election of the first African American president, our civil liberties rights are under attack by current legislation which discriminates against people of color. This current "legal" discrimination is shockingly similar to the historical legal discrimination against African Americans. It is important that the NYCLU continue its fight in the streets and in the courts against these laws. Protest and litigation are key tools in this fight. As a member of the NYCLU Board of Directors, I have had the pleasure to speak about civil liberties and NYCLU to young people and people of color.

I welcome the opportunity to serve another term on the Board.

Peter Gollon

Nominated by the Suffolk County Chapter
Retired physicist and business owner. Current Emeritus Board member; former President, Suffolk County Chapter NYCLU. NYCLU Board member 1980s to 2011, former Treasurer, Chair of Privacy and Chapter Committees.

The biggest threat to civil liberties today is the expansion of arbitrary government powers against those with little power because of their race, religion, ethnicity, gender or economic status.

In NYC this plays out in police "stop and frisk" tactics targeting people of color, and in infiltration of the local Islamic community looking for or creating "terrorist plots." Elsewhere this plays out in laws targeting Hispanic day laborers, and in the callous, over-zealous enforcement of laws against the Hispanic community, while denying them the same police protection afforded their white neighbors.

For the last 20-odd years I have been on the NYC- LU and Suffolk Chapter Boards, serving several terms as NYCLU Treasurer. As a very senior Board member, I rotated off the Board last May in conformity with Board rotation policy, and was elected to *member emeritus* status. Since then I participated in NYCLU leadership and chair its Chapter Committee.

I now seek reelection to the Board. I bring with me a longer institutional memory than almost all other Board members; and will add a different perspective through my scientific and business rather than legal background.

I live outside New York City, and thus understand the vital role Chapters play as the local eyes, ears, and first level of civil liberties advocacy and protection in many communities throughout the State.

Dan Kilpatrick

Nominated by the Nominating Committee
Vice President at Cresview Partners. Previously worked at the Yale Investments Office. B.A. in History from Yale and M.B.A. from Stanford. Native New Yorker.

I believe strongly in the mission of the NYCLU. I was raised with the knowledge that much of the greatness of New York and America comes from the principles that the NYCLU defends: liberties that are meant to allow people to live their lives as they see fit; a legal system that is meant to treat everyone equally and fairly; and rights meant to make this a place of opportunity for all. These principles cannot be taken for granted. The NYCLU's work on a number of issues, including improving the criminal justice system, reasonably limiting police action, and making sure all New Yorkers receive equal protection under the law, is vital.

The mission of the NYCLU is highly important, and with your support, I would look forward to serving it as a board member. I can help in several ways. First, I can contribute to its long-term financial stability, having spent my career in investment management and participated actively in fundraising activities. The NYCLU's finances are vital to ensure it has sufficient resources. Second, I currently observe two company boards, and I feel that experience would help me be a productive board member. Finally, I will bring great energy, as these are issues I care passionately about. I am supporter a number of organizations whose missions tie to the principles that the NYCLU protects. Thank you.

Melissa Lee

Nominated by the Nominating Committee
Brooklyn Law School Student; Founder/President of NYCLU Young Professionals; Board Member since 2009; Development Committee Member

For the last eleven years, I've worked as an activist and community organizer for civil liberties. I've coordinated numerous lobbying trips for constituents to talk to legislators about access to healthcare and education and have recruited hundreds of activists to pound the pavement against abortion restrictions and LGBT discrimination.

Before attending law school, I was employed at Planned Parenthood for six years, where I served as Online Advocacy Project Manager at Planned Parenthood Federation of America during Health Care Reform and as Manager of Advocacy Programs for Planned Parenthood of New York City. While at PPNYC, I built a 400+ member Activist Council, created an activist training program for college students, and spearheaded advocacy campaigns to mandate comprehensive sex education in NYC and to generate support for New York State's Reproductive Health Act.

In 2007, I approached the NYCLU about starting a Young Professionals group because I'm consistently shocked by the lack of awareness I find when talking to young people about our issues. Under my leadership, the Young Professionals grew to over 200 members and hosted six fundraising/awareness-raising events attended by more than 2000 young New Yorkers.

It's been a genuine honor to serve on the Board of the NYCLU. I hope that my voice, as a young New Yorker and an experienced organizer, will continue to be a valuable asset to the Board as we move this great organization into the future.

Julie Kowitz Margolies

Nominated by the Nominating Committee
Attorney. Vice President, 2010-present; Executive Committee, 2006-present. Chair, Development Committee,

2003-10. Chair, Nominating Committee, 2007, 2008.

The civil liberties outlined in our Bill of Rights are the very foundation for our human dignity: the right to express our beliefs freely, to protest, to be free from unwarranted government intrusion into our private lives, to be treated equally under the law. The NYCLU's work to defend these liberties from unprecedented federal, state and local assaults has unparalleled breadth and depth. In my prior nine years of board service, I have worked to strengthen the viability and sustainability of this work in several concrete respects.

As Development Committee Chair, I helped to increase the financial resources upon which our essential work depends. With another board member, I spearheaded the board's first major donor campaign, and have served as an ambassador in multiple years since. Last year, I solicited and secured a major gift that was instrumental in replacing lost grant revenue for the (then) Reproductive Rights Project.

I have initiated, advocated for and drafted several policies concerning board service that have both streamlined and enhanced the board's functioning and improved communication among board members. I have mentored new board members and continue to work on issues of succession planning, to ensure that newer and/or younger board members have opportunities to take on responsibilities that will prepare them for later board leadership.

I am passionately committed to the NYCLU, and if re-elected, will continue to work diligently on its behalf.

Jenny McAllister

Nominated by the Nominating Committee

Before joining the NYCLU Board, I worked for several years for the national ACLU's Reproductive Freedom Project. My job was to work with the affiliates to organize and achieve policy goals in the area of sexuality education. Because of this work, I developed strong contacts with the NYCLU staff and with ACLU affiliates across the country. In addition, I gained an understanding for the needs of the affiliates. I also bring strong connections with the national ACLU, which can be useful in the productive, but sometimes delicate relationship between the affiliate and national offices.

As a Board member, I have contributed most significantly as the chair of the Development Committee. Last year, I chaired the 60th Anniversary event. Often events of this size have many people who identify honorees and get table sponsors. But for this event, the Development Director and I carried a great deal of the weight. I personally filled 3 tables, identified an honoree who brought in significant and ongoing donors, and brought The Roots in to perform. Additionally, while it has been a goal for the Board to raise \$100,000 in annual funds for many years, I am proud that, in part because of my encouragement, this was the first year the board achieved that milestone.

Bruce Popper

Nominated by the Nominating Committee
Vice-president for Western New York hospital members of 1199 SEIU United Healthcare Workers East. Serves as Executive Vice-president of the Rochester Genesee Valley Area Labor Federation, AFL-CIO, a trustee of the 1199 SEIU National Benefit Fund, on the board of Health Careers Advancement Project, a national labor-management coalition focused on workforce issues, and on the advisory board of Women and Children's Hospital of Buffalo. Previously served on the boards of the Finger Lakes Health Systems Agency, the Rochester Health Commission, and the Finger Lakes Occupational Health Services/URMC.

The need for NYCLU is greater than ever. As our country's politics turn ever rightward, the ACLU and its state chapters constitute the front line in defense of our liberties.

Related to the renewed attack on our basic rights is the economic decline of the vast majority of working families. Regressive public policies and corporate greed have combined to create very dangerous conditions among our populace.

Recently, the Occupy movement gave new voice to our struggle. In Rochester, the NYCLU played a decisive role, together with our progressive labor movement, in successfully challenging the arrest of fifty peaceful demonstrators and securing a site for protest to continue.

If we are to reverse the trends of income and power inequality, and defend and reestablish basic human rights in the United States, we must have a strong ACLU and a dynamic NYCLU.

For these reasons, I am committed to lead and serve on the NYCLU Board if you so choose to elect me.

continued on page 6

PROXY VOTING INSTRUCTIONS

COMPLETE THE PROXY BALLOT

Mail the ballot you have filled out to Ronald Tabak, 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.)

ABOUT THE BALLOT

There are fifteen (15) candidates for fourteen (14) positions.

NOTE: There are two columns of boxes. If you have a single membership, mark only boxes in the first column. If you have a joint membership (indicated by a mailing label on this newsletter with both names on it), you are 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/board-elections.

PROXY BALLOT

TO: **Ronald Tabak, 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 13, 2012 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.

Nahshon Craig	<input type="checkbox"/>	<input type="checkbox"/>
Charlene Barker	<input type="checkbox"/>	<input type="checkbox"/>
Robin Willner	<input type="checkbox"/>	<input type="checkbox"/>
Jenny McAllister	<input type="checkbox"/>	<input type="checkbox"/>
Bruce Popper	<input type="checkbox"/>	<input type="checkbox"/>
Julie Kowitz Margolies	<input type="checkbox"/>	<input type="checkbox"/>
Tanya Douglas	<input type="checkbox"/>	<input type="checkbox"/>
Piro Rexhepi	<input type="checkbox"/>	<input type="checkbox"/>
Dan Kilpatrick	<input type="checkbox"/>	<input type="checkbox"/>
Douglas Cuthbertson	<input type="checkbox"/>	<input type="checkbox"/>
Geneviève Wachtell	<input type="checkbox"/>	<input type="checkbox"/>
John Cirrin	<input type="checkbox"/>	<input type="checkbox"/>
Li Yun Alvarado	<input type="checkbox"/>	<input type="checkbox"/>
Peter Gollon	<input type="checkbox"/>	<input type="checkbox"/>
Melissa Lee	<input type="checkbox"/>	<input type="checkbox"/>

From page 5

Piro Rexhepi

*Nominated by the Nominating Committee
Dutchess Community College, Instructor*

The principle of liberty is a core aspect of my sense of self as an individual and a citizen. My post-war Kosovo human rights work with the United Nations and the Red Cross, as well my advocacy for disadvantaged minorities around the globe, lead me to further understand the vital importance of civil liberties for a democratic society.

More recently I've engaged with grassroots civil society to help shape a "bottom-up" approach in the further advancement of our civil liberties. I've worked closely with beleaguered communities on projects such as the prevention of further criminalization of minorities, discrimination of LGBTQ citizens and the prevention of prejudice and hostility towards religious minorities. I've worked closely with activists and students in helping them articulate their beliefs about civil rights and liberties when engaging in peaceful protests with the Occupy Movement in Poughkeepsie and New York.

All these experiences contribute to my perspective that it is not the state that is the guarantor of civil liberties, but the constantly negotiated space between citizens and the state, where organizations like the NYCLU play a vital role as a guardian of civil liberties. I'm therefore drawn to the mission of NYCLU in the need to continuously reiterate our civil liberties as a core requirement for the protection and advancement of the democratic values of our society. With your support, I look forward

to the challenge of strengthening NYCLU's efforts across the state whenever and wherever Constitutional rights are challenged.

Geneviève Wachtel

*Nominated by the Nominating Committee
Associate Director, Diane Abbey Law Center for Children and Families; Adjunct Professor, New York Law School*

It has been a pleasure and an honor to step into a vacated seat on the Board of Directors of the New York Civil Liberties Union for the last several months. I see this as a crucial moment in the fight for our civil liberties and am proud of the NYCLU's victories in 2011 and the start of 2012 in the areas of marriage equality, monitoring and seeking to improve policing and jailing policies in New York, and standing up for freedom of speech and assembly. As a former teacher in a diverse school with a plurality of Muslim students, and as an active participant in the current juvenile justice reform movement in New York, I am sensitive to the need to promote and protect youths' civil rights, a longstanding NYCLU cause. Through my work with the Diane Abbey Law Center for Children and Families, I am lucky to work with law students who consider themselves among the next generation of civil rights activists. Contributing to the NYCLU's work in these areas has been tremendously rewarding.

In my short time on the Board, I have been active and conscientious about my responsibility to the NYCLU as a member and as a Director. I hope to continue in this role by being elected to a full term on the Board. Thank you for your consideration.

Robin Willner

Nominated by the Nominating Committee

I am eager to stand for re-election to the board of the New York Civil Liberties Union. Since I was elected to fill a one year opening, I have barely begun my service and hope in my first full term to be able to make a substantial contribution as I continue to learn. On two issues, reproductive rights and the panoply of issues relating to public education, I have long experience and deep understanding from my leadership role with Planned Parenthood of NYC and more than 30 years working professionally on school reform issues. As chair of the education committee, working with my fellow members, we have laid the foundation for a significant and focused agenda. My wide experience on multiple nonprofit boards will help me to work with my colleagues to continue to improve our operations and meet our responsibilities.

Since joining the board, there have been two instances that crystallized the essential nature of the NYCLU. With the birth of OWS, I was exceedingly proud of our presence and leadership to assure the demonstrators' civil liberties. And when virtually no one would dare to question how NYC public schools had been transformed into houses of worship, the NYCLU demanded public scrutiny and debate and prevented new legislation that would have destroyed the separation of church and state. We were ready this year, and I want to make sure we are always ready, to respond to threats and lead the way to a better NY.

Fundraising Challenge: Preserve Your Legacy and Protect Liberty for Generations

With a single sentence you can defend freedom now and forever. Right now, by adding the NYCLU to your will, you can leave a legacy of liberty for generations to come and defend our freedom today.

When you name the NYCLU in your estate plans, the LuEsther T. Mertz Charitable Trust will make a matching cash contribution of up to \$10,000 to the NYCLU as long as matching funds are available.

Your pledge means action in your community now. "There is always a need for checks and balances, and your planned gift means that the NYCLU will always be around to provide those checks and balances," said NYCLU Development Director Kerry Watterson. "It ensures the protection of civil liberties for generations to come."

Already have a gift planned? Current planned gift donors may also qualify for matching funds by:

- Increasing an existing bequest provision;
- Making additional donations for a life income gift, such as an annuity; or
- Adding a second or subsequent type of gift provision, such as adding a bequest provision through a will in addition to a beneficiary designation.

Have a planned gift but don't want to make any changes? Let us know and we can arrange for a 5 percent gift match on pre-existing gifts of which we have no previous knowledge.

Matching funds are limited; the LuEsther T. Mertz Charitable Trust has capped their matching pledge at \$2 million, meaning that as few as 200 people nationwide can participate. Act today to ensure that your planned gift will be matched.

All of our legal, legislative, educational and community organizing efforts depend on donations from engaged supporters like you. Join us in defending liberty and justice now and forever, with a planned gift today.

For more information
on the Legacy Challenge, call
Kerry Watterson at (212) 607-3365.

Challenging Police Abuse in NYC Schools



NYCLU Executive Director Donna Lieberman and hundreds of students rallied in front of NYPD headquarters in Manhattan about school arrests. Police arrested or ticketed about 14 students each day in public schools between October and December; about 94 percent of students arrested were black or Latino, and 75 percent were male. Photo by Alberto Morales

Free Speech Victory in Troy

A settlement of an NYCLU lawsuit challenging the 2008 closure of an arts and media center in Troy has united two former adversaries in support of the arts.

Under a settlement agreement approved by a federal judge in February, the City of Troy will partner with Media Alliance in a grant application to the National Endowment for the Arts. If the NEA awards the grant, the city will provide up to \$50,000 in matching funds, in addition to a separate payment of \$5,000.

"We are very pleased to have reached a settlement that allows us to move forward with the city of Troy in a positive way," said Steve Pierce, executive director of Media Alliance. "This agreement underscores the importance of free expression in our community, and opens the door to an unprecedented arts-driven neighborhood revitalization on our block in North Troy. We appreciate the massive outpouring of support that brought us to this successful resolution of our case."

The lawsuit challenged the city's decision to close Media Alliance's center, The Sanctuary for Independent Media, on purported code violations on March 11, 2008, a day after the opening of Iraqi-American artist Wafaa

Bilal's controversial digital art installation, "Virtual Jihad." The city and former Public Works Commissioner Robert Mirch were listed as defendants.

The NYCLU argued that Mirch, who at the time oversaw the city's building code enforcement and led protests of the exhibit, used his official powers to shut down the building. Mirch's actions violated Media Alliance's First Amendment rights to free speech and assembly, and its due process and equal protection rights under the Fifth and Fourteenth amendments.

"This settlement represents a victory for free speech," said Melanie Trimble, director of the NYCLU's Capital Region Chapter. "By helping Media Alliance to get federal funding the city has demonstrated that it values free expression and that the First Amendment protects controversial speech."

After almost two years of litigation in federal court, Media Alliance threw a "settlement celebration" at The Sanctuary that drew a full house. Attorney Neil Richven, a cooperating attorney on the case, said: "The city, once an adversary, is now partnering with Media Alliance to support cultural and artistic events that will no doubt, build pride in a long ignored inner city neighborhood."

NYCLU Report Reveals Privacy Threat in State's Electronic Health Records System

Do you want your podiatrist to know that you were once treated for a sexually transmitted infection? You may not have a choice, according to the latest report released by the NYCLU on New York State's developing network for sharing electronic health records.

The state has already invested more than \$840 million in developing electronic information sharing networks for medical records, but the NYCLU maintains there are significant flaws in the state's current privacy and security policies and procedures governing those networks that threatens patient privacy.

The report, *Protecting Patient Privacy: Strategies for Regulating Electronic Health Records Exchange*, explains how current state policies jeopardize patient privacy, and provides recommendations for creating stronger policies.

"Easily shareable electronic health records clearly can improve the quality of medical care, but without careful planning they also pose a genuine threat to privacy," said NYCLU Executive Director Donna Lieberman. "Policymakers must ensure that private medical information is secure and that patients have more control over who can access their medical records."

Most significantly, the state's current health information sharing system strips patients of control over who accesses what information in their medical records. Once a patient consents to allowing a provider access to her medical records, the provider sees everything that was ever uploaded to the network about that patient, regardless of whether the information is relevant to current treatment.

When patients lose control over their medical records, they can lose faith in their doctors. They may withhold critical information or avoid treatment altogether.

"There are good reasons why people might want to withhold certain information from new doctors," said NYCLU Assistant Legislative Director Corinne Carey, author of the report. "For instance, while most people want their primary care doctor to have access to information about their allergies or past surgeries; they may not want their podiatrist to know they were once treated for a sexually transmitted infection.

"When patients lose control over their medical records, they can lose faith in their doctors. They may withhold critical information or avoid treatment altogether."

The report offers 10 recommendations to protect patient privacy as the state develops a centralized system for sharing electronic medical records. From allowing patients the right to opt out of the system altogether, to prohibiting the networks from selling patients' private health information, the recommendations aim to keep patient privacy intact.

Since the report was published, Carey was appointed to the New York eHealth Collaborative's Policy

Committee, which is charged with reviewing the state's policies and procedures governing the sharing of electronic health records.



To read more about electronic health records exchange in New York, visit www.nyclu.org/publications/medicalprivacy.

State DNA Databank Expansion Long on Politics, Short on Justice

Despite an intense NYCLU advocacy effort, the State Legislature in March passed a bill allowing police to collect a genetic sample of every person convicted of any crime in New York State without adding safeguards to prevent error, fraud and abuse.

The new law requires people convicted of any crime, even offenses as minor as turnstile jumping or shoplifting, to submit a genetic sample to the DNA database. This an unprecedented expansion that will require the processing of tens of thousands of additional DNA samples annually.

"The legislation will do little to enhance public safety," said NYCLU Legislative director Robert Perry. "But it increases exponentially the likelihood of wrongful prosecutions. There are plenty of innocent reasons that one's DNA may turn up at a crime scene—but in this scenario the burden is often on the accused to prove his innocence."

The state has repeatedly expanded its DNA database since it was established in 1996, but there has been little if any effort to enhance regulatory oversight. The new law does nothing to address the increasingly apparent inadequacies of the state's regulation of police crime labs nor does it establish rigorous statewide standards regarding collection, handling and analysis of DNA evidence to catch or prevent error and ensure the integrity of the databank.

In February, the NYCLU sent a statewide message urging our members to contact Governor Cuomo and ask him to make sure that any legislation to expand the DNA databank included safeguards to prevent mistakes and abuse. Our email generated more than 1,600 messages to the governor.

In a letter to the editor published in the *Journal*

The legislation will do little to enhance public safety, but it increases exponentially the likelihood of wrongful prosecutions.

News in Westchester, NYCLU Lower Hudson Chapter Director Linda Berns discussed serious flaws in state oversight of the DNA databank that were identified by the state Commission on Investigation.

"There is increased risk of contaminated samples, concerns about the lack of funds to hire qualified forensic analysts, and inadequate statewide standards for the collection of DNA evidence," Berns wrote.

Before the Legislature voted, the NYCLU joined state lawmakers, and advocates from the legal and scientific communities to call for measures that promote fairness and accountability as part of any legislation expanding New York's DNA databank.

Specifically, they called for an expert task force charged with establishing a new, more robust system of regulatory oversight regarding the collection, storage and analysis of DNA evidence; requirements that persons charged with, or convicted of, a crime have access to DNA evidence for purposes of establishing their innocence; and best-practice protocols that have been demonstrated to prevent mistaken witness identification and improper police interrogations.

The Assembly negotiated two amendments to the governor's bill. These amendments provide that people accused, or convicted, of a crime may have access to DNA evidence for purposes of establishing their in-

nocence; and that those convicted of certain low-level marijuana offenses—simple possession by first-time offenders or possession of marijuana that is burning or in public view—are not required to submit a DNA sample to the state.

"While we appreciate the exception for marijuana possession, the fact is that the same exception should apply to all nonviolent, low level offenses," said Executive Director Donna Lieberman. "It just underscores the extent to which this deal is based more on politics rather than a commitment to justice."

Rochester School Board OKs Condom Availability, Protects Students' Health

The New York Civil Liberties applauded the Rochester School Board's decision this winter to make condoms available to city high school students.

"This new policy will help keep our teens healthy and safe," said Kaelyn Rich, director of the NYCLU's Genesee Valley Chapter. "It is an important step in providing Rochester's young people the tools they need to protect their sexual and reproductive health."

The Board of Education voted 4-3 to approve the policy, which makes condoms available to students at health clinics located within city high schools.

Lynsee McGill is a senior at Wilson High School and works at Safe Sex Inc. She advocated alongside

Rich at the board meetings and is proud of what has been accomplished.

"I was really excited we got the policy passed. We had been working very hard—teenagers are having sex and they have been afraid to ask for condoms," McGill said. "When we really broke it down for the board members, they knew it was the right thing to do."

Studies overwhelmingly show that condom availability programs increase the rate of condom use and the likelihood that teens will be protected from HIV/AIDS, other sexually transmitted infections and pregnancy without increasing rates of sexual activity.

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

BROADWAY
STANDS UP FOR
FREEDOM
HOSTED BY SETH RUDETSKY

With Honorary Chair
Tony Kushner
and Director
Daniel Goldstein (Godspell)

MONDAY
JULY 23, 2012

NYCLU
skirball center

www.nyclu.org/bway

NYCLU: Public Schools Should Not be Used as Houses of Worship

The NYCLU led opposition this winter to state legislation that would force public school districts to allow religious worship services inside public school buildings.

“We champion the right of all New Yorkers to worship, or not, as they choose. But turning our public schools into churches every Sunday undermines the core American principle of separation of church and state,” NYCLU Executive Director Donna Lieberman said. “Our public schools serve children of all faiths equally. Converting our schools into churches sends a message to the community—and to children—that the government favors Christian churches. It creates a climate of discrimination, intolerance and animosity that has no place in public schools.”

Bronx Household of Faith, an evangelical Christian church, had waged a 16-year legal battle to continue holding Sunday services in local public schools. Last year, the U.S. Court of Appeals upheld a New York City Department of Education policy prohibiting worship services in public schools.

As the appeals court explained in upholding the city’s ban:

“When worship services are performed in a place, the nature of the site changes. The site is no longer

simply a room in a school being used temporarily for some activity. The church has made the school the place for the performance of its rites, and might well appear to have *established* itself there. The place has, at least for a time, become the church.” (Emphasis in original.)

In December, the U.S. Supreme Court declined to take the case, allowing the appeals court’s position to remain the law of the land. As a result, the city gave religious congregations a February deadline to stop using schools as houses of worship. During the 2010-11 school year, about 160 religious congregations—almost all Christian churches—held Sunday worship services in city schools.

In response, bills were introduced in the State Senate and Assembly that would circumvent the appeals court ruling and force schools to open their doors to religious worship. The NYCLU vigorously opposed the legislation.

“The law already allows religious groups to use public schools for all kinds of extra-curricular activities, including prayer and Bible study,” Lieberman said. “The proposed state legislation goes much further: It essentially requires our schools to subsidize churches and privileges the Christian church over other religions, which erodes everyone’s religious freedom.”

Lieberman and NYCLU Legal Director Arthur Eisenberg testified before the New York City Council in opposition to a resolution in support of the state legislation. At the hearing, representatives from a variety of religious and educational backgrounds joined the NYCLU in urging the City Council to abandon its resolution.

Lieberman explained the NYCLU’s position in an op-ed column published in the *Daily News*. A similar op-ed by NYCLU Advocacy Director Udi Ofer was posted on *The New York Times*’ education-focused website, *Schoolbook*. Two emails to our statewide membership generated a total of 3,633 messages to state legislators urging them to oppose the legislation.

The State Senate passed its bill on Feb. 6, but the legislation stalled in the Assembly where Speaker Sheldon Silver expressed concerns about its broad scope.

On Feb. 24, a federal district judge issued a preliminary injunction to allow churches to continue holding worship services in New York City public schools, which had the effect of at least temporarily halting the legislative effort.

“This is a surprising ruling in light of the fact that the Second Circuit has already upheld the city’s policy,” Lieberman said. “One thing that appears certain is that this case won’t end here.”

Clean Halls Lawsuit Challenges Unlawful Trespassing Arrests

From page 1

There have been numerous reports of police officers making unconstitutional, unjustified stops—and even wrongful trespassing arrests of Clean Halls building residents and their invited guests.

“Operation Clean Halls has placed hundreds of thousands of New Yorkers, mostly black and Latino, under siege in their own homes,” NYCLU Executive Director Donna Lieberman said. “For residents of Clean Halls buildings, taking the garbage out or checking the mail can result in being thrown against the wall and humiliated by police.”

The NYCLU, LatinoJustice PRLDEF, The Bronx Defenders and civil rights attorney Chris Fabricant have filed a federal class action lawsuit challenging Operation Clean Halls on behalf of 13 individuals who are residents of Clean Halls buildings or were unlawfully stopped and arrested on trespassing charges through the program. The City of New York, Police Commissioner Raymond Kelly and individual police officers who were involved in unlawful arrests are listed as defendants. It maintains that the NYPD’s enforcement of Operation Clean Halls violates the U.S. Constitution, the New York State Constitution, the federal Fair Housing Act and New York common law.

Operation Clean Halls has existed in some form since 1991 with the purported purpose of combating illegal activity in apartment buildings, particularly in high-crime areas, but it has become an excuse for police to stop and search people of color. In some Bronx neighborhoods nearly every private apartment building is enrolled in the program. In Manhattan alone, there are at least 3,895 Clean Hall buildings.

The NYPD has no meaningful standards concerning which buildings are eligible for the program. There is no centralized oversight of how the program is enforced, nor is there a single roster of all the buildings enrolled in the program citywide.

“The NYPD uses Clean Halls as a license to stop anybody, at any time, on suspicion of trespassing,” said NYCLU Senior Staff Attorney Alexis Karteron, lead counsel on the case. “As a result, people who live in Clean Halls buildings are under constant threat of being stopped, frisked, harassed and even arrested by police officers. This type of activity has no place in a free society, and we’re confident the courts will put a stop to it.”

The lawsuit seeks a declaration that the NYPD’s practices are unlawful and an injunction against them. It asks that the injunction require the NYPD and the city to:

- Stop asking people inside and around Clean Halls buildings for their IDs or about their destination without suspicion that they are trespassing or engaged in other wrongdoing;
- Stop arresting people for trespassing in a Clean Halls buildings without establishing whether or not the person is authorized to be there;
- Establish citywide standards for enrollment of buildings in Operation Clean Halls;
- Implement training for officers who patrol Clean Halls buildings;
- Establish a system to track and monitor the stops, searches, summonses, and arrests made pursuant to Operation Clean Halls; and
- Award compensatory damages to named plaintiffs.



Clean Halls plaintiffs Jacqueline Yates (above), Letitia Ledan (middle) and Fawn Bracy contend every day with aggressive policing in their Bronx apartment buildings. Photos by Alberto Morales

SAVE THE DATE: We’re marching to end the NYPD’s abuse of stop-and-frisk on Father’s Day. Visit www.nyclu.org for more information.



YES, I will be there for the NYCLU!

In the coming year we will fight to:

- End police abuse
- Ensure every child’s right to go to school
- Fight for reproductive justice
- Stop human rights abuses in jails

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

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