



NYCLU News

Spring / Summer 2004

www.nyclu.org ■ Published by the New York Civil Liberties Union ■ Volume LI, No. 2



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NYCLU Files Suit on Behalf of Lesbian and Gay Couples' Rights to Marry

On April 7, 2004, the NYCLU joined the defining issue in this new phase of the gay rights movement by filing suit on behalf of eleven same-sex couples seeking to exercise their right to marry under New York law.

This lawsuit, in which we appear as co-counsel with the ACLU, charges that the New York State Constitution requires recognition of marriages entered into by lesbian and gay couples; and that to deny this right is to violate the state constitution's guarantee of equal treatment under the law.

"Marriage" the legal complaint begins, "is the universally recognized social structure for two people who have committed to build a life together." In recognizing in the law "the reality of life as a committed couple," the complaint continues, "the legal institution of marriage creates vitally important protections, rights and obligations."

The legal papers document the history of discrimination in which marriage rights were denied to African-Americans held in slavery, to persons of different

racess and religious faiths. And while over time the courts have corrected the discriminatory and unjust restrictions of the marriage law, it is society's failure to make marriage available to lesbian and gay couples who live their lives together that led the plaintiffs in this case to the Supreme Court of Albany County.

In a news conference at the ACLU offices, the plaintiffs offered moving personal testimony of the indignity and contempt they suffered as partners to "non-legal" marriages: denial of access to a partner's hospital room in a medical emergency; refusal of spousal medical benefits under an employer's health insurance policy; challenges to parental rights of children one has raised.

The NYCLU has also been active in advocating for recognition of same-sex marriage in the legislative arena. In February, Christian Smith-Socariss, the NYCLU's legislative associate in Albany, presented testimony at a forum on gay marriage sponsored by State Senator Tom Duane. Senator Duane is the sponsor of

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NYCLU Says No To Salvation Army Discrimination

“If you had told me that one day I'd be standing here with the New York Civil Liberties Union, I would not have believed you.”

This was self-described, conservative Margaret Geissman speaking at a crowded press conference on February 24 where the New York Civil Liberties



Adele Gay Griffin

■ A light moment with Margaret Geissman, former Salvation Army employee (left) and Donna Lieberman.

Union announced a federal religious discrimination suit against The Salvation Army.

The suit on behalf of 18 current and former Salvation Army employees calls for the court to stop The Salvation Army from imposing religious restrictions on employees in its publicly financed social service programs which aid over 2300 hundred children,

families, and disabled adults a day in the New York City area. Public funding for The Salvation Army programs totals more than \$89 million a year.

The suit charges that in September 2003, The Salvation Army began requiring its 850 employees in New York City and Nassau and Suffolk

Counties in Long Island to complete and sign a Work With Minors (WWM) form. The form pointedly asks employees to identify their church affiliation, catalog their church attendance for the past decade and authorize their religious leaders to reveal private communications to The Salvation Army. In addition, the employees have to pledge to adhere to religious principles of The Salvation Army which is an Evangelical Christian Church whose mission is to "preach the Gospel of Jesus Christ."

Geissman, the former Human Resources Manager for Social Services for Children, and Anne Lown, a 27-year veteran with the agency who rose through the ranks to become the associate director of the social services

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The NYCLU ONLINE — Speaking Truth to Power

In the week leading up to the historic February 4th vote by the New York City Council calling upon government officials to uphold civil rights and civil liberties in the war on terrorism, I got a taste of how powerful NYCLU members and supporters could be when acting in concert. And it was delicious! Our Bill of Rights Defense Campaign needed to pull out all the stops to make sure the Council's leadership held firm to its commitment to pass the Resolution. For the first time, we were able to take full advantage of the incredible power of the Internet to rapidly mobilize grassroots support. We sent email "action alerts" to supporters of the New York City Bill of Rights Defense Campaign asking each of them to send a free fax to the Council President. Within a matter of days, several thousand faxes were generated, and Council President Gifford Miller clearly got the message.

My goal now is to bring the NYCLU's considerable grassroots power to bear on one of the most recalcitrant institutions known to humankind: the New York State Legislature. Our state legislature is, as you all know, a very hard nut to crack. The turnover rate is only about one percent each election year, so winning a seat in Albany is practically tantamount to a lifetime appointment. As last year's defeat of the big and well-publicized "Drop the Rock" campaign demonstrated, our state lawmakers are almost (but not totally) immune to pressure. The challenge is huge, and the stakes are high. But with the help of our members — and our new redesigned Web site — I am convinced that we can make a breakthrough.

This legislative term will be a critical one for civil liberties. Among other things,

- ◆ The Rockefeller Drug Laws must be repealed

once and for all. We are working now to reconstitute a strong coalition effort to put an end to the absurdly harsh penalties that have resulted in the incarceration of huge numbers of mostly black and brown New Yorkers for nonviolent drug offenses.

- ◆ We must prevent a bundle of repressive and ineffective counterterrorism measures from becoming law, including a measure creating a "good faith" exception to the Fourth Amendment's Exclusionary Rule and another that undermines the Constitutional protection against double jeopardy.

- ◆ We must resist the passage of the pending "Act to amend the penal law in relation to unborn victims of violence," the anti-choice movement's latest attempt to weaken women's reproductive rights in our state.

- ◆ We must give our active support to the same-sex marriage bill introduced by Senator Thomas Duane and Assembly Member Richard Gottfried and make our state a place where lesbians and gay men enjoy true legal equality.

If you haven't done so recently, please take a minute to visit us at www.nyclu.org. The redesigned Web site is much easier to navigate and offers some new amenities. For the first time, it's fully searchable. You can also now join and make contributions online, and

find out about upcoming events in your part of the state. And, perhaps most importantly, you will soon be able to take action. As we continue to improve and upgrade our Web site, the "take action" section of the site will feature a series of legislative alerts giving you background information and analysis of bills pending in the state legislature, and you'll be able to send a free fax to your elected representatives on the spot.

You can also join our email list on the Web site's homepage, and I hope you will do so right away. Once you've given us your email address, we'll be able to notify you when there has been a major development in Albany, and provide you with a link to a newly posted legislative alert. When we harness the grassroots power of the NYCLU, even the lawmakers in Albany will have to take notice.

Our Web site is also going to serve as a hub of information and activity before, during, and after the Republican National Convention at the end of August. Groups from all over the country will be coming to New York City to weigh in on the Bush Administration's record, and we know there will be a huge groundswell of political protest activities. Our main job, as always, will be to do what we can to protect freedom of speech and association. We are

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A Tribute to Jeremiah Gutman

NOTES FROM
THE BOARD

by Claudia Angelos, President of the NYCLU Board of Directors

It is my very sad task with this issue formally to acknowledge the passing on February 25 of our dear friend, valued colleague, and able leader, Jeremiah Gutman. Jeremiah was an original member of NYCLU, and in countless ways has been with us in each of the fifty years since. By any account, Jeremiah was one of the great civil liberties lawyers of the twentieth century.

Our staff, board, and membership will best remember Jeremiah for his service to NYCLU and ACLU. A past president and always a leader of our board, our long-time representative to the ACLU board, and a tireless committee chair and parliamentarian, Jeremiah brought both a love of debate and a tone of common purpose to all our board deliberations. Our staff knew Jeremiah as always willing to take on one more case, whether large or small, as a volunteer lawyer. We all loved him for his impish good humor and his unique sense of style. Jeremiah was the lawyer with the Sherlock Holmes cape always bearing the button most recently produced by his cherished NYCLU.

Others in the community will remember Jeremiah for his dedicated service to many other organizations at the forefront of civil liberties, including the National Coalition Against Censorship, the American-Israeli Civil Liberties Coalition, and Meretz USA.

History will perhaps most note Jeremiah for his magnificent lifetime record of accomplishment in protecting and promoting civil rights and liberties. After earning a purple heart for his service in the U.S. Army infantry during World War II and graduating from NYU School of Law, where he was editor in chief of the Law Review, he embarked on a career of activism.

He challenged the House Un-American Activities Committee. Arguing before the United States Supreme Court, he challenged the abuse of the subpoena power by the notorious Senate Internal Security Subcommittee chaired by Sen. James Eastland. He represented civil rights lawyer Arthur Kinoy in challenging a national security wiretap of the lawyer-client conversations. He worked in the civil rights movement in Mississippi. He represented the Hari Krishnas and Rev. Sung Yung Moon. He defended the right of New York City social services worker Rosalie Harmon and other public employees to speak out on matters of public concern, and represented Phil Hirshkop in asserting the right of lawyers to comment on their pending cases. Equally important, Jeremiah represented countless individuals whose claims and defenses were vital only to themselves, their families, and Jeremiah.

Jeremiah Gutman was an extraordinarily young 80 when he died. He is survived by his wife Marilyn, his 7-year old twin sons Ariel and Emanuel, his daughters Malaika, Thea, Mara and Rebecca, and his brother Robert. Some of Jeremiah's friends are setting up a fund for the education of his twins; those wishing to contribute can send donations to: "Marilyn Gates Gutman for the benefit of Ariel and Emanuel Gutman," P.O. Box 420, Hastings, NY 10706.

We miss Jeremiah Gutman. But his warm spirit, unfailing generosity, keen intelligence and singular dedication will continue to inform and inspire us all.

We are planning a public memorial to honor Jeremiah. It is likely to take place on or about June 14. We hope that all of you who knew him and his work will attend. Please check our Web site www.nyclu.org for the date and location. ❖



NYCLU News (ISSN 0746-0801) is published twice a year by
The New York Civil Liberties Union, 125 Broad St.,
New York, NY 10004 212-344-3005 ■ www.nyclu.org

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

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No Fly Woes for the Wrong Man

By Arthur Eisenberg

Asif Iqbal is a management consultant who lives in Rochester, New York who flies every week as part of his job. On the typical week, Iqbal leaves Rochester on Monday morning to meet with any one of his many corporate clients and usually returns to Rochester on Thursday evening. In this respect, Iqbal's consulting schedule is not exceptional. However, the problems that he encounters at the airports are worthy of an Alfred Hitchcock movie.

Iqbal has the exact same name as an individual who had been detained by the U.S. government at the Guantanamo Bay Naval Base for more than two years. Consequently, Asif Iqbal's name appears on a "No Fly List," promulgated by the Transportation Security Administration (TSA).

When Iqbal goes to the airport, checks in for a flight and provides his name, the airline computer recognizes his name as being on a "No Fly List." The airline computer locks and will not issue a boarding pass. If he is at an airport where the airline's ground personnel do not recognize him, which often occurs, local police officials are called and Iqbal is taken away for interrogation. Occasionally, the interrogation lasts so long that Iqbal misses his

flight. "There is just no guarantee how it's going to go," Iqbal told a reporter, "It often goes pretty badly." At the very least, these seizures and interrogations are inconvenient and publicly embarrassing. The situation is all the more strange because Guantanamo detainee Asif Iqbal, deemed no longer a threat, was released in March to his home country Britain.

The current TSA program is a classic example of what's wrong with "ethnic religious profiling," said NYCLU Executive Director Donna Lieberman. Iqbal, a computer expert, has suggested new procedures for programming the TSA and airline computers which would allow for more accurate screening of passengers and help avoid the needless seizures and unnecessary embarrassment.

On March 25, 2004, the NYCLU wrote to the TSA on behalf of Iqbal urging the adoption of these new procedures and asking for a meeting with the TSA to discuss the matter. If uncorrected, the NYCLU will take the matter to court.

NYCLU cooperating attorney Scott Forsyth says: "It's scary that the government cannot dis-

tinguish between a law-abiding permanent resident and a suspect it held for more than two years in Guantanamo."

TSA's policies have created other problems



■ Asif Iqbal of Rochester (l); Asif Iqbal former Guantanamo detainee (r)

NY Prison Visitors Rejected As Scanners Foul Up

A woman traveled six hours on her birthday to see her husband in prison but was turned away. An ion scanner used at the visitor check-in registered positive for cocaine. She said she had taken antibiotics prescribed by her doctor a few hours earlier. She was shocked and offered to submit to a drug test and a search. Her offers for further tests were rejected and she had to leave.

Unfortunately, hers is not an isolated case. Many relatives and friends of inmates are victims of the New York State Department of Correctional Services (DOCS) pilot program's use of ion scanners to test visitors for drugs and explosives.

"The scanners purportedly help DOCS screen visitors for drugs and explosives," says Donna Lieberman, Executive Director of the NYCLU, "but the NYCLU has documented numerous complaints from visitors to the state's correctional facilities who have been turned away after long journeys to visit relatives or friends because of erroneous ion scanner reports. To make matters worse, the DOCS offers no way to rebut the errors."

These scanners do not differentiate between different substances composed of the same size ions. Even an innocuous substance such as perfume or body lotion, medicine or the chlorine in baby wipes can trigger a "false positive" reading.

The NYCLU has sent a letter documenting a number of complaints and has asked DOCS Commissioner Glenn S. Goord to suspend use of the scanning devices until and unless safeguards and appeals procedures are in place to prevent the abusive and wrongful denial of prison visitation. ♦

for Iqbal as well. His landlady evicted him and his wife from their apartment following publicity of his case. Iqbal has found other accommodations but is suing the landlady. ♦

Arthur Eisenberg is Legal Director of the NYCLU.



2004 ACLU
Membership Conference
July 6-8, 2004
San Francisco
www.aclu.org/2004MemberConf

On July 4th we celebrate the birth of freedom in America. On July 6-8th we redouble our efforts to protect it. As the challenges to liberty increase, Americans depend on ACLU members — all 400,000 of us — to Stand Up for Freedom. www.aclu.org

High School Essay Contest Stresses Free Speech and Expression

The New York Civil Liberties Union is sponsoring its First Amendment Essay Contest which is open to all New York City high school students. The contest is intended to help students understand the importance of freedom of speech and expression especially in the post 9/11 era. The contest coincides with the launch of the NYCLU's Web site Student Rights OnLine which features information and research links geared to high school students.

Deadline for entries is May 22, 2004.

For complete contest information go to www.nyclu.org.

This contest and the Web site are made possible by a grant from the Shelley and Donald Rubin Foundation.

NYCLU Board of Directors – Election 2004: Biographies & Statements of Candidates

The annual meeting of the members of the New York Civil Liberties Union will be held on June 16, 2004 at the offices of the New York Civil Liberties Union, 125 Broad Street, 17th Floor, New York, NY for the purposes of electing directors, receiving the annual report and transacting any other appropriate business.

■ WHO MAY VOTE

All members whose names appear on the NYCLU membership rolls as of May 31, 2004 may vote.

■ HOW TO VOTE

NYCLU members may vote either in person at the annual meeting or by the proxy ballot that appears on page 5. The election will take place at 6:15 p.m.

In order to vote by proxy:

1. Complete the proxy ballot on page 5 and mail to:
Miriam O. Hyman, Vice President
125 Broad Street, 17th Floor, New York, NY 10004.
2. So that we may verify your membership, clip out the address label on the front page and affix it to the outside of the envelope or write your name (both names, if you have a joint membership) and your address legibly on the back of the envelope.

(Note: To ensure a secret ballot, do not sign the ballot or put your mailing label inside the envelope.)

3. If you have a question about your voting status, please call the NYCLU at 212-344-3005, Ext.264.

■ CANDIDATES

This year there are 21 candidates for 21 vacancies. Of these, 18 are for three-year terms, one is for a two-year term, and 2 are for one-year terms. In accordance with the NYCLU bylaws, exactly as many candidates as there are vacancies were nominated by the NYCLU Nominating Committee. The candidate who finishes 19th will receive the two-year term and the candidates who finish 20th and 21st will each receive a one-year term.

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:

Claudia Angelos

NYU School of Law, Clinical Law Professor; Board President 2002-present; Board Secretary 1999-2002; Board Member since 1993

STATEMENT

It is a privilege to serve the NYCLU, guardian of the rights of all New Yorkers. In these most difficult times for civil liberties, the NYCLU has been tireless in defense of the Constitution. The people of our state have been well served. In the coming years we must build our leadership role. Our gifted staff must grow statewide. Our legal, educational and community programs must expand. It is the responsibility of our distinguished board to insure the financial health of NYCLU and to represent the members of the Union throughout New York in setting our civil liberties priorities. I hope to be able to continue to participate in this vital work, helping to bring membership, board and staff together in sharp debate and in the common cause of our most fundamental freedoms.

Henry K. Baranczak, Jr.

Attorney; NYCLU Board Member; former member of the Board of the Capital District Chapter

STATEMENT

Presently, I am in private practice in New York City with special emphasis in employment law. I have worked for the New York State Legislature and for the Town of North Hempstead under Supervisor May Newburger and have been involved in numerous political activities and organizations such as Planned Parenthood. Though not conclusive, areas of specific concern to me include those civil liberties assault which are presently being imposed by the Administration, women's issues and gay rights.

Elisabeth Benjamin

Director, Health Law Unit, The Legal Aid Society; Fellow in Bioethics Program at NYU/Montefiore Hospital

STATEMENT

As a health attorney, I work to ensure access to health care for people who are uninsured and/or are underinsured. This work includes: defeating legal bars to government-funded insurance because an individual is an immigrant; working to eliminate racial disparities in access to care for people of color; assisting people who are sick or have disabilities acquire the health care or services they need from their HMOs; and eliminating barriers to reproductive health care

for low-income women. I have also worked on a case which concerned the right of a parent to authorize the removal of life support for her child who was in a medically futile persistent vegetative state. I believe that access to health care issues should be fully integrated to the agenda of the NYCLU and, if elected, to the Board of the NYCLU, I would like to work on health and bioethics concerns. Finally, in these hostile political times, I commit to helping to raise funds to enhance the resources available to NYCLU to protect our civil liberties.

Stephen Clark

Associate Professor of Law, Albany Law School, specializing in constitutional law, employment discrimination, labor law and gay rights; NYCLU Board Member

STATEMENT

I am an associate professor of law at Albany Law School, teaching courses in constitutional law, employment discrimination and sexuality. My research focuses on gay rights, civil liberties and federalism and my recent works have appeared in the Southern California Law Review, Rutgers Law Journal and Albany Law Review. On behalf of the NYCLU, I have successfully opposed a local parent-teacher organization's sponsorship of a Boy Scout unit. Previously, I was an associate at Winston & Strawn in Chicago, clerked for the Chief Justice of Indiana and served as a summer fellow with the Illinois ACLU. I received my JD from Yale in 1995 and a BA from Tennessee in 1991. I and my domestic partner registered our relationship under Hawaii law on February 14, 1998.

Rivona Ehrenreich

Impartial Hearing Officer for Children with Disabilities; current NYCLU Board Member; Chapter Committee, Aid in Dying Committee, Education Committee, Past Chair and Co-Chair Nominating Committee; Committee on Free Speech in the Workplace, et al.

STATEMENT

There is a critical need to preserve our civil liberties, especially at this time with the Patriot Act. We need to continue to confront the emerging issues as well as the hard won gains in civil rights. Creativity, courage and leadership are needed in our mission. I welcome the opportunity to participate in meaningful efforts against all forms of discrimination and any attempt to intrude upon our constitutional rights.

Jonathan Feldman

Senior Attorney, Public Interest Law Office of Rochester (PILOR), Former Board Member, GVCLU Chapter, Current Member of Legal Committee, GVCLU Chapter.

STATEMENT

For 15 years I have practiced civil rights law with a focus upon cases aimed at promoting educational equity. I have worked with the NYCLU attorneys and I hold them in the highest regard. In the year 2004, I fear that we are returning to 1954, when segregation was the norm and the McCarthy hearings chilled civil liberties. I fervently hope and I will do everything I can to ensure that the 21st Century brings, not reaction and repression, but the triumph of civil rights and civil liberties guaranteed by law.

Anthony Feldmesser

Court Attorney, Civil Court of the City of New York; NYCLU Board Member since 1998; Board of Directors 1993-2003; Vice President 2002-2003; Committee work: Executive Committee 1997-2003; Board Task Force on Police Brutality, Constitutional Convention, Cameras in the Courtroom, Executive Director Search 2001, Internet, Lasker/Calloway Award, Long Range Planning, Nominating, Police in the Schools. Delegate/delegation coordinator, ACLU Biennial Conference, 1999, 2001 and 2003.

STATEMENT

Having rotated off the Board for one year, I hope to return to continue working to support our dedicated staff in meaningful ways. This must be our board's priority in these times. I will also use my experience as an advocate in both the lesbian and gay community and the legal profession to encourage the new voices of the community to join ours.

Thomas R.Frey

Attorney (Retired); Member of the NYCLU Board since 1999; Member of the Executive Committee, Chaired or Co-Chaired Nominating Committee three years, Member of Executive Director Search Committee, Member of Education Committee, Elections Committee and observe the Chapter Committee

STATEMENT

I served in New York State Assembly, Director of State Operations under Governor Hugh Carey, Member of State Board of Regents, County Executive of Monroe County. It is not an exaggeration to say that civil liberties are more threatened now than at any time in our history. That makes it more important than ever that we sup-

port the efforts of the NYCLU to protect and expand the Bill of Rights for all our citizens. I look forward to participating in that effort.

Margaret Fung

Attorney; Executive Director, Asian-American Legal Defense and Education Fund, NYCLU Board, 1978-present; NYCLU staff, 1973-75; NYCLU Committees: Executive, Finance, Long Range Planning, Director Search; ACLU Nominating Committee 2004

STATEMENT

The encroachment of civil liberties during the Bush Administration has been devastating, especially for immigrants and people of color. The NYCLU should continue defending the rights of dissenters, challenging police abuses, protecting immigrant rights and ensuring that everyone's vote counts in the November 2004 elections. I hope to continue on the NYCLU Board during this critical period.

Danny Goldberg

CEO, Artemis Records; NYCLU Board Member; Former NYCLU Executive Committee Member

STATEMENT

I have worked actively with the ACLU for more than twenty years. I edited "It's a Free Country," an anthology about civil liberties post 9/11 and have written and spoken extensively about civil liberties. I deeply support the work of the NYCLU which is needed now more than ever.

Dr. Gail Kadison Golden

Social Worker; NYCLU Board Member

STATEMENT

For more than 30 years, I have been the clinical director of a small counseling center in Rockland County, New York which offers accessible, affordable services to people with few financial resources. Each day I witness the way social injustice diminishes and destroys lives. I became impatient with helping one person at a time and became a community activist. My concerns brought me into struggles against racism, sexism, homophobia, ageism and classism. Most recently I have been involved in the struggle to protect the rights of immigrants, to oppose the Patriot Act and to elect local and national candidates who support the Bill of Rights. I would welcome the chance to continue on the NYCLU Board.

Nancy Hollander

NYCLU Board Member

STATEMENT

I have served on the NYCLU Board for six years. This organization has always been important. But it is more necessary than ever to be vigilant and aggressive in protecting civil liberties. In the last several years, those liberties have come under fire not just nationally, but also within New York. On the board, I have served on both policy and operational committees. I am currently a member of the Education, Harvey Milk School and Finance committees. I have co-chaired the Development Committee and was a member of the committee that selected Donna Lieberman as the executive director. As a director, I will continue to be actively involved in both policy issues and the ongoing health and growth of the NYCLU.

Jonathan Horn

Attorney; NYCLU Secretary; NYCLU Board Member since 2001

STATEMENT

The NYCLU is needed now more than ever. I have been privileged to serve on the Board during this vital time. I want to continue that work. I am currently NYCLU's Secretary. I sit on a number of committees, including the Executive Committee. I have participated in our search for new office space. I served as an NYCLU delegate to the recent ACLU Biennial Conference. I organized a benefit concert for the NYCLU last year; I hope to organize additional events in the future - that can raise both money and visibility. I believe we must focus on "core issues," particularly First Amendment concerns (with the Republican Convention coming to New York City) and the continuing civil liberties aftermath of 9/11.

Chaumtoli Huq

Attorney; NYCLU Board Member

STATEMENT

I have been a public interest advocate, first as an organizer and more recently as a lawyer for several years in the areas of economic justice and civil rights. It is this commitment that brings me to the NYCLU. Through my work, I realized the importance of building strong and viable institutions that can sustain our collective vision for a just society. I would like to be a member of the NYCLU Board so that I may participate in its critical work of social change.

Steven J. Hyman

Attorney; NYCLU Cooperating Attorney, member of the Board of Directors for more than 30 years and President of the Board from 1995-2001; currently chair of the Legal Committee to the Board.

STATEMENT

I seek re-election to the Board of Directors because I believe that the NYCLU remains the most important organization in this state dedicated to protecting our civil liberties. As a past president, I endeavored to help build a strong and aggressive organization which could meet these challenges state-wide. In the current climate so infected by the fear of terrorism, the NYCLU is all the more necessary to help to prevent further erosion of our civil liberties. I, therefore, remain committed to strengthening and expanding the NYCLU and continued membership on the Board is the more effective way to accomplish this goal.

Lesly I. Lempert

Consultant on human rights and civil liberties in Israel, Gaza and the West Bank to a wide range of organizations. Was Executive Director of the American-Israeli Civil Liberties Coalitions for eight years; past president of the New York Civil Liberties Union; Chairperson of the Tompkins County office of the NYCLU; former member of the Texas Civil Liberties Board of Directors for six years; Chair of the Lasker/Callaway Committee; lectures on civil liberties at Cornell University and Ithaca College. Wrote a series of articles on the subject of computer access and confidentiality of patient records. Speaks frequently on the Patriot Act.

STATEMENT

The ACLU has long defended the traditional civil liberties issues of First Amendment, due process, free speech, freedom of expression and association and separation of church & state. In recent years, electronic methods for invading privacy have been added. With the passage of the Patriot Act the means for surveillance at many levels have been widely expanded resulting in the loss of personal privacy. I am particularly concerned about the vulnerability of our private lives associated with that issue.

Edwin Lopez-Soto

Attorney; former NYCLU Board Member

STATEMENT

I come from a legal services background. While working in New York State's legal services support center, the Greater Upstate Law Project, I brought and won over a dozen class actions on behalf of the rights of disabled individuals. I was also co-counsel in a class action on behalf of the 37,000 children of the Rochester City School District. Unfortunately, that case lost. Notwithstanding, I am still working behind the scenes to convince our surrounding suburban schools that money alone won't remedy the problem but deconcentration of poverty along with money might. I spent nine years on the Board of the NYCLU because I felt it was the most important "watchdog" organization in terms of our civil rights and civil liberties.

Anita L. Miller

Hearing Officer, New York City Transit Authority; NYCLU Board Member since 2000; Board of Directors 2001-present; Committee work: Executive Committee 2002-2003, Personnel Committee 2003-present, Amicus Club 2003, Delegate/ACLU Biennial Conference 2003.

STATEMENT

My first term on the NYCLU Board has been an education. The Board is an entity that must continue to expand and promote diversity, in all aspects. It is also important for the Board to promote innovative fundraising campaigns and establish stronger ties with our affiliates and chapters. Most significantly, we must continue to encourage and support our staff. If re-elected, I will continue to work towards these goals.

E. Christopher Murray

Attorney, Associate Legal Director and Member of the Board of Directors of the NYCLU, Nassau

STATEMENT

I believe my experience and professional training will be an asset to the NYCLU Board. My activities as cooperating attorney for the NYCLU have included representing: a student suspended for writing a "scary" story; 19 students of Indian descent arrested for trespassing on school grounds, while Caucasian students who were

also present were permitted to leave; and a female firefighter subjected to discriminatory conduct. I am active in the Nassau County Mental Health Association's JOBS program promoting employment for disabled individuals and have represented disabled plaintiffs in discrimination proceedings. I am also a director for the Center for Developmental Disabilities in Woodbury, New York and a Commissioner for the North Hempstead Housing Authority. I would greatly appreciate an opportunity to serve on the NYCLU Board.

Ronald J. Tabak

Attorney, NYCLU Board Member

STATEMENT

My range of interest is reflected in my being Special Counsel to the ABA Individual Rights Section, Board Member of Appleseed Foundation, New Yorkers Against the Death Penalty and Puerto Rican Legal Defense and Education Fund and Immediate Past Chair of City Bar Civil Rights Committee. The NYCLU needs to expand its legal and public advocacy efforts by initiatives on more subjects and in more parts of the State. If re-

elected, I will push cooperation with groups sharing our views on particular issues and greater use of pro bono lawyers. I coordinate Skadden Arps' pro bono program and recently got a man off of Georgia's death row after 26 years.

M.D. (Lita) Taracido

Attorney/Businessperson: NYCLU Board Member and Member of the Finance Committee; Board Member Volunteers of Legal Services and Hispanic Federation; Member NYS Advisory Committee to the U.S. Civil Rights Commission and the Human Services Committee of the United Way of New York City.

STATEMENT

I have long been active in organizations that work to empower minorities and the disadvantaged. NYCLU numbers among these organizations. I am proud of the work the organization is doing to address the ongoing assault on civil rights and civil liberties that affect all of New York's citizens. I look forward to continuing to work with the Board not only to stem the erosion of these important rights, but, more importantly, to advance them.

Proxy Ballot >>>

**TO: Miriam O. Hyman, Vice President
NYCLU 125 Broad Street, 17th Floor, New York, NY 10004**

You are hereby authorized as my proxy to cast my votes as indicated below at the annual meeting of the New York Civil Union to be held June 16, 2004 at the NYCLU offices, 125 Broad Street, 17th Fl., New York City, for the election of directors, with the same power I would possess if I were personally present.

Vote for up to twenty-one (21) candidates whose names are listed below in random order. Individuals who have a joint membership receive one newsletter with a label containing both names and may vote on the same ballot. The second set of boxes to the right of the candidates' names is for that purpose. Single members should ignore the second column.

ELISABETH RYDEN BENJAMIN	<input type="checkbox"/>	<input type="checkbox"/>
GAIL K. GOLDEN	<input type="checkbox"/>	<input type="checkbox"/>
LITA TARACIDO	<input type="checkbox"/>	<input type="checkbox"/>
LESLY I. LEMPERT	<input type="checkbox"/>	<input type="checkbox"/>
CLAUDIA ANGELOS	<input type="checkbox"/>	<input type="checkbox"/>
TOM FREY	<input type="checkbox"/>	<input type="checkbox"/>
E. CHRISTOPHER MURRAY	<input type="checkbox"/>	<input type="checkbox"/>
EDWIN J. LOPEZ-SOTO	<input type="checkbox"/>	<input type="checkbox"/>
CHAUMTOLI HUQ	<input type="checkbox"/>	<input type="checkbox"/>
ANITA MILLER	<input type="checkbox"/>	<input type="checkbox"/>
RONALD TABAK	<input type="checkbox"/>	<input type="checkbox"/>
ANTHONY M. FELDMESSER	<input type="checkbox"/>	<input type="checkbox"/>
STEPHEN CLARK	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET FUNG	<input type="checkbox"/>	<input type="checkbox"/>
HENRY K. BARANCZAK, JR.	<input type="checkbox"/>	<input type="checkbox"/>
RIVONA EHRENREICH	<input type="checkbox"/>	<input type="checkbox"/>
JONATHAN FELDMAN	<input type="checkbox"/>	<input type="checkbox"/>
JONATHAN HORN	<input type="checkbox"/>	<input type="checkbox"/>
DANNY GOLDBERG	<input type="checkbox"/>	<input type="checkbox"/>
STEVEN J. HYMAN	<input type="checkbox"/>	<input type="checkbox"/>
NANCY HOLLANDER	<input type="checkbox"/>	<input type="checkbox"/>

NYCLU Challenges Federal Abortion Ban

By Rebekah Diller

On March 29, 2004, the trial began in *National Abortion Federation v. Ashcroft*, the ACLU's challenge to the federal abortion ban in federal court in Manhattan. The lawsuit challenges the so-called "Partial-Birth Abortion Ban Act of 2003." The plaintiffs are the National Abortion Federation, whose physician members provide the majority of abortions in the United States, and seven individual physicians. As of press time, we still awaited a decision in the case.

The case challenges this broad and intentionally misleading ban which would outlaw abortions as early as 13 weeks in pregnancy. Forty states, including New York, already ban third trimester abortions except when the life or health of the woman is at stake. This new ban reaches much earlier in pregnancy and is not about women giving birth.

The ban is not only sweeping, it is also bad medicine. It covers medically appropriate abortions in the second trimester that doctors say are safe and among the best to protect women's health. For this reason it is opposed by the American College of Obstetricians and Gynecologists and many other medical organizations. The ban dangerously fails to include any exception for a woman's health or for fetal anomalies.

Just four years ago, in a case called *Stenberg v. Carhart*, the Supreme Court struck down a similar Nebraska ban on two grounds. The Court held that the ban impermissibly endangered women's health and imposed an undue burden because it reaches dilation and evacuation procedures, the most common form of second trimester abortion. Plaintiffs showed at trial that this federal ban suffers from the same two fatal flaws.

The NYCLU's Reproductive Rights Project is co-counsel with the ACLU Reproductive Freedom Project in the challenge, along with the Illinois ACLU and the law firm of Wilmer Cutler Pickering. On November 6, 2003, the Hon. Judge Richard Conway Casey issued a temporary restraining order prohibiting Attorney General Ashcroft from enforcing the law against NAF and its members throughout the country. In two other cases in San Francisco and Nebraska, federal judges also issued temporary restraining orders barring the law from being enforced. Trials in those cases also began on March 29 and decisions were awaited as we went to press. ❖

Rebekah Diller is Director of the NYCLU's Reproductive Rights Project.

NYCLU Launches Indigent Defense Campaign

As the forty-first anniversary of *Gideon v. Wainwright* — the 1963 Supreme Court case that established a constitutional right to free counsel for poor criminal defendants — came on March 16, the NYCLU refrained from celebrating. That's because the guarantee of *Gideon* does not ring true throughout much of New York State.

To address this situation, the NYCLU has launched an indigent-defense project. Since last fall, NYCLU attorneys and volunteers have been working in several upstate counties. And in May, Stephen Downs, the former Chief Attorney in Albany for the New York State Commission on Judicial Conduct, will join the NYCLU in these investigative and

reform efforts.

The NYCLU has been receiving complaints from around the state that indigent criminal defendants are not receiving the legal defense services required by the United States and New York Constitutions. The NYCLU investigations in several counties have entailed observing county, city, and town and village courts; interviewing public defenders, assigned counsel, judges, local activists, and defendants; and examining statistics and records.

Last fall, an NYCLU study of the Albany County public defense program revealed serious deficiencies in the quality of representation provided to indigent defendants, including excessive case-

loads, inadequate attorney-client contact, ineffective case management, and lack of training, supervision, and oversight. After the investigation revealed these problems, the Albany County Legislature increased the public defender's budget by \$266,000 to hire three additional public defenders and support staff and to provide additional training, support, and professional development.

Our progress in Albany is an important step but only a first one. Over the next year, we expect to complete several more investigations and hope to lay the foundation for major systemic reforms across the state over the next several years. ❖

NYCLU Files Suit on Behalf of Lesbian and Gay Couples' Rights to Marry

(Continued from page 1)

legislation that would recognize same-sex marriage in the Domestic Relations Law. Assemblyman Richard Gottfried has introduced the bill in the Assembly. The NYCLU's chapters throughout the state are engaged in what is perhaps the most important work: public

education and lobbying at the local level. It will be this endeavor that ultimately diminishes the ignorance, fear and suspicion that sustains the animus toward gay men and lesbians and retards full recognition of their civil rights. ❖

NYCLU Says No To Salvation Army Discrimination

(Continued from page 1)

programs, balked at signing and circulating the WWM form. "I do not think my religious beliefs, nor the religious beliefs of the 800 employees in Social Services for Children, are any business of The Salvation Army," said Lown. Greissman said, "As a Christian, I deeply resent the use of discriminatory employment practices in the name of Christianity." Both women resigned rather than force other employees to sign the disputed form.

For now, The Salvation Army has agreed that plaintiffs in the case do not have to sign the form, but according to NYCLU Staff Attorney Beth Haroules, "newly installed plaques in the elevators of the Social Services offices remind employees daily that they must support the religious mission of The Salvation Army which is to

'preach the Gospel of Jesus Christ.'"

NYCLU Legal Director Arthur Eisenberg noted that The Salvation Army's new employment practices "have injected religion into the workplace in ways that violate the anti-discrimination principles of the Fourteenth Amendment." As Donna Lieberman emphasized, "This case is not about the right of The Salvation Army to practice or promote its religion. They have every right to do so, but not with government money."

Deborah Karpatkin is co-counsel on the case along with Martin Garbus of Davis and Gilbert.

The latest on this case can be found at www.nyclu.org. ❖

NYCLU ONLINE

(Continued from page 2)

already engaged in discussions with police officials and political officials, and you can read more about what we're doing on p. 8 in Chris Dunn's article. Our Web site will play a critical role as the convention grows closer. It will keep the public apprised of all developments as the NYCLU negotiates and possibly litigates "time, place and manner" restrictions on demonstrations and rallies with the police, the Secret Service and other law enforcement agencies. We'll post multilingual know-your-rights fliers that can be printed out, copied and distributed to protestors. And once the convention has concluded, we will publish online a comprehensive report analyzing the role of law enforcement in respecting and protecting people's right to protest

My goal is to make our new Web site a place where NYCLU members throughout the state can go to become well-informed civil liberties activists. You will find the latest information about the NYCLU's litigation, lobbying, public education and organizing activities. You will find analysis and commentary by affiliate leaders on the major civil liberties issues of the day. And, you will find the tools you need to make your voice heard in town meetings, city councils and the state capitol.

So, go to www.nyclu.org and join our email list. As the list grows, so will our power to make a difference. Please sign up today! ❖

Lee Che Leong: A Vibrant Young “Old Timer” Activist

The twenty-six year old Director of the Teen Health Initiative (THI) at the NYCLU, Lee Che Leong, already has a long list of outstanding achievements. The proud feminist began her dedication to pro-choice efforts at age 11 after accompanying a friend to Planned Parenthood for a pregnancy test. As director of THI, Leong works to remove the barriers that prevent young people from accessing critical reproductive health services and information. This advocacy is conducted through THI workshops that focus on minors’ rights to receive confidential reproductive health care. In addition, THI runs interactive peer education presentations for professionals who work with young people. This work has brought her recognition. Recently Leong was named by Choice USA as one of “30 under 30” activists for choice. “I continue to feel incredibly fortunate to be doing what I am, even when it gets exhausting,” says Leong, who grew up in Anchorage, Alaska as the daughter of first generation immigrants.

Throughout high school she volunteered for causes which ranged from aid to low income women to advocacy for queer youth and communities of color. Later, Leong advocated for

alternatives for juveniles in the Anchorage Youth Court. She also served as a volunteer coordinator at Claire House, a domestic violence shelter.

At Willamette University in Oregon, Leong ran her campus pro-choice group while at the same time volunteering for an Oregon pro-choice group. She also coordinated voter registration drives in 1996 and 1998, canvassed for pro-choice candidates and participated in the Oregon Women’s Political Caucus. As a senior, she built a partnership with the faith community and a sorority to organize a vigil for Matthew Shepard, and also led a queers’ rights alliance.

All these early, activist efforts prepared Leong well for her important work with THI. Her strong leadership sets an example and has influenced and touched the lives of younger women who work with her. One of her peer group leaders, Lindsay Roberts, was named a recipient of the ACLU Youth Scholarship.

Leong has come a long way from her visit to the Planned Parenthood office at the age of eleven. “My daily work offers the opportunity



■ Lee Che Leong, feminist activist

to help advocates improve the lives around them. More gratifyingly, I also have the pleasure of helping teens reach people and organizations dedicated to protecting their rights and their health.” ❖

Students Rights Victory: Privacy Protected

Susan Roe and four other young women no longer attend IS 164, a middle school in New York’s Washington Heights neighborhood, but their brave stand has achieved a victory for students’ privacy rights. All New York City middle school and high school students will now have such rights clearly stated as part of NYC Department of Education policy as a result of a settlement with the NYCLU on behalf of the five girls at the center of a reproductive health controversy.

In the spring of 2003, several 13-14 year old girls allegedly took part in a “hooky party” and were also accused of engaging in sex at the party. The principal of their school suspended the girls and demanded that they submit to gynecological examinations and tests for pregnancy, sexually transmitted diseases and HIV before they could return to classes. Administrators refused to allow the girls to return to their classes until they submitted notes showing the results of these tests. The NYCLU filed a federal lawsuit on behalf of the girls in

July 2003, charging the Department of Education and the school’s administrators with violating the students’ constitutional rights. “The school system could have stopped this from happening, but didn’t,” said Donna Lieberman, executive director of the NYCLU.

After the lawsuit was brought, Reproductive Rights Project Director Rebekah Diller, Project Counsel Anna Schissel and cooperating attorney Caroline Mala Corbin, undertook months of intense negotiation took place with the DOE which then agreed to revise its policies as part of a settlement with NYCLU. Such policies will now make clear to school officials that they may not require students undergo or reveal the results of pregnancy, STD and HIV testing nor can they exclude students for being pregnant, having an STD or being HIV-positive. In addition, DOE will ensure that all middle school and high school principals and guidance counselors, receive training on the new policy and DOE must submit a progress report on this training

by August 2004. A relieved Susan Roe issued this statement: “I’m really glad that they’re changing the rules and training principals so they know what the rules are. It’s really good because it means that other kids aren’t going to have to go through the same thing I did and feel bad like I did. It was so embarrassing and made me feel small.”

Pamphlets detailing the privacy and educational rights of students in reproductive health areas will be provided to every middle school and high school as a result of this settlement, but will be distributed to students only upon request. “We are also deeply concerned that the DOE isn’t doing enough to ensure that students know their rights and can protect themselves,” said Lieberman, but added that NYCLU will do its part to get the word out to students. Reproductive Rights Project Director Rebekah Diller hailed the change in policy as recognition that “a student’s private reproductive health information is not the school’s business.” ❖

Bill of Rights Defense Resolution Passes in NYC

By Udi Ofer

On February 4, New Yorkers made history when an overwhelming majority of New York City Council members (36-13) voted in favor of Resolution 60, the Bill of Rights resolution. Deliberating just a few short blocks from the site of Ground Zero, the Council's vote turned New

York City into the largest city in the nation to reject the notion that civil liberties and national security conflict. NYCLU executive director Donna Lieberman said: "It's not necessary to violate the Constitution and the Bill of Rights in order to protect public safety."

New York City is now one of 275 communities along with 4 states that have passed such a resolution. "The Bill of Rights resolution affirms New York City's respect for civil liberties and civil rights," said Council Member Bill Perkins, the resolution's primary sponsor.

"Even as we continue to cope with the tragedy of 9/11, we as New Yorkers and as Americans must not surrender the basic constitutional protections that we hold dear." ❖



NYCLU honored for spearheading Bill of Rights Defense Campaign in NYC. (l-r) Council Speaker Gifford Miller, NYCLU's Udi Ofer, Councilman William Perkins.



Marching for Women's Lives on April 25th in Washington, D.C.: (l-r) Dawn Yuster, NYCLU staff attorney; Rebekah Diller, NYCLU Reproductive Rights Project Director and Tanaz Talebpour, NYCLU volunteer.

Udi Ofer is Project Director of NYCLU's Bill of Rights Defense Campaign.

NYCLU Gearing Up to Protect Protest at the Republican National Convention

By Christopher Dunn

The Republican National Convention is coming to New York City this summer. There is a strong likelihood of support for and protest against the policies of President Bush. Coming in the midst of the war in Iraq, in the aftermath of September 11th, and the ongoing controversies over NYPD policing of demonstrations, the RNC promises to be a watershed event in the history of protest in New York City, and perhaps the country.

The NYCLU is gearing up on many fronts in anticipation of the Convention. This is consistent with our long history of working to protect the right to protest. We are helping groups obtain permits, pursuing litigation to curb excessive police tactics, educating groups and individuals about their right

to protest, and preparing to publish a study once the Convention is over.

The NYCLU represents many of the groups planning large demonstrations for the RNC and has been meeting with high-level NYPD officials since December of last year to negotiate permits on behalf of these groups. If the Police Department unreasonably denies the permit requests of any of our clients, we will be prepared to go to court, as we have done in the past.

We are in the midst of three federal cases which challenge four police practices we expect to be used at the Convention. The contested NYPD policies are: the closing of streets and sidewalks leading to demonstrations without providing information

about how to otherwise get to the event; the use of barricades to create "pens" in which demonstrators are confined; the use of mounted officers to disperse lawful demonstrators without giving them any warning and without them having space to disperse; and the general searching of demonstrators without any individual suspicion of wrongdoing. The three federal cases arise out of the widespread complaints about the NYPD handling of demonstrations last year (particularly the February 15, 2003 antiwar demonstration). Through these cases, we seek permanent reforms of police practices.

Complementing our litigation is a broad public-education campaign. In an effort to secure the right to protest at the RNC, we have written Mayor Michael Bloomberg about policing at the Convention. We also have provided "know your rights" presentations and materials, published an op-ed piece in Newsday, and recently created a special page on our Web site dedicated to the Convention. (Please go to www.nyclu.org for the details.) We expect to expand these efforts as the Convention approaches and will have a delegation of NYCLU staff and volunteers involved in every aspect of protest activity during the Convention itself.

Finally, after the Convention is over, we will publish a report chronicling the event and the lessons to be learned from it. We prepared a similar report, called "Arresting Protest," after the February 15, 2003, antiwar demonstration (you can get a copy from our Web site), which was widely distributed and discussed. This report will serve as a historical document of this historical event in New York City. ❖

Christopher Dunn is associate legal director of the NYCLU.

SUPPORT FIRST AMENDMENT RIGHTS TODAY!



Help the NYCLU ensure First Amendment rights for those attending the Republican National Convention. Your support will enable us to fight for the right to safely and peaceably demonstrate during this historic event. Please send a generous gift today!

Enclosed is my check payable to the NYCLU in the amount of: \$1,000 \$500 \$250 \$100 \$50
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Please charge \$_____ to my AmEx Visa MasterCard

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