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Homeland Security Violates Civil Rights of Muslim American Citizens

In simultaneous news conferences in Buffalo and Brooklyn on April 20, 2005, the New York Civil Liberties Union, the American Civil Liberties Union and the Council on American-Islamic Relations announced they had filed suit charging that the Department of Homeland Security singled out and violated the rights of American citizens who were returning from a religious conference in Toronto. The suit was filed to challenge the DHS's policy of detaining, interrogating, fingerprinting and photographing American citizens who are Muslim, solely because they attended an Islamic conference.

"None of the citizens who were detained had done anything unlawful, nor were they charged with any

unlawful act," said Donna Lieberman, Executive Director of the NYCLU. "It is very troubling that citi-

zens who were exercising their First Amendment rights were singled out because of their faith and attending the conference."

On their way back from the Reviving the Islamic Spirit (RIS) conference in Toronto in December 2004, American citizens who are Muslim were detained, frisked, photographed and finger-

printed. The DHS's new policy resulted in the citizens being subjected to unlawful detention and

treatment near Buffalo, New York simply because they attended the conference. Among those detained

by border agents were several families with their children, including an infant and a pregnant woman.

The RIS conference has been held annually in Toronto since 2003. Each year, it has included a strong message of building friendships with and alliances between Muslim and non-Muslim communities. As in previous years, the Premier of Ontario, the Mayor of Toronto, and a Commissioner of the Royal Canadian Mounted Police had welcomed conference participants on

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■ Buffalo plaintiffs Galeb Rizek and Karema Atassi



■ Brooklyn plaintiff Asmaa Elshinawy with Sawsan Tabbaa and son Hassan Shibley of Amherst, NY.

Academic Freedom Under Fire at Columbia

by Art Eisenberg, NYCLU Legal Director

Within the past few years, conservative advocacy organizations have intensified their opposition to what they perceive as the liberal bias among university faculty members. These groups have attempted to pressure universities to alter their curricula and the composition of their faculties

to reflect more conservative views. Columbia University has become the focus of such strategic efforts.

Controversy hit Columbia when a Boston-based advocacy group produced a film containing complaints by students about the content of the lectures and writings of some of their professors from Columbia's Middle East Studies program. The students also complained that the professors were unreceptive and uncongenial to those in class who expressed ideological views



■ Playwright Tony Kushner, Donna Lieberman and activist Monica Tarazi in defense of Columbia Professor Rashid Khalidi

that were critical of the professors' positions. The students did not claim that they were graded more harshly because of their substantive disagreements with their professors and there was no claim that students were excluded from class because of their views. Many other students refuted the claims contained in the film. But in response to the film, public officials and others called for the punishment of

the Columbia professors named in the film, and some local newspapers called upon Columbia to fire one of the professors.

When Schools Chancellor Joel Klein learned through a *New York Sun* article that Columbia Middle East Studies Professor Rashid Khalidi was among the professors participating in a Columbia-sponsored professional development program for New York City school teachers, he removed Khalidi from the program. The NYCLU believes that this decision was ideologically motivated and constitutes "viewpoint discrimination," since it involved a government agency seeking to punish or to retaliate against an individual based on that individual's ideological expression or association.

In a letter written in December 2004 to Columbia University President Lee Bollinger, the NYCLU acknowledged that scholarship is not immune from criti-

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In my last newsletter column, "Bracing for Four More Years," written soon after the November 2004 election, I promised that the NYCLU was organizing its staff, its chapters, its volunteers, and its members "not only to resist anticipated attacks on civil liberties, but to gain ground wherever and whenever possible." The contents of this newsletter show that we are keeping our promise.

Through careful planning, the judicious deployment of resources, and coordination with our chapters and the national ACLU, we have covered a lot of civil liberties bases in the past several months. But make no mistake—working at the NYCLU is a constant juggling act. All the planning in the world cannot take into account the appalling acts of injustice perpetrated by our government. Every morning I come to work knowing that another civil liberties crisis might be just a phone call away.

That is how our case against the Department of Homeland Security began—with a phone call. (See p.1

Join the NYCLU E-Activist Team

The NYCLU is urging you to sign up to protect our civil liberties. E-activism can make a difference. Many of us are very busy but yearn somehow to get involved and to let our government know when issues matter to us. If you are reading this newsletter, you no doubt have concerns about civil liberties. The work that needs to be done to uphold the Constitution requires the input of all of us and sharing your e-mail address is one way to join the effort.

Civil liberties are too precious to take for granted. Please go to www.nyclu.org and sign up to get involved with E-activism.



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Juggling Act Par Excellence

for details). It was a Monday morning early in January, and as usual I had several voicemail messages waiting for me. There was one message that particularly caught my attention. A woman who described herself as an orthodontist from Buffalo said she and her family had been detained at the U.S.-Canada border because they'd attended a Muslim religious gathering in Toronto. I spoke with her, and soon we were off and running.

Within a matter of days, working with our Buffalo regional office and lawyers from the national ACLU and the Council of American-Islamic Relations, we began interviewing dozens of American citizens who had been detained, fingerprinted, searched and photographed solely on the basis of their attendance at a religious conference that advocated peace, tolerance and unity, but that happened to be Islamic. On April 20, we filed a major federal lawsuit charging the government with ethnic and religious profiling in violation of the First and Fourth Amendments and the Religious Freedom Restoration Act.

KEEPING ALL THE BALLS IN THE AIR

A big part of the juggling act is keeping our ongoing affirmative work on track, even while the government's curve balls threaten to derail us. At the same time we were preparing the border case, we were also ramping up a major campaign to reform indigent defense services in New York State—the system for providing legal representation for poor criminal defendants. I spent my first three years as a lawyer working for Legal Aid in the Bronx and have an abiding commitment to this area of civil liberties work. When I became Executive Director, I was determined to address what I suspected was a serious lack of legal services for the thousands of poor New Yorkers who are arrested, prosecuted and sentenced each year.

Since 2003, NYCLU staff and volunteers have been monitoring the courts in several upstate counties in order to learn about and document constitutional deficiencies in public defense services. My worst fears were realized: public defense providers are so under-funded, under-staffed, and under-resourced that the minimal standards of criminal defense guaranteed by the Sixth and Fourteenth Amendments are being violated every minute of every hour of every day in New York State. The system is broken and must be repaired.

In February and March, the NYCLU had the opportunity to present its major findings to the New York State Commission on the Future of Indigent Defense Services, created by Chief Judge Judith Kaye to perform a top-to-bottom examination of the system and develop a blueprint for reform. I testified before the Commission in New York City, and our Chapter Directors Barrie H. Gewanter in Syracuse and Melanie Trimble in Albany testified at Commission hearings in their locales. For the Rochester hearing Chapter Director Barbara de Leeuw teamed up with Daan Zwick to provide a statistical cost-benefit argument that inadequate defense services don't pay and volunteer Jason Wellman related his own experiences in the criminal justice system. We told the Commission that poor criminal defendants are being systematically deprived of adequate, effective representation. We pointed out that unless the governor and legislature find the political will to remedy this shameful state of affairs, the Commission's work will be wasted. And we warned that the NYCLU was prepared to bring litigation if necessary. This is a ball we are not going to drop.

SWEET VICTORY

Capital punishment is one ball we can drop, at least until next year. The fact that a critical mass of state legislators "changed their minds" about the death penalty and let it die on April 12 is entirely due to the persistent efforts of the anti-death penalty movement, of which the NYCLU is a founding member, and in which current and past NYCLU Board members have figured prominently.

We worked literally up until the last minute to make sure the statute, which was struck down last year by the New York Court of Appeals, was not "reformed" and reinstated by the legislature. During the first weeks of April, NYCLU chapters organized community forums in Troy, New City, Syracuse, and Utica. Hundreds of voters turned out to hear speakers, engage in discussion, and sign letters pressing their elected representatives to end the death penalty in New York. This time, our voices were heard.

NYCLU members deserve a heartfelt round of applause. Without your support, our defense of civil liberties would not be possible. Thank you all!

Now let's see what new challenges tomorrow's voicemail brings... ❖

NYC Council Considers Key Civil Rights Measures

The NYCLU continues advocating for civil rights as it helps draft legislation in the New York City Council for a Human Rights Government Operations Audit Law (Human Rights GOAL). The proposed bill mandates that city government has an affirmative obligation to prevent discrimination and promote equality in local programs and services. The law has been endorsed by former Mayor David Dinkins who was the first to testify on behalf of its passage.

In addition, the New York City Bill of Rights Defense Campaign, a project of the NYCLU, is prepared for introduction of a bill in the City Council to ensure that individuals

arrested in New York City are arraigned by a judge or released within 24 hours of arrest. Arraignment delays of 36 and 48 hours were the norm at last summer's Republican National Convention, and are all too commonplace in the city's criminal justice system, as shown in data compiled and analyzed by NYBORDC's project associate Yanilda Gonzalez. The results strongly support the need for local legislation, putting into law a mandate already issued by the courts.

For more information which includes a First Amendment victory by the NYCLU and a new report on policing of protest at the Republican National Convention, go to our Web site at www.nyclu.org. ❖



■ (l-r): Former Mayor David Dinkins, Councilmember Bill Perkins and Legislative Director Bob Perry

NYCLU Threatens Lawsuit Over Indigent Defense Inadequacies

At the first hearing before the Commission on the Future of Indigent Defense Services February 11, the NYCLU threatened to file suit to end the abysmal state of legal defense services for the poor in the state. Executive Director Donna Lieberman of the NYCLU applauded Chief Judge Judith Kaye for creating the Commission, but warned that if the state failed to meet the promise of fairness and justice articulated in its constitutional charter, the NYCLU would take legal action.

Since 2003, the NYCLU has examined and monitored public defense systems in various New York Counties, including Albany, Onondaga and Schenectady, and has identi-

fied numerous deficiencies. They include: indigent defendants suffering substantial harm in their constitutional rights by being assigned attorneys who do not provide adversarial checks upon the prosecution; who fail to visit them in jail for weeks or even months at a time, including prior to court appearances; and who fail to conduct proper investigations or submit crucial pretrial motions.

NYCLU Chapter Directors from Central New York and Genesee Valley have also testified before the Commission in hearings in Rochester and Ithaca about the deficiencies both uncovered by the investigation and observed through their personal dealings with phone calls from area jails. The commission

has scheduled a similar hearing in Albany on May 12th.

Barbara de Leeuw, Genesee Valley Chapter Director in her March 11 testimony before the commission in Rochester observed: "I would suggest that the patchwork of inadequate indigent defense services in New York State disproportionately falls on the backs of Blacks, Hispanics, limited English speakers and poor Whites that are often harassed, detained or falsely arrested, particularly in outlying communities of this section of the state. They languish in jail, inadequately represented, and are sometimes tried and convicted of crimes they did not commit." ❖

New York's Death Penalty Dies in Committee

by Robert Perry, Legislative Director

On April 12, members of the Assembly Codes Committee voted down a bill that would reinstate the death penalty in New York's penal code. Absent this legislation, death is no longer a sentencing option under New York law. The proposed bill would have

The opponents of reinstating the law prevailed by a vote of 11 to 7. That action precludes the bill from moving to the Assembly calendar and coming to a vote before the full Assembly. Barring some extraordinary and unexpected political turnabout, those are the last official words on the matter for the 2005 legislative session.

The historic vote reflects an extraordinary sea change in the politics of capital punishment. Upon reinstatement of the state's capital punishment law in 1995, the NYCLU began a campaign to repeal it. The campaign included an annual demonstration and rally. A newspaper account of one such event in the mid-1990s ran below a headline that announced, "Dozens oppose the death penalty." But this year, the NYCLU participated in a coalition of more than 300 organizations that have mobilized in opposition to

The Assembly subsequently held five public hearings in locations throughout the state, during which the NYCLU attested to the growing body of empirical findings that demonstrate the capital punishment system is fraught with prejudice, bias, prosecutorial error and abuse. (For the complete NYCLU statement, go to www.nyclu.org).

New Yorkers are apparently troubled by the death penalty as recent polling data indicate that fifty-six percent prefer life without parole, rather than execution, as the maximum sentence. However, the intense, if brief, debate that preceded the Codes Committee vote is quite likely the prelude to an invigorated discussion regarding the state's authority to punish by execution.

New York's Republican leaders have already invoked the provocative politics of the death penalty in anticipation of next year's election season.

At town meetings organized by the NYCLU in New City (Rockland County), Syracuse, Troy and Utica, many opponents of the death penalty hailed the Assembly's refusal to restore capital punishment and vowed to fight on to keep the death penalty out of New York for good. Additional meetings will take place in Buffalo and on Long Island. ❖



■ NYCLU Chapter Directors (rear L-R) Barrie Gewanter of Central NY, Jared Feuer of Suffolk, Melanie Trimble of the Capital Region and Linda Berns of the Lower Hudson Valley; front (L-R), Barbara Bernstein of Nassau, Jeanne-Noel Mahoney of Buffalo, and Barbara de Leeuw of Genesee Valley.

addressed a jury-sentencing procedure that the state's highest court found unconstitutional. In the words of Codes Committee Chairperson Joe Lentol of Brooklyn, "the bill is dead."

the death penalty. The groups lobbied successfully against a quick statutory "fix" of the unconstitutional provision and called on the legislature to undertake a searching reexamination of capital punishment.

NYCLU Board of Directors – Election 2005: Biographies and Statements of Candidates

The annual meeting of the members of the New York Civil Liberties Union will be held on June 15, 2005 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, 2005 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:

**Jonathan Horn, Secretary
NYCLU**

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 22 candidates for 21 vacancies. Of these, 17 are for three-year terms, 3 are for two-year terms, and 1 is for a one-year term. In accordance with the NYCLU bylaws, exactly as many candidates as there are vacancies were nominated by the NYCLU Nominating Committee. Additional nominations by the NYCLU Chapters or by petition of 25 NYCLU members were solicited in the previous issue of NYCLU News pursuant to the by-laws, and 1 such nominee was qualified in accordance with this process.

The candidates who finish 18th, 19th and 20th will receive two-year terms and the candidate who finishes 21st will 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:

Daniel L. Alterman

(Nominated by Nominating Committee)

Attorney; NYCLU member for 35 years

STATEMENT:

I participated in the Attica defense team in Buffalo; challenged pre-trial detention policies in Brooklyn; represented demonstrators at the RNC in Miami (1972) and last summer, when I was instrumental in the suit to hold NYC in contempt.

My main reason for running for the Board is my children. My wife, LiWah Lai and I have two kids who were NYCLU peer educators who went to schools talking about privacy, sex education, and kids' rights to know what they need to make informed decisions. I want to make the NYCLU more financially stable, strengthen the chapters, expand membership, especially among youth and the diverse groups who rely on NYCLU even more in these difficult times.

Elliot H. Auerbach

(Nominated by Nominating Committee)

Physicist (retired); NYCLU Suffolk County Chapter Board since 1980s; Chapter treasurer; Chapter president 1998–2003; State Board Member since 2003; chair of Election Committee.

STATEMENT:

At the present time, the most significant challenges to civil liberties come from an administration that has no respect at all for the Constitution and in particular the Bill of Rights. NYCLU's aim should be to organize opposition to these actions throughout the state in communities large and small. Our chapters are a vital asset in this effort. The right to vote and to have one's vote counted accurately is essential to a democratic society. We need to oppose any actions by NY State, in the course of revising its electoral machinery, which would hamper voter access or ballot accuracy.

Julie L. Clegg

(Nominated by Nominating Committee)

Administrator; Treasurer 2004 and 2005; NYCLU Board of Directors since 1999; prior to 2001, Capital Region Chapter Board member for over ten years.

STATEMENT:

It's been an honor and a privilege to serve on NYCLU's Board of Directors. My primary contribution, should I be re-elected to the Board, will continue to be around the finances of the organization. Over the past several years, I have worked with the Finance Committee on improving the organization's financial infrastructure and investments. Much has been accomplished but there's much more to do.

Aside from the finances of the organization, I am particularly interested in issues around gay and lesbian rights and the Bill of Rights Defense Campaign.

Thank you for your consideration.

May Del Rio

(Nominated by Nominating Committee)

Public Affairs Consultant; volunteer and consultant to NYCLU's Reproductive Rights Project, plus serve on its fundraising committee

STATEMENT:

There are quite a number of organizations that work for social justice, and I admire many of them. But none so much as the NYCLU. The professionalism, courage, wisdom and intelligence the staff and board weave so beautifully into the fabric of its work make this organization not only unique but vital to the well-being of this nation. This was brought home even more clearly when the Patriot Act was introduced, passed and signed into law. The NYCLU reacted immediately and fearlessly. I want to contribute directly to the organization's actions, working alongside a board and staff whose ethics, policies and goals I so strongly share.

Sandra Durant

(Nominated by Nominating Committee)

Attorney; Board Member since 1996.

STATEMENT:

In these very challenging times, I am again honored to have an opportunity to serve on the NYCLU Board. The work to which our organization has dedicated itself is never more important than now. Increasingly, citizens are asked to make the specious choice between freedom and security. This institutional argument espoused by many of the nation's highest officials and represented by its rendition policies is nothing short of frightening. More than ever people of goodwill must join together to redouble their efforts. America's practices must mirror its lofty principles. The NYCLU has been unflinching in its commitment to the nation's core values. To be able to participate in its endeavors gives me tremendous comfort and simultaneously affords me great pride.

Anthony Feldmesser

(Nominated by Nominating Committee)

Senior Court Attorney, NYC Civil Court; member since 1988; Director (1993-2003, 2005); Vice President (2002-2003). Committees: Executive Committee (1997-2003), Board Task Force on Police Brutality, Constitutional Convention, Cameras in the Courtroom, Executive Director Search (2001), Lasker/Callaway Award, Long Range Planning, Nominating, Police in Schools. Delegate/delegation coordinator, ACLU Biennial Conference (1999, 2001, 2003)

STATEMENT:

I enjoy my work on the NYCLU Board and feel fortunate for the opportunity to contribute in meaningful

ways to the advancement of individual rights, especially freedom of expression and privacy. If re-elected, I will continue to use my experience as an advocate in both the lesbian and gay community and the legal profession to support our increasingly important mission, and further encourage our engagement of the new voices of our changing community.

Peter Gollon

(Nominated by Nominating Committee)

Business Executive, former Physicist; Board Member, former NYCLU Treasurer, Suffolk County Chapter Board Member

STATEMENT:

I first joined the ACLU when it defended those who wanted to march in opposition to the Vietnam War. For the last 20-odd years I have been on the NYCLU and Suffolk Chapter Boards, and recently served several terms as NYCLU Treasurer. The NYCLU is again successfully opposing those in government who equate criticism with "aiding our enemies," and educating the public that those who would trade some of their liberty for greater security through the "PATRIOT Act" may end up with less of both. To succeed, this work must reach the greatest number of citizens by being carried out locally in Chapters throughout the State.

Janice Goodman

(Nominated by Nominating Committee)

Lawyer

STATEMENT:

Dissent is the highest form of patriotism which is why I want to continue on the NYCLU Board. Over the last three years I have seen the growth of the NYCLU from the important role we played in protecting civil rights during the Republican Convention to strengthening our organizational structure. I served as Chair of the Personnel Committee which assisted the ED in adopting a personnel handbook, and serve on the Election Committee dealing with issues such as electronic balloting and the right of felons to vote. I now serve on the Legal Committee which we hope will help inform the NYCLU's future commitments. As an attorney specializing in employee rights matters I believe that I have specialized knowledge useful to our work.

Joel M. Gora

(Nominated by Nominating Committee)

Professor of Law and Associate Dean, Brooklyn Law School; current Board Member; formerly Staff Counsel and Associate Legal Director, ACLU

STATEMENT:

The NYCLU is the principal organization defending civil liberties in the State of New York. For that rea-

son, it is essential that the NYCLU be vigorous, effective and principled in all that it does. As a Board Member, Legal Committee member and previously General Counsel of NYCLU, I have worked long and hard to help NYCLU carry out that mission. It is critical that we focus on protecting those rights and liberties that we are the most competent and experienced at defending. If re-elected to serve on the Board, I will continue to work to achieve those goals. Thank you for your support.

Abdeen Jabara

(Nominated by Nominating Committee)

Attorney

STATEMENT:

I believe that the work of the NYCLU in this post-9/11 period is some of the most important in our nation's history as our society struggles to find the correct balance between security and civil liberties. The Arab and South Asian Muslim communities have borne the brunt of heavy-handed targeting, and extraordinary measures employed by federal, state and local intelligence gathering and law enforcement agencies. I will provide policy-making leadership as we engage in both proactive and defense actions to adequately meet the myriad civil liberties challenges. I did legal research for the Detroit ACLU as a law student, and a cooperating attorney thereafter. I was president of ADC and a vice-chairman. I currently serve on the board of CCR.

George Kannar

(Nominated by Nominating Committee)

Professor of Law, SUNY-Buffalo; ACLU: Karpatkin Fellow (1978-1979); Staff Attorney (1978-86); NYCLU Board since 2001.

STATEMENT:

No organization in America performs a more important civic function than the ACLU and NYCLU. As technology and potential external threat place steadily increasing pressure on rights to liberty, nondiscrimination, and privacy, the NYCLU's long and principled record of having resisted similar pressures in the past make it especially valuable, not just as a source of legal representation, but as a uniquely credible voice for freedom. As a former ACLU staff member, I have considerable experience with the NYCLU's institutional culture and workaday needs—not to mention the most profound respect and affection for it. I hope very much to put all that to continuing further use.

Deborah Karpatkin

(Nominated by Nominating Committee)
Civil Rights Attorney, Director, 1990-; Executive Committee, 1992-; Aid-in-Dying (Chair); Legal Counsel; Board Governance. Previously: Secretary, Vice President.

STATEMENT:

As a volunteer attorney on NYCLU's challenge to Salvation Army's government-funded faith-based employment practices, I've had an up-front look at our role in a cutting-edge civil liberties issue. It's "audacious" litigation, pushing back on government's effort to push faith into public life. Board members ensure that NYCLU continues to retain its cutting edge, and continues to push back and push out programmatically. These are challenging times at NYCLU, as our budget, staff, and space grows, and we face unprecedented obstacles in the courts and legislatures. Directors should provide appropriate oversight of the growth, and the challenges. I offer continuity of perspective from my years of board service.

Mohamed Khater

(Nominated by Nominating Committee)
Banking software consultant; member of the NYCLU.

STATEMENT:

I have been active in the community for a long time. I became more involved after the attacks on the civil rights and civil liberties of various segments in our nation—especially the Arabs and Muslims. In the name of fighting terrorism, we saw laws—like the Patriot Act—that curtailed the rights granted by the Constitution and by all human rights declarations. I value the NYCLU's commitment to fight for the underprivileged, the disabled, the disenfranchised, and the poor and above all to defend the Bill of Rights and the Constitution. I welcome the opportunity to help the dedicated staff and volunteers of the NYCLU to fulfill their mission.

Michael Meyers

(Nominated by Petition)
Vice President, ACLU Board; past Vice President, NYCLU.

STATEMENT:

Government is misusing patriotic fervor and exploiting fear of terrorism to spy on us and to round up the usual suspects (through racial/ethnic profiling), to curtail protestors (using barricades and "no speech zones"), and diminish our core freedoms. NYCLU's role is to effectively counter this climate of repression, spin, disinformation and misuse of the government's police powers, and to safeguard (through advocacy, legislation and litigation) our privacy and individual liberties, especially our right to be non-conformists. I support NYCLU's opposition to blacklists and loyalty oaths, as well as NYCLU's core Bill of Rights agenda, including NYCLU's ambitious efforts on behalf of educational equity, racial justice, reproductive/gay/immigrants', and students' rights, and at reforming our draconian drug laws.

Alexis McGill

(Nominated by Nominating Committee)
Executive Director of Citizen Change, the non partisan, non profit, organization founded by Sean "P. Diddy" Combs to educate, motivate and empower young people and minorities about political participation.

STATEMENT:

As ED, I ran the Vote or Die! campaign and developed a comprehensive communications and marketing strategy. Prior to running Citizen Change, I served as Political Director to Russell Simmons and the Hip-Hop Summit Action Network. I have taught in the political science and African American Studies departments at Wesleyan and Yale Universities while writing a dissertation on urban politics at Yale. I have been a member of the NYCLU and have worked closely with the Executive Director on repealing the Rockefeller Drug Laws and issues of racial profiling in the hip hop community.

Arlene Popkin

(Nominated by Nominating Committee)
Attorney, Senior Trial Counsel, Legal Aid Society of Westchester County; presently chair, Lower Hudson Valley Chapter; previously chair: Chapter Legal Committee, NYCLU Nominating Committee, NYCLU Metal Detectors in Schools, Camera in Court Committee; presently on Personnel Committee, and Elections Committee

STATEMENT:

I joined the Civil Liberties Union before I was old enough to vote. I have been actively involved with the CLU as a lawyer, a volunteer, an organizer, and board member ever since. As the protection and strengthening of our rights slips further down the list of public priorities, the need for increased CLU involvement and activity grows greater and more urgent.

Laura Quintano

(Nominated by Nominating Committee)
Attorney; Reproductive Rights Project Benefit Committee.

STATEMENT:

It is an honor to be nominated to the NYCLU Board. I trust that my commitment to civil liberties-related issues will allow me to make a positive contribution to the organization. Throughout my career, I've successfully leveraged the private corporate resources available to me to support various public-interest activities including handling pro bono housing discrimination litigation, lobbying against xenophobic language legislation, engaging in fundraising efforts, and personally mentoring and supporting the next generation of minority community activists and leaders. My personal interests and passions are strongly aligned with the mission and goals of the NYCLU. I look forward to the opportunity to be part of a team that supports the very important work of the NYCLU.

Richard L. Rosen

(Nominated by Nominating Committee)
Urban Planner and Architect; Past President, Genesee Valley Chapter, presently serving on NYCLU Board Committees on Chapters, Education, and ACLU Brand Identity.

STATEMENT:

In the past, it was sufficient for the NYCLU to react to civil liberties violations and litigate for their restoration, but today we must also educate citizens and youth to value the tenets of the Bill of Rights so that they will participate in support of electoral candidates that are so committed. My passion as an advocate for the homeless and educational adequacy for Rochester's children for two decades has motivated my participation in NYCLU committees with a focus on increased effectiveness of the upstate chapters so as to provide their communities with an adequately staffed ACLU presence.

Aaron Rudenstine

(Nominated by Nominating Committee)
Social Entrepreneur; NYCLU Member

STATEMENT:

Although at age 25, I may be younger than most other Board members, I am committed to the NYCLU's mission and believe I can help expand its appeal to people of my generation. During 2003-2004, I spent fifteen months working on Senator Kerry's Presidential Campaign. Having been part of the vast army of young people who became involved in the campaign because we were determined to prevent the continuing erosion of our basic rights, I am confident that the NYCLU can and must tap into the potential of my generation to become leaders in the non-partisan fight for civil liberties. I am eager to work with the NYCLU to make this a reality.

Gemma Solimene

(Nominated by Nominating Committee)
Clinical Law Professor; NYCLU legal intern (Summer 1985)

STATEMENT:

As a native New Yorker and a member of the legal profession, I am honored to be nominated for the Board of Directors of the NYCLU. I have fond memories of the privilege I was given as a young law student to work at NYCLU. I have always been a legal advocate for those without a voice: as a lawyer for The Legal Aid Society and now as a professor leading Fordham University School of Law's Immigration Rights Clinic. I believe in the importance of preserving and expanding our civil rights and civil liberties. As a member of the Board I would diligently commit my energies to NYCLU's work.

Leyla Turkkan-Smallens

(Nominated by Nominating Committee)
V.P. Music Marketing & Promotions, BET Network

STATEMENT:

I have been a longtime supporter and advocate for civil rights and liberties. For two decades in the music business, I have worked on key issues with artists and industry leaders including: voter registration cam-

paigns with Russell Simmons for the last two presidential elections; and Viacom's "Know HIV" and BET's "Rap it Up" campaigns.

As a Turkish-Muslim-American I feel especially committed to civil liberties and civil rights in the current war on terrorism. The government's ethnic and religious profiling hurts everyone, but puts myself and my family in the unthinkable position of being judged on our roots, not on our actions. The NYCLU's role during this critical period takes on even greater importance.

Vincent F. Wright

(Nominated by Nominating Committee)
Educator-Professor of Visual Performing Arts @ C.W. Post Campus of L.I.U.; Board Member Nassau Chapter and State NYCLU.

STATEMENT:

Civil liberties must exist whether or not our nation is in crisis. Currently citizens are being arrested in direct violation of their civil liberties as guaranteed in our Constitution. The ACLU has never been more necessary as one of the very few agencies in our country who seeks to protect our citizenry from returning to barbarism.

Proxy Ballot >>>

TO: Jonathan Horn, Secretary
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 Liberties Union to be held June 15, 2005 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 no more than 21 of the 22 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.

VINCENT F. WRIGHT	<input type="checkbox"/>	<input type="checkbox"/>
JULIE L. CLEGG	<input type="checkbox"/>	<input type="checkbox"/>
ABDEEN JABARA	<input type="checkbox"/>	<input type="checkbox"/>
MAY DEL RIO	<input type="checkbox"/>	<input type="checkbox"/>
LEYLA TURKKAN-SMALLENS	<input type="checkbox"/>	<input type="checkbox"/>
ELLIOT H. AUERBACH	<input type="checkbox"/>	<input type="checkbox"/>
GEORGE KANNAR	<input type="checkbox"/>	<input type="checkbox"/>
RICHARD L. ROSEN	<input type="checkbox"/>	<input type="checkbox"/>
ALEXIS MCGILL	<input type="checkbox"/>	<input type="checkbox"/>
DANIEL L. ALTERMAN	<input type="checkbox"/>	<input type="checkbox"/>
GEMMA SOLIMENE	<input type="checkbox"/>	<input type="checkbox"/>
MICHAEL MEYERS	<input type="checkbox"/>	<input type="checkbox"/>
ANTHONY FELDMESSER	<input type="checkbox"/>	<input type="checkbox"/>
ARLENE POPKIN	<input type="checkbox"/>	<input type="checkbox"/>
LAURA QUINTANO	<input type="checkbox"/>	<input type="checkbox"/>
MOHAMED KHATER	<input type="checkbox"/>	<input type="checkbox"/>
SANDRA DURANT	<input type="checkbox"/>	<input type="checkbox"/>
JOEL M. GORA	<input type="checkbox"/>	<input type="checkbox"/>
JANICE GOODMAN	<input type="checkbox"/>	<input type="checkbox"/>
AARON RUDENSTINE	<input type="checkbox"/>	<input type="checkbox"/>
PETER GOLLON	<input type="checkbox"/>	<input type="checkbox"/>
DEBORAH KARPATKIN	<input type="checkbox"/>	<input type="checkbox"/>

Documents Yield Torture and Abuse Findings: Rumsfeld Charged

The Department of Justice may have thought the sheer volume of 9,000 boxes of documents that it sent to the ACLU and NYCLU under court order would keep the organizations busy for a long time shuffling paper. But it didn't take long for the ACLU and NYCLU staff to determine that the papers contained strong evidence of torture and abuse by the military of detainees in Afghanistan, Iraq and Guantanamo. In their strongest effort so far to assess responsibility for the wrongdoing, the ACLU has filed suit against Defense Secretary Donald Rumsfeld charging him with direct responsibility for the torture and abuse of detainees in U.S. military custody.

While the notorious photos of abuse in Abu Ghraib in Iraq did not begin to surface until early 2004, the ACLU and NYCLU had strong suspicion of such abuse, and the organizations, in partnership with numerous other groups, filed a Freedom of Information Act (FOIA) request as early as October 3, 2003. They were seeking information about

detainees held overseas. The government eventually released the information in



October 2004, but only after a court ordered the disclosure in a lawsuit filed by the ACLU and NYCLU to enforce the FOIA.

The documents revealed:

- a formal agreement between the Army and the CIA to hide “ghost detainees” who were kept off-the-record for CIA interrogation;
- an atmosphere of “release-a-phobia” that prevented innocent detainees from being freed;
- an FBI memo stating that Defense

Department interrogators impersonated FBI agents and used “torture techniques” against detainees at Guantanamo.

“Shameful as it is, the full story of our government’s sanctioned torture and abuse of detainees must see the light of day if we are to ever restore our reputation as a nation dedicated to the rule of law,” said ACLU Executive Director Anthony D. Romero.

Careful review of these documents demonstrates that many other critical records have not been released. The ACLU and NYCLU will continue to fight for the public's right to know what the government's policies were, why these abuses were allowed to take place, and who was ultimately responsible.

NYCLU’s Beth Haroules and Art Eisenberg are cooperating counsel with the ACLU’s Jameel Jaffer and with cooperating counsel Gibbons, Del Deo, Dolan, Griffinger & Vecchione, P.C. in this case. NYCLU paralegal intern Megan Whittaker has assisted in reviewing the documents. ❖

Let the Sun Set on the USA PATRIOT Act

by Udi Ofer, Project Director, NY Bill of Rights Defense Campaign (NYBORDC)

In March 2005 Attorney General Alberto Gonzales testified before Congress to urge lawmakers to extend the USA PATRIOT Act. Congress would be wise to reject Gonzales’ advice and amend the Patriot Act to protect civil liberties.

On December 31, 2005, approximately 10 percent of the Patriot Act expires unless Congress acts to reauthorize those sections. In its haste to pass the contentious act 45 days after September 11, 2001, Congress included a sunset provision to ensure that some of the most controversial sections do not become permanent law. Three years later, there is enough evidence of government abuse of antiterrorism powers—including widespread ethnic and religious profiling, infringements on basic due process, and unchecked government surveillance of lawful activities—to know that the Patriot Act’s controversial provisions must not be extended. Debate on the Act largely focuses

on approximately a dozen provisions in the 342-page bill. Section 215 authorizes the government to seize private records without having to prove any criminal suspicion, whenever the government claims that the information is relevant to an ongoing investigation into terrorism. It could include financial, medical, DNA, or library records, or “any tangible thing.” A gag provision prohibits the subject of the search from ever finding out about it. And Section 215 orders are granted by a secret foreign intelligence court, where the government is the sole party to all proceedings and where there is no public record. Attorney General Gonzales admitted that the government has used this section dozens of times since September 2003.

Section 218, also troubling, authorizes the FBI to install clandestine wiretaps and conduct secret searches without probable cause of a crime, even if the primary purpose of the secret search or wiretap is a criminal investigation.

For the first time in United States history, it creates a class of criminal investigations in which the government may disregard the Fourth Amendment.

Other controversial sections do not sunset, including the “sneak and peek” provision that lowers significantly the standard for the government to delay notification of a search in regular criminal cases. Also remaining in effect is the Patriot Act’s definition of domestic terrorism which is so broad that it includes nonviolent civil disobedience, whether by anti-abortion protesters or antiwar demonstrators.

Federal and local judges have already rejected certain provisions of the law that make end runs around the Constitution. The NYCLU and ACLU are part of a broad coalition, including the American Conservative Union and Gun Owners of America, calling for the Patriot Act’s controversial sections to sunset. ❖

Irum Taqi:

Making an Impact Across the Board

There was never any question that Irum Taqi was going to make a difference in the world. The London-born daughter of Pakistani medical doctors decided early in life that she would be an agent for change. Her odyssey has taken her from Baltimore (where her family moved when she was three), to Cairo, to the West Bank and to New York and the NYCLU where she now serves as legislative counsel.

Irum first considered journalism because she wanted to be “like Diane Sawyer,” though her earliest role model was her mother, Fowzia, a pathologist. Fowzia had many more options than the average Pakistani woman because she was bright and middle class. Still, Fowzia’s mother would not let her even think about leaving Pakistan to further her medical career until she got married. However, she happened to meet her husband-to-be in medical school and married. They eventually moved to Britain and then to the U.S.

Irum, the older of two children, went to McDonogh School in Baltimore and then attended Vassar. While there, Irum interned with former *New York Times* correspondent Hedrick Smith and worked on a documentary that compared European and American social policies. But she became disillusioned that “reporting ‘the facts’ really depended on whom you were working for

and how they wanted you to spin the information.” Irum decided she wanted to find a more straightforward way to educate the public on various issues. In high school, an English teacher recommended that she consider becoming a lawyer, and at first Irum was resistant, but eventually the suggestion began to make sense.

Irum worked in the asylum program at the Lawyers Committee for Human Rights where she interviewed young survivors of sexual violence who were seeking asylum. Irum decided then that she wanted to go to law school and to focus on international human rights and their impact on women. She went to Cairo where she interned at an advocacy organization devoted to educating and helping women obtain basic healthcare services. “It was clear that more needed to be done in these areas, and I saw myself working on the frontlines for change.”

She returned to the U.S. and while at Fordham Law School, Irum interned at the Mandela Institute for Prisoners in Ramallah, West Bank. While observing the overwhelming impact of governmental abuses and social and economic inequities, she became interested in prison-

ers’ rights and policing issues, which eventually brought her to the NYCLU.

Since joining the organization, Irum’s work has been devoted to policy and advocacy, and her most recent focus has been the death penalty. “I



■ Irum Taqi

feel that I’m lucky to be doing this work and to have the opportunity to work with a wide range of people and organizations that have a real impact in their communities.” ❖

Homeland Security Violates Civil Rights of Muslim American Citizens

(Continued from page 1)

behalf of the Canadian government.

As attendees arrived at the Canada/U.S. border, they were singled out as having participated in the conference, and directed to a nearby building for additional questioning. Several participants wore traditional Muslim dress and were asked about attending the conference before being asked any other questions about their trip to Canada. As more RIS attendees began to amass in the secondary detention area, it became clear that they were victims of profiling. Some were held for as long as 6 1/2 hours overnight.

Said Dr. Sawsan Tabbaa, a Buffalo orthodontist who attended RIS: “I was treated like a criminal for no other reason than because I am Muslim.”

The conference attendees were isolated from the

outside world while being detained. They were prevented from contacting attorneys, their family members or the news media to tell them about their detention. Several of them had their cellular phones seized by border agents.

Said Christopher Dunn, NYCLU Associate Legal Director: “American citizens of all faiths have a right to attend religious conferences without having the government detaining and interrogating them and without the government putting their fingerprints and photographs in a database. What the government is doing is wrong and unconstitutional, and our lawsuit aims to stop this practice.”

The lawsuit charges that the Department of Homeland Security violated the plaintiffs’ rights under the First and Fourth Amendment of the U.S.

Constitution, and under the Religious Freedom Restoration Act. It was filed April 20 in federal court for the Eastern district of New York on behalf of five American citizens.

Attorneys working on the lawsuit include NYCLU Associate Legal Director Christopher Dunn and staff attorney Udi Ofer; ACLU staff attorneys Catherine Kim and Corey Stoughton; CAIR’s Legal Director Arsalan Iftikhar and legal advisor Khurram Wahid; New York University School of Law Professor Michael Wishnie; and law students Daniel Freeman, Murad Hussain, Danielle Tarantolo, and Richard Worf from the Yale Law School Lowenstein Human Rights Clinic.

The complaint can be found online at www.nyclu.org. ❖

Academic Freedom Under Fire at Columbia

(Continued from page 1)

cism and that students and others who believe that a professor’s writings or lectures are flawed have every right to respond, on the merits, with a public refutation of the perceived errors. But, the NYCLU pointed out, such critics overstep legitimate bounds when they carry their criticism to the point of seeking to pressure the university to fire professors without regard to fair academic processes and when they try to supplant the traditional academic evaluations of scholarship that are routinely undertaken as part of the academic appointment and tenure-granting processes. Accordingly, the NYCLU concluded that the effort by those outside the Columbia academic community to use political and financial pressure to dictate the content of curricula and to fire professors constituted an assault upon prin-

ciples of academic freedom. The letter urged President Bollinger to reaffirm this principle publicly and to express opposition to such intrusion by outsiders.

President Bollinger responded to the controversy, however, by appointing an ad hoc faculty committee to investigate the students’ claims. In April the committee issued a report, which the NYCLU found to contain some strengths and some weaknesses. The report properly observed that academic freedom was threatened by the “involvement of outside organizations in the surveillance of professors ... teaching Middle East [students]” But the NYCLU believed that this observation was made “only in passing,” that the report failed to recognize the broader political dimension to the Columbia controversy, and that

it failed adequately to discuss the individual harassment experienced by members of the faculty whose classes were disrupted and lectures monitored as part of a political campaign.

NYCLU Executive Director Donna Lieberman observed: “The NYCLU believes that professors should treat students with respect and should try to create an atmosphere conducive to the free flow of ideas. But academic discourse, like political debate, can be contentious — and participants in such discourse must expect that their views may be vigorously challenged.” For a complete set of the NYCLU’s writings on this subject, visit the NYCLU Web site, www.nyclu.org. ❖

NYCLU Files Lawsuits on Behalf of Same Sex Couples

LESBIAN COUPLE BANNED FROM HEALTH CENTER

The ACLU and NYCLU filed a discrimination lawsuit February 24, on behalf of a Utica couple kicked out of the wellness program at the Charles T. Sitrin Health Care Center, Inc., because they are lesbians. One of the



■ (Seated l-r) Plaintiffs Louise Bizzari and Barbara Hackett; (standing l-r) ACLU attorney Sharon McGowan and Central NY chapter director Barrie Gewanter

plaintiffs, Louise Bizzari, suffers from severe osteoarthritis and other medical conditions and needs to use the facility's pool to avoid losing her leg. Bizzari and her partner Barbara Hackett had been using the pool after signing up as part of a family plan.

When the director of the Sitrin Center discovered they were using the pool, he dismissed them from the Center, despite Bizzari's pleas. When she showed up at the Center, thinking the director had relented, she was confronted by the director and told she had to leave, and the director called Bizzari and her partner "faggots." The director phoned the police who came to remove Bizzari from the facility.

"I can't tell you how humiliating it was to be called names and basically treated like a criminal by this business," said Bizzari. "Going to the pool gave me hope that I would soon see the end of this painful medical nightmare. It's inconceivable to me that any business would treat people this way."

The ACLU/NYCLU lawsuit charges discrimination under the Sexual Orientation Non-Discrimination Act (SONDA). It became effective

in 2003, and this is the first time the law has been used to bring a legal challenge against a private business for refusing to serve gay people.

DOMESTIC PARTNER BENEFITS WRONGFULLY DENIED

In an earlier action, the NYCLU filed suit January 13 in State Supreme Court of Monroe County on behalf of Patricia Martinez of Rochester who is seeking same sex benefits for her partner whom she married in Canada. The couple also solemnized their relationship in a civil union in Vermont. The NYCLU has sued both Monroe County College, Martinez' employer, as well as Monroe County. The suit claims that the state constitutional rights of Martinez and her spouse are being violated because they are a lesbian couple.

"Gay and lesbian couples make the same long term commitments to each other as heterosexual couples," said Scott Forysth, Chair of the Genesee Valley Chapter Legal Committee. "This case highlights the fact that same sex couples are entitled to the same protection under state law." ♦

Bronx Guild HS Victory

Bronx Guild High School principal Michael Soguero and school aide James Burgos returned to their school on April 13, more than two months after their arrests for protecting a student from a school safety police officer who barged into a classroom to arrest the student for "verbal abuse." In criminal court the day before their return, charges against Soguero were dismissed and school aide Burgos received an adjournment in contemplation of dismissal ("ACD"). The student's case was resolved on April 18, when she, too,

received an ACD.

The arrests highlighted problems with police officers and school safety agents interfering with the authority of school officials on matters of school discipline. Parent leader Cassandra Rainey and NYCLU Executive Director Donna Lieberman joined parents outside Bronx Guild to praise the return of Soguero and Burgos and vowed to continue their efforts to gain clear standards and accountability for police behavior in schools.

The NYCLU has sent three letters to Schools

by Palyn Hung, NYCLU Staff Attorney

Chancellor Joel Klein and NYPD Commissioner Raymond Kelley requesting guidelines and training for school safety personnel that firmly establish the authority of school officials over school management matters, as well as copies of existing policy governing school safety personnel. The NYCLU also asked to meet with the Department of Education and the NYPD to discuss these issues. At press time, the NYCLU has received no satisfactory response to its three requests from either agency. ♦

ACLU Foundation Announces Legacy Challenge: Your Gift for the Future Will Defend Freedom Today

Throughout the ACLU's history, thousands of Americans have chosen to act as stewards of our constitutional heritage by including the ACLU Foundation as a beneficiary of their estate.

Now, through a generous commitment by ACLU Foundation supporter Robert W. Wilson, a bequest provision in your will or trust will be matched with up to \$10,000 in immediate cash support to ACLU programs. Never before has your commitment to the ACLU been able to accomplish so much.

To request information about how your legacy gift can benefit the ACLU Foundation today, contact the Office of Gift Planning at:

ACLU Foundation
Office of Gift Planning
125 Broad Street, 18th Floor
New York, New York 10004
www.aclu.org/legacy
E-mail: LegacyChallenge@aclu.org



CREATE A LEGACY OF LIBERTY
AMERICAN CIVIL LIBERTIES UNION FOUNDATION

NYCLU Welcomes New Staffer

In January 2005, Elisabeth Benjamin became Director of the NYCLU's Reproductive Rights Project. Benjamin is co-author of "Reshaping Reproductive Health: A State-by-State Examination of Family Planning Under Medicaid Managed Care," Institute for Reproductive Health Access/NARAL/NY Foundation (2000). She also has worked closely with Planned Parenthood of New York City on reproductive health access issues since 2002.

Prior to coming to the NYCLU, Benjamin was the Director of the Health Law

Unit in The Legal Aid Society's Civil Division.

Benjamin received a degree in Health Policy and Management from Harvard School of Public Health in 1988 and a law degree from Columbia University School of Law in 1992. ♦



■ Elisabeth Ryden Benjamin