



NYCLU News

Spring 2006

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NYCLU Seeks FBI "Spy Files" on NY Political and Religious Groups

Elaine and John Leinung lost their son, Paul Battaglia, to the World Trade Center bombings on September 11th, 2001. Because they objected to the subsequent wars that the administration pursued in their son's name, the Leinungs joined 9/11 Families for Peaceful Tomorrows, an anti-war group founded by the families of people who died on September 11th. Now — in the face of mounting evidence that the FBI and local law enforcement are spying on people engaged in peaceful political and religious activity — the Leinungs believe that the FBI may have a file on their group.

It was for this reason that Mr. Leinung, a member of the group's steering committee, supported its decision to join the group of organizations listed in a series of Freedom of Information requests that the New York Civil Liberties Union has filed to find out whether the FBI and other law enforcement has spied on Peaceful Tomorrows.

"It scares us to know that our government spies on peaceful, law-abiding political activity," Leinung said. "If our freedoms were under attack on 9/11, then we who lost so much that day must work to protect those freedoms from both outright attack and slow erosion."

9/11 Families for Peaceful Tomorrows is one of fourteen prominent New York political and religious groups named in the NYCLU's Spy Files FOIA requests, which seek information on the FBI's surveillance of these groups and the NYCLU itself. The NYCLU

launched New York's Spy Files Project in response to the growing evidence that the FBI is spying not only on people involved in criminal behavior but also on individuals who are simply participating in peaceful anti-war activism or Muslim religious activity.

"New York has been the center of anti-war activity and is the home of scores of vocal Muslim groups," said Donna Lieberman, Executive Director of the NYCLU. "Given what we now know about the government spying on political and religious groups around the country, we have every reason to believe that such abuses of power are being committed in New York."

In addition to 9/11 Families for Peaceful Tomorrows and the NYCLU itself, the requests also seek information on the American

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■ Members of 9/11 Families for Peaceful Tomorrows protest Iraq war at NYC demonstration. Peaceful Tomorrows is seeking information as part of the NYCLU Freedom of Information requests.

New Field Program to Takes Civil Liberties to the Streets

By Rodolfo Estrada and Udi Ofer

It's a cold night in January, and over one hundred Brooklyn residents and congregation members are spilling out the doors of a Fort Greene church, where local leaders, activists, lawyers, and community members have gathered for a forum on rights, housing, and the police.

As the evening wears on, the participants discuss what to do when stopped or arrested by the police, how to handle landlord-tenant disputes, and how policing and tenancy issues have affected their families.



■ Members of the NYCLU contingent joined this April's rally for immigrants' rights in New York City.

After sharing stories of wrongful detentions in police custody, they send off postcards to City Council Speaker Christine Quinn calling for the passage of the Charge or Release bill, which would ensure that individuals arrested in New York City are arraigned within 24 hours of arrest. Then they file out into the night, ready to exercise and to protect their rights in the future.

Not what comes to mind when you think of the NYCLU? Think again.

The January forum was one of several dynamic community gatherings

being organized and hosted this winter and spring by a new department of the New York Civil Liberties Union. Such efforts to mobilize community members to learn more about their rights, to advocate for the protection of those rights, and to get involved in the grassroots work of the NYCLU are now the provenance of a broad, robustly staffed, and dynamic new Field Department.

Why Field? In the past decade, as the NYCLU has broadened its work to include more organizing and advocacy, it has become clear that grassroots work — which until now has been organized by the NYCLU's Bill of Rights Defense Campaign — should be integrated into the main operations of the NYCLU. That meant the promotion of BORDC director Udi Ofer to NYCLU Field Director and the hiring of two new Field Organizers to spearhead campaigns and support volunteers.

Over the next few months the Field Department will host a series of events and trainings that will begin to engage members, volunteers and NYCLU supporters in grassroots work from envelope-stuffing to door-to-door organizing to legislative lobbying. Starting in mid-April, the new department will hold

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To get involved in the work of the NYCLU's new Field Department, please contact Field Organizer Rodolfo Estrada at restrada@nyclu.org or 212-607-3368.



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If ever we needed a reminder of the power of grassroots activism, it came in recent weeks as the battle over national immigration policy unfolded.

For a while it seemed that a House bill, representing the most regressive and punitive policy possible, was gaining ground. The bill would not only have made the 11 million-plus undocumented immigrants felons but would have criminalized the humanitarian and advocacy work being done on their behalf by thousands of citizens, including, potentially, the staff, volunteers and members of the NYCLU. CNN's Lou Dobbs and his Greek chorus of xenophobic radio talk show hosts took to the airwaves in support of the bill, and the

Waking the "Sleeping Giant"

Senate Judiciary Committee seemed poised to do the wrong thing. But just in the nick of time, everything changed. The "sleeping giant" woke up!

On March 25th, more than 500,000 protesters, most of them immigrants, demonstrated in Los Angeles against the House bill. It was the largest demonstration that city had ever seen. The next day, 22,000 mostly Latino students walked out of school. And on April 9th NYCLU members joined over 100,000 people on the streets of New York City, as over a million demonstrators marched in Washington D.C. and scores of cities around the country. This outpouring of grassroots energy changed the debate. As this newsletter goes to press, the struggle in Congress over immigration policy is not yet over, but it is clear that the House bill is dead.

Grassroots activism on the part of the NYCLU's many members and supporters will be the decisive factor in many of the battles we face in New York State, whether the issue is reproductive rights, the Rockefeller Drug Laws, or the rights of immigrant New Yorkers. Our elected leaders are not going to take a stand on the issues we care about unless we make so much noise that we simply cannot be ignored.

Our Bill of Rights Defense Campaign, founded soon after 9/11 and still going strong, is living proof of how effective the NYCLU can be when it engages the energy and creativity of its members and supporters. This intrepid and hardworking group of volunteers has achieved many victories, including the New York City Council's passage of Resolution 60, which expresses opposition to the government attack on civil liberties in the name of

national security. Nearly every NYCLU chapter around the state has won passage of a local Bill of Rights resolution and built successful grassroots campaigns around police abuse, LGBT rights, and other issues.

Thanks to the generous support of our members and donors, we now have a field department that can give our chapters and members the technical and organizing support they need to build an effective grassroots civil liberties constituency. Our current field priorities are described on this newsletter's front page. You are going to see, in the coming months, a noticeable intensification of our grassroots activities throughout the state, and I want to encourage you to join in.

Joining in can take many forms. Sometimes we need a flood of phone calls and e-mail messages to a swing voter in the state legislature. We might ask citizen lobbyists to schedule visits with their elected representatives, or organize a people to send a spate of letters-to-the editor to the newspaper of record in a specific legislative district. And sometimes we'll need very visible shows of strength — protests like the ones that inspired us this April.

It is a priority of our new field department to create all the tools you will need to play an active role in helping the NYCLU win policy major victories. If you have not yet signed up for our E-Activism List, please take a moment to do so by going to <http://ga1.org/nyclu/join.html>. And check our website often to learn about events and opportunities for activism in your neck of the woods.

Help us make a difference! ❖



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NYCLU Lawsuit Challenges DoD's Unauthorized Database for Recruiting High School Students

The New York Civil Liberties Union brought suit against the Department of Defense in federal court this April to challenge the Department's creation and maintenance of a database of information about American high school students, which it will use for military recruitment and other purposes.

When Congress passed a law in the 80s authorizing the DoD to create a database of student information to be used for military recruitment purposes, the lawmakers instructed the DoD to collect only basic contact and educational information, to store it for no more than three years, and to keep it private. But last year, when the DoD finally created the database, it flouted these restrictions. The resulting database seeks to index a wide variety of personal, private information about every American high school student: gender, ethnicity, GPA, social security number, intended course of study, and more. To add insult to injury, the DoD has also disregarded other Congressional limitations, threatening to keep the information for five years rather than the three allowed by the statute and to share the information widely with law enforcement and other agencies and individuals.

"We knew that the Department of Defense was desperate for soldiers to fill the ranks of an increasingly unpopular war, and that recruiters have gone to great lengths to pressure or even coerce students into joining the military," said Donna Lieberman, NYCLU

Executive Director. "We knew that recruiters were engaged in an aggressive campaign to target students of color and poor students for military service. What's astonishing is that the Department of Defense would so explicitly break the rules that Congress laid down to protect student privacy rights."

The DoD's aggressive recruiting have driven many young people to remove their names from the recruiting lists that were subjecting them to repeated phone calls and letters urging them to join the military. That was how Hope Reichbach, a senior at Hunter High School in Manhattan and a plaintiff in the lawsuit, got in touch with the NYCLU. "I opted out to get my name off their lists, but they contacted me anyway," Reichbach said. "I got involved in this lawsuit because I want them to leave me and other students alone."

The plaintiffs in the case are sixteen- and seventeen-year-old high school students who object to having their personal information inappropriately collected and maintained by the DoD. They don't wish to join the military, and they don't want their information collected and distributed by the private company that the DoD has charged with building and maintaining the database. They hope that the NYCLU lawsuit will bring the DoD into compliance with Congress's restrictions, protecting the privacy rights of high school students nationwide. ❖

NYCLU Asks Federal Court to Lift Visa Ban on Swiss Scholar

Should the government deny visas to foreign scholars who profess views with which the Administration disagrees? The NYCLU thinks not.

Charging that the government is violating Americans' right to hear constitutionally protected speech, the NYCLU and the ACLU are asking a federal court to prevent the Departments of State and Homeland Security from barring a prominent Swiss scholar from entering the country to speak to American audiences.

The government wrongfully used a section of the Patriot Act known as the "ideological exclusion" pro-

vision to deny a nonimmigrant visa to Tariq Ramadan, a Swiss citizen who now teaches at the University of Oxford. As a result, Ramadan will be unable to speak at events organized by the American Academy of Religion, the American Association of University Professors and PEN American Center.

The NYCLU and ACLU are seeking a preliminary ruling that the government cannot bar entry to Ramadan based on the ideological exclusion provision, which authorizes the exclusion of foreigners who endorse terrorism. Ramadan is not being excluded

because of any alleged support of terrorism; he is being excluded because he is a vocal critic of American policy in the Middle East and of what he calls the "deleterious effects of unregulated consumerism."

"It would be absurd to suggest that this criticism — the same kind of criticism that appears every morning in the editorial pages of major American newspapers — amounts to approval of terrorism," write the NYCLU and ACLU in their motion.

The case is before Judge Paul A. Crotty of the Southern District of New York. ❖

Lawsuit Challenges Teachers' Arrest and Overpolicing In NYC Schools

The NYCLU filed suit in March on behalf of two high school teachers who were arrested, handcuffed, and verbally abused by New York City Police Department officers after they questioned the officers for handcuffing their students. The lawsuit, filed with co-counsel Morrison & Foerster LLP, aims to vindicate the teachers' rights and to motivate the NYPD and the NYC Department of Education to develop better guidelines for police officers' behavior in schools.

Plaintiffs Quinn Kronen and Cara Wolfson-Kronen were arrested in March 2005 at the New School for Arts and Sciences, where they teach English and social studies. Ms. Wolfson-Kronen had called 911 for medical assistance for a student who had been injured in a fight. By the time the police arrived school

personnel had already broken up the fight and separated the students, and Mr. Kronen questioned the officers' decision to handcuff some of the students who had been fighting. In response, the officers yelled at Mr. Kronen and ordered him to be quiet, then handcuffed Ms. Wolfson-Kronen when she objected. The police then arrested Mr. Kronen as well and held both teachers at the 41st precinct in the Bronx for nearly two hours before releasing them with summonses for disorderly conduct. Their charges were dismissed at arraignment for facial insufficiency.

"When school officials call the police onto their campuses, they should be able to expect that the police will respond lawfully and will treat students and staff with respect," said Donna Lieberman, Executive



■ Veteran teachers Quinn Kronen and Cara Wolfson-Kronen explained their case to the press.

Director of the NYCLU. "Except in an emergency where health and safety are in imminent danger, the police must be instructed to respect the authority of school officials." ❖

Back in Court for Handschu Case, NYCLU Argues NYPD May Not Videotape Demonstrators and Retain Videotapes

NYCLU Legal Director Arthur Eisenberg and Jethro M. Eisenstein argued this March before U.S. District Court Judge Charles S. Haight that people have the right to engage in peaceful protest without running the risk that police will videotape them and keep those videotapes indefinitely. The argument marked another round in the long-running class action lawsuit *Handschu v. Special Services Division*, in which a class of citizens took the New York City Police Department to task to put an end to the NYPD's sur-

veillance, infiltration, disruption and suppression of political activity in New York City.

As a result of the 1985 consent decree in *Handschu*, the NYPD stopped videotaping political demonstrations unless it had reason to believe crime was involved. The NYPD also adopted a policy not to retain videotapes unless they were needed as evidence. But in 2004 the NYPD amended its policy and claimed it could videotape even peaceful protest activity and retain the videotapes indefinitely. The *Handschu*

lawyers then asked Judge Haight to prohibit the implementation of the new policy, arguing that it violates the terms of the August 2003 version of the consent decree.

Upon hearing the arguments Judge Haight said he would consider holding an evidentiary hearing on the scope of police surveillance and on whether the police department has any basis on which to claim it must engage in surveillance of peaceful protest in order to deter terrorism. The judge's decision is expected in the coming months. ❖

After Patriot Act Reauthorization, NYCLU Renews Calls for Reform

The House and Senate capitulated to White House pressure earlier this year by passing a Patriot Act reauthorization bill that failed to fix the Act's most fundamental flaws. On March 9, 2006, President Bush signed the bill into law. While the reauthorization bill contains some improvements to the Patriot Act that reflect the tireless work of grassroots activists throughout the country, the final legislation remains substantially flawed and will continue to infringe on our rights and freedoms.

The reauthorization bill renews virtually all of the expiring sections of the Patriot Act; permit the govern-

ment to obtain ordinary Americans' records without safeguards; retains the gag provision that keeps people from disclosing that they have had to turn records over to the government; allows broad sneak-and-peek searching; and allows secret eavesdropping and secret search orders that do not name a target or a location. It also creates new four-year sunset dates on three provisions, including the controversial Section 215, which authorizes the government to seize private records without requiring individualized suspicion.

There is some good news. Although both Senators from New York voted for reauthorization,

only 15 Representatives voted for Patriot Act reauthorization, compared to the 25 who voted in favor of the original act. And the fight is not over: lawmakers have already introduced new legislation to make needed changes to the Act, and Congress is planning hearings to investigate the National Security Letter provisions.

The New York Civil Liberties will continue to challenge Patriot Act provisions by educating and mobilizing the public, lobbying lawmakers, and filing legal challenges to uphold civil liberties and civil rights. ❖

NYCLU Board of Directors – Election 2006: Biographies and Statements of Candidates

The annual meeting of the members of the New York Civil Liberties Union will be held at 6 PM on June 14, 2006 at the offices of the New York Civil Liberties Union, 125 Broad Street, 19th 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, 2006 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 **Claudia Angelos, President, NYCLU, 125 Broad Street, 19th Floor, New York, NY 10004.**
2. So that we may verify your membership, clip out the address label on page 8 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 212-607-3360.

■ CANDIDATES

This year there are 17 candidates for 16 vacancies. Of these, 15 are for three-year terms and one 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 pursuant to the by laws, and one such nominee was qualified in accordance with this process. The candidate who finishes 16th 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:

LI YUN ALVARADO

(Nominated by Nominating Committee)

College Counselor; NYCLU member

STATEMENT

As a young Latina educator, I believe that actively defending civil liberties for all people ensures that my family and students are protected from the injustices often faced by people of color and by our youth. I am particularly impressed with the NYCLU's educational initiatives, including protecting student privacy against military recruitment, defending students and teachers from police harassment, and demanding better sex education. I also strongly support the protection of gay and immigrant rights, and am a member of the Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA). I hope that as a board member, I can more effectively spread the NYCLU's message to members of my generation and profession, thereby increasing awareness and active membership.

MITRA BEHROOZI

(Nominated by Nominating Committee)

Executive Director, 1199SEIU Benefit and Pension Funds; ACLU member

STATEMENT

Having spent seventeen years as a Union-side labor lawyer, I have been part of building and supporting institutions that organize and channel the power of "ordinary" working people against the interests of the powerful. And currently, as the Director of a Union-supported health and pension fund, I serve the interests of those working people, many of whom are low-wage immigrant women. These are the interests I think about every day — and I believe that this focus would enable me to bring a useful perspective to the NYCLU Board.

STEPHEN CLARK

(Nominated by Nominating Committee)

Associate Professor of Law, Albany Law School; NYCLU Board Member

STATEMENT

At Albany Law, I teach courses in constitutional

law, employment discrimination and sexuality. My research focuses on gay rights, civil liberties and federalism. On behalf of the NYCLU, I 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

NAHSHON L. CRAIG

(Nominated by Nominating Committee)

Attorney; Director of Business and Legal Affairs, Rush Communications of NYC, Inc.; The Hip Hop Summit Network was a Real Reform 2004 member, along with the NYCLU and others. In my role at the time I assisted Russell Simmons and Dr. Benjamin Chavis in HSN's efforts (along with the collective) to reform these draconian laws. NYCLU member.

STATEMENT

My life, including financially supporting myself from community college through law school, has exposed me to various socioeconomic challenges facing other minority males that bolster my affinity to tirelessly work along the NYCLU (as a board member, if elected) to ensure that its history of advocating on behalf of the disadvantaged continues with increased youth involvement.

TANYA MARIE DOUGLAS

(Nominated by Nominating Committee)

Public Interest Attorney. Current member Executive Committee, Affiliate Affirmative Action Officer; Board Governance Committee; Board of Directors since 1994; past co-chair Nominating Committee; delegate ACLU Biennials, 1999, 2001, 2005.

STATEMENT

As an African-American woman, civil liberties are very important. These rights are under

attack by recent legislation discriminating against people of color. This current "legal" discrimination is shockingly similar to the historical legal discrimination against African-Americans. It's important the NYCLU continue its fight in the streets and in the courts against these laws. Protest and litigation are key fighting tools. As a NYCLU Director, it's been my pleasure to speak about civil liberties to people of color.

STEPHEN E. GOTTLIEB

(Nominated by Nominating Committee)

Professor, Albany Law School (teaching constitutional law, privacy, US Supreme Court); author books, articles on civil liberties; former Peace Corps Volunteer, legal aid attorney; NYCLU Board member, served on Executive & Chapter Committees, co-chaired Development and Nominating Committees, chair, Privacy Committee; President, Capital Region Chapter

STATEMENT

When I started teaching Privacy Law, I had no idea how urgent this Administration would soon make it, or use 9/11 to magnify racial profiling just when we thought we had it licked. Freedom is under sustained attack from every level of government. A strong NYCLU is vital. Board service is an opportunity to help strengthen it. I will continue to work to help make the Union more effective in its defense of freedom, equality and the Bill of Rights.

MIRIAM O. HYMAN

(Nominated by Nominating Committee)

Attorney/Partner Bryan Cave LLP; Board Member (2000-to date); Governance and Audit Committee (2005-2006); Secretary and Executive Committee Member (2002-2003); Nominating Committee (198-1999); Executive Director, Nassau County Chapter (1969-1972);

STATEMENT

I believe strongly that eternal vigilance is the price of liberty and I place a high priority on preserving our constitutional rights and civil liber-

ties. I seek re-election to the Board to continue my active participation in the pursuit of these principles.

EDWARD KLEIN

(Nominated by Central NY Chapter)

Criminal Attorney; NYCLU member; CNY Chapter Board member, Legal Committee member; Legal Director Maine CLU '85-'86, cooperating attorney (Maine) ACLU Nat'l Prison Project '80-'82.

STATEMENT

I have been a criminal defense attorney for 25 years, representing assigned and retained clients. I love having the opportunity to help my clients take steps to overcome the personal issues hindering their pursuit of happy, healthy lives, while fighting for them in court, hopefully letting them see that there can be justice for them too. I love the interplay of the nitty-gritty of the streets and our constitutional ideals. I live and relearn the lesson every day that without active vigilance, those ideals will erode and the value of each of our lives will be diminished.

BILL LAMBERT

(Nominated by Nominating Committee)

Former Investment Banker. Founding Partner, Wasserstein Perella & Co.

STATEMENT

My wife and I have been involved with the NYCLU through our work with and fundraising for the reproductive rights project. I am currently the organization's treasurer and have served on the finance committee. I am vice-president and a board member of Urban Pathways, an organization that provides a continuum of service to the homeless in New York City. I am on the finance committee there. Also, I am involved with the social enterprise program at Columbia Business School, which seeks to train and motivate students to enter the not-for-profit sector. I strongly support the work and goals of the NYCLU and would like to help the organization grow.

JULIE KOWITZ MARGOLIES*(Nominated by Nominating Committee)*

Adjunct Faculty, Brooklyn Law School; Board Member, Chair, Development Committee.

STATEMENT

The civil liberties outlined in our Bill of Rights are the very foundation for our human dignity: the right to express our beliefs freely, to protest, to be free from unwarranted government intrusion into our private lives, to be treated equally under the law. The NYCLU's work to defend these liberties from unprecedented federal, state and local assaults has astonishing and unparalleled breadth and depth. As Development Committee Chair, I have worked to expand the resources that enable the NYCLU to pursue its critical mission.

BEHRAM PANTHAKI*(Nominated by Nominating Committee)*

Business Leader; NYCLU member

STATEMENT

As a young immigrant professional, I believe I would bring a unique perspective to the NYCLU. My passion for the mission of the NYCLU would make me a good spokesperson for expanding the appeal of the NYCLU amongst young professionals.

My multifaceted experiences as an architect, management consultant and most recently as a business leader would enable me to provide the NYCLU with ideas and approaches to forward the mission of the NYCLU and build awareness about the issues and activities amongst the younger generation.

I am eager to work with the NYCLU to prevent the continuing erosion of basic rights and provoking productive debate on the key civil liberties issues faced by the nation.

LUIS QUIROS*(Nominated by Nominating Committee)*

Social Work – Community Activist; NYCLU Board Member; Vice-Chair, Lower Hudson Valley Chapter.

STATEMENT

Chairperson of The Westchester Community Opportunity Program, and recipient of its community service award for 2005. Dr. John Hope Franklin said of Luis, "Luis brings enthusiasm, dedication and energy to whatever he undertakes. I very much regret that I can't be there to celebrate his work with the poor.

Political columnist for *El Aguila*, bilingual newspaper in Westchester for six years, says "Luis is a true advocate for the poor and the under represented communities. He stands for what he believes in. Although most of the times controversial, many readers enjoy the timing of his discussions." Luis was Biennial Delegate in New Orleans. Treasurer for Westchester Council Crime and Delinquency.

RICHARD ROSEN*(Nominated by Nominating Committee)*

Architect and housing developer; incumbent; former president, Genesee Valley Chapter;

Chairperson, Chapter Committee; serving on Brand Identity and Legislation Committees

STATEMENT

By taking a leadership position to improve the mechanics of the complex relationships of the NYCLU and the Chapters, I think I may have made a useful contribution, allowing the dedicated and talented staff to be most effective. My volunteer activities in Rochester, both as a homeless housing provider and organizer with prisoner re-entry issues, keep me focused on core First, Fourth and Eighth Amendment issues. Stewardship of this organization to me means listening carefully, balancing priorities, working hard to seek financial support, and taking every opportunity to support solid-working relationships and head off conflicts that would hinder staff and Board efforts.

MARK SAKITT*(Nominated by Nominating Committee)*

Physicist at Brookhaven National Laboratory; Vice Chair of the Suffolk County Chapter of NYCLU.

STATEMENT

I have been a life member of the ACLU for about three decades and have been active in the Suffolk County Chapter of the NYCLU. I am Treasurer of the Board of Directors of Planned Parenthood Hudson Peconic (PPHP), which serves the counties of Suffolk, Westchester, Putnam and Rockland. In addition the Vice of Chair of the Board of Directors of PPHP Action Fund, which is the political arm of PPHP. My interests are focused on reproductive rights and issues related to the impact of national security on civil liberties. Professionally I work in the field of national security.

STEPHEN L. SAXL*(Nominated by Nominating Committee)*

Attorney, Greenberg Traurig; NYCLU Board Member since 2000

STATEMENT

Our civil liberties remain under attack. The NYCLU continues to stand up for all of us. I have appreciated the opportunity to serve on the NYCLU Board and support the organization in the critical work it is doing in areas such as First Amendment, protest, privacy, civil rights and reproductive rights. I serve as Co-Chair of the Amicus Club, reaching out for support to attorneys in private practice. I have enjoyed contributing to the Board as a member of the Audit Committee, Development Committee and Privacy Committee, and past Chair of the Nominating Committee. I look forward to continuing to help move the organization forward and expand its resources and capacity.

DONALD SHAFFER*(Nominated by Nominating Committee)*

Cooperating Attorney pro bono, NYCLU (full time since 1992); Board (mid-60's, 1996-present); Nassau Chapter President (1962), Executive Committee (1961-present).

STATEMENT

Board has two responsibilities: 1) principles, pro-

grams, 2) organization building. Members are our greatest asset and the more we involve them the more effective we will be. Faced with the threat of corporate and theocratic fascism, the emphases should be: 1) grassroots lobbying and membership involvement: organize clubs in Brooklyn and elsewhere, chapter in Buffalo, and strengthen our six out of NYC existing chapters. This aids in racial and economic diversity, statewide presence, membership and fundraising; 2) organize youth: build CLU clubs in law schools, colleges, and high schools. Aging membership is a good source of funds today but potential future weakness.

ADRIAN V. WHITE*(Nominated by Nominating Committee)*

Principal of Porzio, Bromberg & Newman, P.C.

STATEMENT

Since I last requested your vote the assault on civil liberties in this country has become even more determined. Secret tribunals, unregulated eavesdropping, surveillance of peaceful protest—these are difficult times. Under the misguided view that we must sacrifice liberty to procure "safety," our government is placing unprecedented pressure on what were settled freedoms. As a member of the NYCLU board, who also serves as the NYCLU representative to the ACLU Board, I am proud to work with an organization determined to resist this pressure. When others have been silent, the NYCLU has clearly and loudly "spoken truth to power" and fought back. I ask for your vote so I can continue to help in this fight.

PROXY VOTING INSTRUCTIONS:

There are 17 candidates for 16 positions. You may vote for no more than 16 candidates.

NOTE: There are two columns of boxes.

- If you have a SINGLE membership, you are entitled to one vote and should vote by marking only boxes in THE FIRST COLUMN. To vote for a candidate, mark the first box next to that person's name.
- If you have a JOINT membership (indicated by a mailing label on this newsletter with both names on it), you are entitled to two votes and should vote by marking boxes in BOTH COLUMNS.

For your vote to be counted, you must place your name and address on the back of your envelope (see "How to Vote," p. 4).

PROXY BALLOT**TO: Claudia Angelos, President****NYCLU | 125 Broad St., 19th 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 14, 2006, 6:00 p.m. at the NYCLU offices, 125 Broad Street, 19th Fl., New York City, for the election of directors, with the same power I would possess if I were personally present.

Edward Klein	<input type="checkbox"/>	<input type="checkbox"/>
Mitra Behroozi	<input type="checkbox"/>	<input type="checkbox"/>
Donald Shaffer	<input type="checkbox"/>	<input type="checkbox"/>
Luis Quiros	<input type="checkbox"/>	<input type="checkbox"/>
Miriam O. Hyman	<input type="checkbox"/>	<input type="checkbox"/>
Tanya Marie Douglas	<input type="checkbox"/>	<input type="checkbox"/>
Stephen E. Gottlieb	<input type="checkbox"/>	<input type="checkbox"/>
Richard Rosen	<input type="checkbox"/>	<input type="checkbox"/>
Stephen L. Saxl	<input type="checkbox"/>	<input type="checkbox"/>
Li Yun Alvarado	<input type="checkbox"/>	<input type="checkbox"/>
Nahshon L. Craig	<input type="checkbox"/>	<input type="checkbox"/>
Mark Sakitt	<input type="checkbox"/>	<input type="checkbox"/>
Bill Lambert	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Clark	<input type="checkbox"/>	<input type="checkbox"/>
Julie Kowitz Margolies	<input type="checkbox"/>	<input type="checkbox"/>
Behram Panthaki	<input type="checkbox"/>	<input type="checkbox"/>
Adrian V. White	<input type="checkbox"/>	<input type="checkbox"/>

NYCLU Seeks FBI "Spy Files" on NY Political and Religious Groups

(continued from page 1)

Friends Service Committee, Upper NY State Area Office; Brooklyn Parents for Peace; the Buffalo War Resisters League; antiwar activist and United for Peace and Justice National Coordinator Leslie Cagan; the Council on American-Islamic Relations, NY Chapter; the Council on Peoples Organization; MetroJustice (Rochester); the NY Immigration Coalition; Peace Action of Central NY; People for the American Way of NY; People for Animal Rights in Syracuse; Veterans for Peace Chapter 128; and the Western NY Peace Center in Buffalo.

"The Freedom of Information Act is a powerful tool to force the government to disclose information it doesn't want to disclose," said Corey Stoughton, NYCLU staff attorney. "We hope that our requests will pull back the veil of secrecy that the National Security Agency, the Department of Defense, and the FBI have used to hide unlawful surveillance."

The NYCLU filed its requests on the same day that the ACLU of Pennsylvania released a series of documents the affiliate received in response to its own similar FOIA requests. These documents show that the FBI's Joint Terrorism Task Force is spying on the pacifist Thomas Merton Center in Pittsburgh.

For copies of the FOIA and FOIL requests filed by the NYCLU today and information about the groups included in those requests, see below. For details and legal papers regarding the FOIA requests filed by ACLU affiliates around the country, including a list of clients, go to www.aclu.org/spyfiles. ❖

New Field Program to Takes Civil Liberties to the Streets

(continued from page 1)

bimonthly volunteer meetings where volunteer team members can meet each other, get involved in NYCLU projects, and launch civil liberties initiatives. The Field Department is also actively developing trainings for volunteers who want to develop skills for lobbying, public speaking and persuasive writing. And now that the NYCLU has moved to a newly-renovated floor of its building, volunteers will have access to computer space, after-hours work space, and a dedicated conference room for meeting and planning sessions.



■ The campaign to pass the Charge or Release bill is among the grassroots activities that are now the provenance of the NYCLU's Field Department.

Of course, the NYCLU hasn't forgotten the grassroots campaigns that are already in progress. The Charge or Release bill (Intro. 53) was recently reintroduced in the New York City Council, and volunteers are actively lobbying Council Members and meeting with representatives from community organizations to gain their support for the Charge or Release bill.

Several Council Members have come on board because of NYCLU volunteers' lobbying efforts. Through a partnership with Neighborhood Defender Service of Harlem, volunteers have also begun contacting and interviewing individuals who have experienced prolonged detention. ❖

> In Nassau, A Legendary Advocate Passes the Torch

"In the old days, government officials would violate rights and it was manageable," says Barbara Bernstein, outgoing Director of the NYCLU's Nassau County Chapter. "You would go to court and win. But now, you have a president who is subverting the entire premise of the constitution and overturning everything we've worked for."

Bernstein has taken the challenge in stride. In 31 years at the NYCLU, she has gained a reputation as a relentless advocate for justice, both in the courts and on the streets.

Bernstein began working at the NYCLU in September 1974, one month after Nixon resigned. Before her first year at the NYCLU was through, Bernstein's chapter already had a case in the United States Supreme Court. Late one night school officials from the Island Trees school board had gone through the card catalog and removed nine books that a conservative group had deemed "offensive to Christians, Jews, Blacks and Americans [and] ... just plain filthy," and the Nassau chapter had fought back. In 1982 the high court ruled that books cannot be removed based on the ideas they contain; the volumes were returned to the library shelves.

Since then the Nassau chapter has extended its work in the courts as well as in the realm of what Bernstein calls "the mini-docket — the enforcement of law without litigation." Under Bernstein the chapter overturned the Nassau County tax assessment system, which Bernstein recalls as a system of "poor black homeowners subsidizing rich white homeowners." The chapter has tackled substantial police and governmental abuse issues. And it has worked extensively for the rights of students and youth. In 1978 the chapter started a youth advocacy project, which spun off into what Bernstein calls "the premier student organization in New York State." Since then, it has conducted a students' rights workshop at the Nassau County Human Rights Commission and offered five civil liberties and civil rights courses for social studies teachers.

When she retires this May, Bernstein will pass the torch to new Director Tara Keenan-Thomson. Keenan-Thomson arrives with substantial knowledge and experience of her own: she was recently awarded a Ph.D. at Trinity College in Dublin, Ireland; she is an historian of human rights; and she has experience in rape crisis counseling and American voting rights abroad.

"I had a taste of academic life, but I found that many of the issues at the roots of my research were civil rights and civil liberties issues," Keenan-Thomson says. "Much of what was going on in the western world throughout the 1960's and 70's goes back to the U.S. We have set the standards throughout the world for radical activism."

For the NYCLU, Nassau has set a standard of its own. "The chapters are the NYCLU roots to the community and provide an important base for organizing and advocacy to defend our rights however they are under attack," says Donna Lieberman, Executive Director. "We are delighted to have Tara stepping in to build on the successes of Barbara who has built the Nassau chapter into a model of civil liberties advocacy. Barbara's intelligence and passion for the cause have been a boon to me and to the cause of civil liberties. She leaves us an enormous legacy." ❖

ANNOUNCING >>>

SPEAKING OUT ON THE ROCKEFELLER DRUG LAWS A CONTEST FOR YOUTH AND STUDENTS

HOW DO THE ROCKEFELLER DRUG LAWS AFFECT YOU?

The New York Civil Liberties Union is sponsoring a series of contests that ask high-school-aged youth to explore the topic of the Rockefeller Drug Laws and how they have affected New Yorkers. Winners will receive cash prizes. Entries for the New York City contest must be submitted by June 16, 2006.

For information about student contests around the state, visit <http://www.nyclu.org>.

> For **Stephanie Gray**, Arts and Rights Take Center Stage

New Foundation Relations Officer Stephanie Gray has extensive experience asking for support. She came to development work through a community arts center in Buffalo, where she spent seven years learning the tools of the trade.

For Gray, the arts were a natural place to start. At 34, Gray has a thick artistic portfolio: she has written poetry since high school and created film since the late 1990's. She routinely publishes poetry in journals and presents her films, which explore themes of feminism, queerness, class, disability, and urbanness, at international film festivals. Among her many awards and honors are the prestigious New York Foundation for the Arts Fellowship and the Finishing Funds grant money from the Experimental Television Center.

Gray grew up in the rust belt, attended some university there, and then transferred to Reed College in Portland, Oregon. "I wasn't really aware of my class before going to Reed," she says, but Reed brought it to her attention. As she worked herself through college, she thought deeply about equality and fairness. "It is much more difficult than we think for poor and working class people to go to college," she says.

Now a position at the NYCLU has given Gray the opportunity to put her fundraising skills to work in the service of the pursuit of equality and fairness.

"In today's political climate, I'm looking forward to helping this organization", she says. "Through writing, research and work with foundations, I get to articulate to the fundraising community what vital work we do — so that no New Yorker's civil rights are limited by the government." ♦



■ Stephanie Gray

> In Buffalo and Suffolk, **John Curr** and **Dolores Bilges** Take Directorial Reins

John A. Curr III and Dolores Bilges will take positions as new Directors of the NYCLU's Western Regional Office and Suffolk County Chapter this Spring.

Curr assumes his new permanent position after he took over as Interim Director when Jean-Noelle Mahoney retired last year. He is known throughout Buffalo not only as an advocate for civil liberties but also as the long-time coordinator of the Independent Media Center in Buffalo and as the producer and host of Civil Liberties Radio. Having served as a member of the U.S. Army for eight years, including an active tour in the first Gulf War, Curr is now also a member of Veterans for Peace and the War Resisters League. Curr says he's "excited about the vote of confidence" he has received, and he looks forward to the challenge of "attract[ing] and keep[ing] people interested in what we are doing, especially those that feel powerless in what is going on in America and feel overcome with the rationalization of apathy."

Bilges, who comes to the NYCLU after serving as Assistant Director of the Women in Science and Engineering program at Stony Brook University, says she was thrilled when she learned that the NYCLU had a chapter in Suffolk County. She is excited that the Chapter has been invited to move its office to the new public interest law center at Touro Law School. She anticipates great challenges for Suffolk County and plans to expand the Chapter's active program with immigrants, people of color and the LGBT community. ♦



■ John Curr



■ Dolores Bilges

> **Lisa Fox** Brings International Eye to Albany

Think Albany sounds like a peculiar place to advance international human rights? For Lisa Fox, it's just right. "Because New York is a bellwether state, it sets the trend for the nation and a lot of impact change happens here," Fox says.

As the new Legislative Associate for the NYCLU, Fox brings the tools and the interests to pursue civil liberties in the human rights tradition. After growing up in Italy, Fox served as Project Director for an international exchange program for low-income students, traveled extensively, and earned a Masters degree in Public Policy from UCLA. These experiences, Fox says, drove her to seek out a way to combine anthropology with law. "I didn't want to be an attorney, but I wanted to shape public policy," she says. That pursuit led her to the NYCLU.



■ Lisa Fox

Being in Albany affords Fox the opportunity to "be an active participant by analyzing, tracking and being in the mix with the legislature," she says. "This is a great opportunity to work on the state level and still work for the goals of a national movement. It is exciting to work with an organization that already has the ear of the state legislature."

And if not Albany, where else? "It is important to be involved in international human rights issues no matter where you are," Fox says. "Each piece makes up the larger puzzle." ♦

> **Rodolfo Estrada** Applies Legal Background, West-Coast Style to NYC Grassroots

When Rodolfo Estrada moved to New York City in September 2005 he was armed with an undergraduate degree from Stanford University, a law school degree from the University of California Hastings, and an itch to organize. Here he has begun a Masters degree in bilingual and bicultural education at Columbia's Teachers College — and moved in to fill a new position of Field Organizer at the NYCLU.

The 26-year-old native Californian says he's excited about meeting people and "working amongst the political energy of New York."

Estrada's parents came to the United States from Mexico intending to become a teacher and lawyer. While neither had an opportunity to pursue those professions,

Estrada says his education and work blend both his parents' ambitions. As a law student he worked at a non-profit in San Francisco's Mission District assisting primarily Latino workers with employment discrimination issues. Later, he assisted plaintiffs in an employment discrimination class-action suit.

New York City presents challenges different from San Francisco, Estrada says: his West coast city had a government of eleven city supervisors, while New York, with 51 city council members, is much bigger and more complex.

But Estrada is up to the challenge. His legal education gives him a special organizing edge, even though he's decided not to sit for the bar. Estrada says he made the decision to go grassroots after watching a law professor he admired teach secondary school instead of practicing law.



■ Rodolfo Estrada

"I probably would have sat for the bar and been a practicing attorney," Estrada says. "But she helped me realize that just because one has a law degree does not mean one has to be an attorney." Lucky for the NYCLU. ♦

Crisis Legislation: Preventing Sex Crimes

The documentary film “Our Brand is Crisis” recently played in downtown Manhattan. It tells the story of Democratic party political consultants who are hired by a wealthy candidate running for the presidency of Bolivia.

The strategy: sell the crisis of imminent economic disaster; brand the candidate as the solution.

The manufacturing of fear is a reliable political strategy. It is being employed to great effect in New York as legislators seek to generate a sense of urgency, or crisis, in the run-up to the November elections.

The issue here is sex crimes. The politics are driven by several grisly cases that have been marketed as if they are typical of all sex crimes. Of course, they are no more representative of sex offenses than murders are representative of assault crimes.

The remedy now advanced by both parties in Albany is indefinite incarceration, pursuant to civil commitment, for sex offenders who have already served a criminal sentence.

Sexual assault is a serious public safety issue. But the discourse in Albany is not serious. (Governor Pataki opened this discussion last year decrying the “Assembly leadership’s ‘so what’ attitude toward sex offenders.”)

Civil commitment is a false promise, one that misleads the public about the nature of the offense. It’s an appealing fiction — the state will lock up the problem — but one that reveals a fundamental misapprehension of sex crimes.

The proposed legislation is opposed by virtually every statewide organization that has direct experience with sex offenders: advocates for sex-assault victims, sex offender management experts, mental health professionals and defense attorneys. At a recent Albany news conference (at which the NYCLU participated) these experts said the following:

● **The proposed civil commitment law is not an effective way to protect the public from sexual assault.** There is a mountain of empirical evidence that demonstrates a coordinated strategy of monitoring, supervision and treatment can reduce recidivism by 40-60 percent among all levels of sex offenders. (In Maricopa County, Arizona, this approach reduced recidivism among high-risk offenders by 98 percent over twelve years.) But New York State has grossly under funded and under resourced this work. Now, having failed to employ a strategy that has

proven effective, the State proposes a magic bullet — civil commitment.

● **A civil commitment law will do little to deter sex offenders who pose the greatest risk of harm.** About 90 percent of youth who are victims of sex crimes know the perpetrators — they are parents, siblings; neighbors, schoolteachers, coaches. Most are never charged with a crime; nor do they end up in sex offender registries.

Why? The victims are silent — fearing reprisal by perpetrators or seeking to protect family or friends from punishment. That’s why the advocates say New York needs comprehensive public education that teaches how to avoid victimization by reducing risk and developing age-appropriate problem-solving skills. Meanwhile, the state Senate won’t even take up a model school sex-ed bill.

● **A civil commitment law will make New Yorkers less safe.** It will cost about \$200,000 to incarcerate an individual in a prison psychiatric facility for a year. (This figure does not include the state’s legal costs related to civil commitment proceedings.) The various projections regarding the numbers of persons who will be subject to civil commitment indicate the proposed law will cost well over \$200 million annually. This means virtually every dollar budgeted to prevent sex crimes would be re-allocated to the civil commitment of a small fraction of high-risk offenders.

Fact is, the public safety is at great risk in an election year. In 1973, as Governor Nelson Rockefeller considered a run for president, the state adopted its draconian drug-sentencing laws — the most ineffective and costly crime-fighting strategy in state history.

Perhaps the governor and legislators could simply stipulate as to their devotion to protection of the public safety. And then, in furtherance of this objective, agree not enact public safety legislation in an election year.

Don’t bet on it. Remember Bolivia.

The American politicians successfully sold their brand of “crisis.” They got their guy elected president.

But today the former Bolivian president resides in Washington, D.C. He was run out of the country when his economic policies turned out to be a greater calamity than the crisis he had promised to avert. ❖

> COMING UP >

NYCLU Honors Eve Ensler, Joins V-Day for Evening of Incarcerated Women’s Voices

The NYCLU will honor Eve Ensler at its annual Reproductive Rights Project cocktail party on June 6th. The event will feature readings, performed by Erin Cherry, Wallace Shawn, and Katha Pollitt and directed by Anthony Arno, from Howard Zinn and Anthony Arno’s *Voices of a People’s History of the United States*. For tickets and information, please go to <http://www.nyclu.org>.

Later in June the NYCLU will partner with the ACLU and V-Day, Ensler’s global movement to end violence against women and girls, for an evening of Words From Prison. Actors and formerly incarcerated women will read words written by women in five major federal prisons, which will tell the stories of the women’s experiences and highlight the ways in which violence has affected their lives.

More than 90% of women in prison have experienced violence. Words From Prison will reveal the connection between women in prison and the violence that often brings them there. Presented by a coalition comprising the NYCLU, the ACLU Women’s Rights Project, and V-Day, the event will bring forth voices of humor, fierceness and honesty and will focus on healing, justice, and the possibility of reforming the laws that affect incarcerated women.

The evening will benefit the NYCLU and the ACLU. It will take place at Alice Tully Hall at Lincoln Center on Wednesday, June 21 at 8:00 P.M. For tickets, please go to <http://www.untiltheviolencestops.org>. ❖

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 877-867-1025 or <http://www.aclu.org/supportaclu/plannedgiving>.

Join the NYCLU for our annual
BENEFIT CONCERT:
BROADWAY STANDS UP FOR FREEDOM!

featuring
Celia Keenan-Bolger (Spelling Bee)
Todd Buonopane (Spelling Bee)
Barett Foa (Avenue Q)
Erich Bergen
Liana Stampur



Performers Bergen, Stampur, Keenan-Bolger, and Buonopane

Musical Director **Seth Rudetsky**
 Director **Daniel Goldstein**

July 24, 2006, 8 p.m.
Symphony Space

For details and ticket information, go to
<http://www.nyclu.org>