Director’s Column:
It May be an Election Year, But We’ll Have Work to do No Matter who Wins

Roe v. Wade at 35:
New York isn’t as Safe as You Might Think

Reproductive Rights Project’s Victory for Incarcerated Women

Suffolk County Chapter Defeats Anti-Immigrant Legislation

Young Professionals Woo New Generation of Civil Libertarians

Election 2008: Biographies and Statements of Candidates for NYCLU Board of Directors

Capital Chapter Defends Free Speech

NYCLU Membership Conference this June

State Must Recognize NY Couple’s Canadian Marriage

T he NYCLU achieved a groundbreaking court victory in February on behalf of a Rochester lesbian couple, who fought to have their valid Canadian marriage recognized in New York.

In a unanimous decision, a New York appellate court ruled that the state must recognize valid marriages of same-sex couples performed in other states or countries. It is the first appellate court decision in the state and the first known decision in the United States.

“Gay and lesbian couples make the same long-term commitments to each other as straight couples. This case highlights the fact that same sex couples are entitled to the same protection under state law.”

The courts must not be complicit in President Bush’s campaign of secrecy. NSA spying is unconstitutional, and secret opinions only aid the government’s effort to keep the illegal campaign hidden away from public scrutiny and outrage.”

have appealed their convictions.

The U.S. Court of Appeals for the Second Circuit heard oral arguments in the case on March 24 in Manhattan.

Corey Stoughton, NYCLU staff attorney and lead counsel on the case, asked the three-judge panel to order Judge McAvoy to release as much of his opinion as possible while respecting the need to protect genuine government secrets.

“Secret court opinions are antithetical to the American system of justice,” said Corey Stoughton, NYCLU staff attorney and lead counsel on the case. “Especially when there are allegations of unlawful government surveillance and abuse of executive power at play, the public has a right to understand the government’s arguments and the courts’ justifications for their decisions.”

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Americans seem to pour all their hopes and dreams into their potential political leaders every election year—especially this one. It’s not just presidential campaigning time and already we’ve seen record fundraising, record voter turnout and record space in the news cycle devoted to the candidates. As New Yorkers, though, we know that electing “like-minded” politicians isn’t enough.

Though our new governor, David Paterson, has taken a principled stand on a number of key civil liberties issues—supporting meaningful reform of the Rockefeller Drug Laws, standing with us to oppose abusive and bullying military recruitment tactics in our schools, and supporting reproductive rights and access to education—we know that noble sentiments do not automatically transform into government policy. That will require vigorous and effective advocacy by the nearly 50,000 New York Civil Liberties Union members and the hundreds of thousands of New Yorkers around the state who believe in civil liberties. If anything, this is a time to step up our advocacy—change won’t happen without us.

And for those who think a new leader in the White House will solve our nationwide civil liberties crisis, I have news for you: No matter who resides at 1600 Pennsylvania Ave., we don’t have a minute to sit back and relax.

If anything, the end of the Bush regime should be a call to action, not a moment to rest. We’ve now suffered eight years of relentless assault on our most precious liberties—even in the best of circumstances, that nightmare will take decades to undo. Enormous battles lie ahead, but the ACLU and NYCLU will continue our unrelenting fight for a free and fair society.

The presidential race is without question, threatening— even fun to watch. But regardless of who wins the White House, the NYCLU and all allies of civil liberties must be ready to put pressure on the next president and Congress to treat our precious rights with the care and respect they deserve.

Though control of Congress shifted in the last election, we have to see Congress stand up to undo even the worst abuses of the Bush Administration.

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Reproductive Rights Project Director Galen Sherwin on the Historic Anniversary of Roe v. Wade

After 35 Years, New York Not as Safe as We Once Thought

A s we celebrate the 35th anniversary of Roe v. Wade, the landmark decision that legalized abortion, it is time for us to take a hard look at the state of reproductive freedom here in our own backyard.

New York is one of the few remaining states where abortion is generally accessible; our legislature is not trying to ban it, and the dangerous government restrictions that exist in other states are absent. Many New Yorkers think that no matter what happens nationally, our own laws will continue to protect women’s rights to make these difficult and complex decisions without interference from the government.

What most New Yorkers do not know is that if Roe is overturned everyone is at risk — not only in states such as South Dakota (which has proposed yet another ban on nearly all abortions), but in our own backyard.

Although New York was one of the first states to legalize abortion — it did so three years before Roe — our laws have failed to keep pace with the times. Indeed, women in New York derive the right to terminate a non-viable pregnancy or one that seriously compromises their health from Roe — not from state law.

We rely on Roe to guarantee women the right to obtain an abortion because New York law does not contain any such affirmative guarantee. While New York law allows abortion, it does so in the context of a criminal statute which creates exceptions permitting abortions that are performed within the first two trimesters of pregnancy, or when a woman’s life is at risk.

Even though abortion is permitted during the first trimester, a true abortion creates confusion, and has prompted cases where hospitals have refused to perform abortions to end high-risk or non-viable pregnancies for fear of prosecution. In one case, a woman whose fetus had just been diagnosed with Trisomy 18, a fatal medical condition, had to fly to Colorado to terminate her pregnancy at 26 weeks, even though the pregnancy was non-viable and the fetus was not viable. Unable to face the stress of travel, she stayed in New York and suffered a stillbirth.

The Supreme Court’s recent actions make it clear that the foundation of our re-

productive rights is on increasingly shaky ground. Last April, the Supreme Court for the first time upheld a federal ban on certain medically approved methods of performing abortion, despite the lack of a health exception. This decision represents a profound set-

back, not just for women or pregnant women who believe medical decisions should be made by patients and their doctors, but by politicians. It was also a clear signal that states like New York can no longer af-

ford to rely solely on federal constitutional law to protect our rights and our health.

The federal Freedom of Choice Act, which would reaffirm Roe and help pre-

vent further attacks on reproductive freedom, has languished in Congress. But there is a state solution. The Reproductive Health Act, introduced in the state Legislature last year, would provide important protections. While no state bill can exempt New York from federal laws and bans, it can ensure that we maximize state protections.

This bill explicitly affirms the right of women in New York to make their own decisions about when and to become pregnant and whether and when to have children. It also ensures that women’s health will always be the paramount concern when it comes to state regulation of abortion.

The state Legislature should demonstrate its leadership and commitment to women’s health by immediately enacting this legislation. We are grateful for the 35 years of protection provided by Roe; the next 35 years appear less certain. We must act now to ensure women’s health is protected — for us, our sisters, our daughters and for future generations. 🔴

NYCLU Study Finds Lack of Standards Impedes Access to Women’s Health Care in New York Jails; Prompts State Action

W en women incarcerated in New York State are legally entitled to reproductive care, but, in practice, they often do not have access to appropriate health care services, or to such care, according to a report released in March by the Reproductive Rights Project of the NYCLU.

“We did not believe when we began this project that we would find such a stark contrast to Roe,” said Donna Lieberman, executive director of the NYCLU. “They need clear, comprehensive policies based on law. Otherwise, they are dehumanizing the health of thousands of New York women.”

The report, “Access to Reproductive Health Care in New York State Jails,” exposes an uneven patchwork of health care policies in the 52 county jails in New York that house women. Those policies often fail to ad-

dress the basic most reproductive health services, such as pregnancy testing, prenatal care, screening and treatment for sexually transmitted infections or access to abortion services. There are more than 3,000 women in New York State jails at any given moment, with women accounting for more than 25,000 admissions a year.

“It’s shocking that there are no uniform health care standards for incarcerated women,” said Corinne Carmack, the report’s author and an attorney with the NYCLU’s Reproductive Rights Project. “Individual sher-

iffs and jail officials shouldn’t be unbridled discretion over whether thousands of women have access to basic reproductive health care.”

Responding to the report, Daniel L. Stewart, State Commission of Correction chairman, issued a memo to county sheriffs and jail administrators advising them to establish comprehensive reproductive health policies and ensure that no woman is denied access to prenatal care.

The NYCLU’s report was sparked by the cases of two women who were denied access to abortions while held in county jails. After working with these women, the Reproductive Rights Project researched the reproductive health care policies of all county jail facili-

ties in the state.

Of the 52 counties that housed women, the NYCLU found:

• Fourteen counties responded that their jail facilities had no policies that dealt with any of the issues that we raised.
• No county had a written policy on general OB/GYN care for female inmates.
• No county had any policy or procedure on how to han-

dle the medical needs of women who go into labor.
• Less than half of counties that administer prison facili-

ties for women had policies specifically addressing in-

mates’ access to abortion, and only 25 percent provided for unimpeded access to abortion services.
• Only three counties had specific written policies regard-

ing the use of restraints on pregnant women, and only two of those policies prohibited the practice.

This report contains a series of recommenda-

tions that could be immediately implemented at any county jail so that incarcerated women have access to comprehensive health care. Those recommendations, which the State Commission of Correction substantially adopted in the Commissioner’s memorandum, include developing policies that would:

• Provide routine reproductive health care including, age-

appropriate mammography, screening for STIs and pap tests.
• Ensure prompt access to pregnancy testing, prenatal care and abortion.
• Limit the use of restraints on pregnant women.
• Provide mental health services to women following miscarriage, abortion and birth.
• Prepare for the timely transport of pregnant women to appropriate facilities for labor and delivery.
• Allow women to retain physical custody of their new-

borns while incarcerated.
• Ensure testing, prevention and treatment of HIV and STIs.

“They applaud Commissioner Stewart for quickly addressing this problem,” Carey said. “We look forward to working with sheriffs and other county officials to en-

sure that these recommendations become standard policy in jails throughout the state.” 🔴

LIVE organizes to Repeal Draconian Sex Offender Law

T he Lower Hudson Valley Chapter strongly op-

posed county jails have policies ensuring access to care.

Current sex offender laws are draconian and have banned convicted sex offenses from living within 2,500 feet of schools, parks, apartment complexes, theaters, bowling alleys and other places where children congregate.

“The law effectively banned convicted sex of-

fenders from setting foot in the county,” said Linda Berns, the chapter’s director. “The law, enacted last year, gave convicted sex offenders six months to move out of a “child safety zone” or face fines and imprisonment. It does not distin-

guish among the various levels of sex offenses.

Borns urged county legislators to reconsider the draconian law, arguing that it violates the Eighth Amendment, which forbids cruel and unusual punish-

ment. She said the law is reminiscent of the medieval practice of banishment. County legislators responded in June by reducing the restricted zone to 1,000 feet. 🔴

NYCLU Asks Court to Decide if NSA Spying is Constitutional

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Shortly after the press uncovered the existence of the NSA’s warrantless surveillance program in late 2005, The New York Times reported that government of-

ficials had identified Aref Hossain and Haroon Aref as one that had been made possible by NSA surveillance.

The NYCLU filed a friend-of-the-court brief supporting Aref and Hossain’s argument that the government’s case is irreparably tainted by its reliance on NSA’s illegal and unconstitutional surveillance program.

“The courts must not be complicit in President Bush’s campaign of secrecy,” said NYCLU Executive Director Donna Lieberman. “NSA spying is unconstitutional, and secret opinions only aid the government’s eff-

ort to keep illegal campaign hidden away from public scrutiny and outrage.”

Aref, a Kurdish refugee from northern Iraq, is a former imam at a mosque on Central Avenue in Albany. Hossain, a naturalized U. S. citizen from Bangladesh, owns a pizzeria in the capital city. In the summer of 2005, an undercover FBI informant approached the men about a fictitious plot to procure a shoulder launched missile and assassinate a Pakistani diplomat.

The appeals court has not yet ruled on the case. No date for a decision has been scheduled. 🔴

NYCLU Fights for Roe v. Wade in New York As We Once Thought

“What most New Yorkers do not know is that if Roe is overturned everyone is at risk — not only in states such as South Dakota, but in our own backyard.”
Close Guantanamo!

On a cold and rainy January morning, dozens of NYCLU members and supporters gathered before sunrise to mark the more than six years of brutality and injustice at Guantanamo Bay. Dressed in orange and wearing t-shirts emblazoned with "Close Guantanamo!," the team joined the crowd for the taping of the CBS Early Show and made their statement to a national audience. The New York City event was part of a week of protest across the country in which tens of thousands of Americans publicly denounced Camp X-Ray.

Remembrance:
Steven Engel, Plaintiff in Landmark School Prayer Case

Helped found Nassau County Chapter, served on NYCLU Board of Directors

The New York Civil Liberties Union mourns the passing of Engel, a Long Island parent who mounted a successful legal challenge against state-sponsored school prayer, enshrined in the landmark Supreme Court ruling, Engel v. Vitale.

Engel, a founding member of the Nassau County Chapter of the NYCLU and an emeritus board member, died in January of heart failure. He was 85 years old.

"It is neither sacrilegious nor antireligious to say that each separate government in this country should stay out of the business of writing or sanctioning official prayers and leave that purely religious function to the people themselves and to those the people choose to look to for religious guidance."

"Mr. Engel and his fellow plaintiffs made a principled and courageous stand against state-sponsored religion in public schools," said Donna Lieberman, the NYCLU's executive director. "They had the conviction to take their case all the way to the U.S. Supreme Court, achieving a victory that helped preserve the religious freedom of all Americans. Their contribution must not be forgotten."

Engel and eight other parents of students at Herricks High School in New Hyde Park sued the Commissioner of Education to contest the mandatory daily recitation of the Regents' prayer in the school's classrooms. The prayer, approved and recommended by the State Board of Regents in 1951, invoked God's blessing on the students, parents, teachers and the community.

Represented by the NYCLU, the parents took their case all the way to the U.S. Supreme Court, which decided Engel v. Vitale in 1962.

Bill Butler, a volunteer attorney for the NYCLU, represented the plaintiffs throughout the process and before the Supreme Court.

"It took tremendous courage, commitment and faith to shoulder this burden through the courts over nine years," Butler said. "Steven did not give up despite consistent public criticism and defeat in the lower courts, and for that we are extremely grateful."

Writing for a 6-1 majority, Justice Hugo Black said daily recitation of the Regents' prayer in public schools violated the First Amendment Establishment Clause, which bars government-sponsored religious activity.

Black emphasized that the court's ruling was not anti-religious but sought to protect individuals' religious beliefs against government intrusion.

"It is neither sacrilegious nor antireligious to say that each separate government in this country should stay out of the business of writing or sanctioning official prayers and leave that purely religious function to the people themselves and to those the people choose to look to for religious guidance," he wrote.

The reaction locally was vicious, but Engel and the other plaintiffs stood up for what they knew was right. Engel told a Sunday that the parents who brought the suit were bombarded with crank calls and obscene and threatening messages calling them Communists and atheists. The suit included the burning of gasoline-soaked rags in the form of a large American flag across the driveway of Lawrence Roth, another plaintiff.

"When we won the case, all hell broke loose," Engel told the newspaper. "The dirty letters, the midnight phone calls. I once received a call at work. 'We've got your children.' I took a taxi home from work in New York. I went to the school, but everything was OK."

The lawsuit prompted the formation of the Nassau County Chapter of the NYCLU, which was formed from three local civil liberties clubs that had been active on the north shore, the south shore and mid-island. The other plaintiffs were Daniel and Ruth Lichtenstein, Monroe and Julia Lerner, Lenore Lyons, Lawrence and Frances Roth, and Engel's wife, Thelma.

New chapter director plays critical role in demise of unfair bill
Suffolk County Chapter Leads Effort to Defeat Anti-Immigrant Legislation

The Suffolk County Chapter led the charge to defeating a county lawmaker’s latest assault against the local immigrant community.

Legislation proposed by Legis. Brian Beedenbender would have required the county’s estimated 15,000 licensed contractors, including electricians, plumbers, roofers, home contractors and asphalt pavers, to verify their workers’ legal immigration status. Those who did not would have risked losing their licenses to work in the county.

Seth Muraskin, chapter director, labeled the bill “The Electrician and Plumber Unemployment Act.”

“The demise of this bill is a victory for honest, hardworking people, it is a victory for fairness, and it is a victory for American values,” Muraskin said. “This legislation would have been an open invitation for employers to discriminate against people who speak Spanish or otherwise appear ‘foreign.’ Our lawmakers did the right thing by allowing this obvious attempt at political pandering to die.”

Hearings on the proposal were held in March. The chapter worked with the NYCLU’s Advocacy and Communications departments in developing strategy to oppose the legislation. The NYCLU was instrumental in forming a coalition of business leaders, union members and community and immigrants’ rights advocates to denounce the proposal.

“This proposal would have hurt individual contractors, potential contractors, consumers, workers and the Suffolk County economy,” said Ruth Malufa, vice president of the Metro/Long Island Association of Builders and Contractors, Empire State Chapter.

Jack Morell, president of the Suffolk County Electrical Contractors’ Association, said the resolution wasn’t even necessary.

“The county already has agencies, investigators and a mediation system in place to enforce health, safety and minimum wage laws,” Morell said. “At a time when Suffolk County is already suffering from a $100 to $200 million budget deficit, neither taxpayers nor contractors could afford the legislation.”

To help secure the success, the NYCLU led an e-advocacy campaign, sending emails to members who are Suffolk County residents, and offering them a way to quickly fax their legislators.

Responding to the public outcry, a legislative committee tabled the bill. It lacks enough support among legislators to be removed from the table.

Suffolk has a history of formulating its immigrant community. Day laborers in Farmingville have confronted racism and vicious treats since the 1990s. A county law passed in 2006 requires contractors to confirm the legal status of their employees, which federal law already mandates. Last year, lawmakers unsuccessfully attempted to criminalize day laborers who stand on county roadways trying to find a job.

The Suffolk NYCLU also is urging the Town of Southampton to repeal its rental law, which provides, in part, that landlords furnish personal information about their tenants to the town. The law also criminalizes the behavior of the tenants and transfer liability for the tenants’ actions on to the landlord. This is another in a series of steps taken by the town to root out undocumented workers.

The chapter was instrumental in forcing West Babylon High School stop random searches of its student body. The superintendent capitulated and directed the school’s principal to rescind the policy in January, ending the random searches.

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Young Professionals: New Generation of Members and Donors

New York City bustles with bright, enthusiastic young professionals eager for opportunities to serve the community. The NYCLU has tapped into this vibrant resource by recently establishing a young professionals group.

The NYCLU Young Professionals is building a community of people between 24 and 40 years old dedicated to preserving civil liberties in New York and throughout the country.

It is the brainchild of Melissa Lee, the group’s co-chairwoman, and Molly Galvin, campaign manager for the NYCLU’s Development Department.

“I actually encountered Molly about starting this group,” said Lee, 28, an NYCLU member who works for Planned Parenthood. “I had worked with and managed Young Professional groups before and felt that the NYCLU was the perfect place to build one. Molly had already been considering the same sort of thing so our coming together was a pretty kismet experience.”

Galvin, 30, said students and adults older than 40 are well-represented among the NYCLU’s active supporters compared to young professionals.

“We’re filling in the middle,” she said. “The group provides an easy and fun way for my generation to get to know the NYCLU and its work. It’s an easy way to get involved and provides a social network of people with common interests.”

Lee and Galvin started planning the group in October, hosting brainstorming sessions with the NYCLU’s younger staff members. They developed a list of people, including friends and other contacts, who seemed inclined to participate in the group. A kickoff was held in December and drew dozens of people.

The group has utilized Facebook to recruit members and publicize events, and more than 150 people have joined the group’s page.

Galvin said the group has about 50 active members, who regularly attend its monthly meetings and help organize its events, as well as two elected officers: Publicity Chair Bill Augustin and Secretary Natasha White.

This year has already been busy for the group.

In January, they turned out energetic, new supporters for the NYCLU’s “Taxi to the Dark Side” screening and the New York City Real ID Forum. The group’s first official event, “The Big Gay Variety Show,” was held March 4 and drew a big crowd. Proceeds from the show, which featured performances by comics and singers, will pay for a bus to drive a delegation of advocates to Albany on April 29 to attend Equality and Justice Lobby Day.

The group’s next big project is a large, general fundraising event. Members of the group also organized the March 31, “Voices for Change” concert with Nellie McKay. The group’s next big project is a large fundraising event in June that will highlight art and artists.

“Our plan is to hold two big fundraising events a year with a handful of smaller events interspersed throughout to raise money and awareness for the NYCLU’s issues and work,” said Lee, who co-chairs the group with Daniel Freeman, a Liman Fellow with the NYCLU’s legal department. “The group will also serve to continuously build a community of support and engage young people in the mission of the NYCLU.”

Genesee Valley Chapter Scrutinizes Rochester Zero Tolerance Policies

Call for Community Policing After the Rochester Police Department Puts Civil Liberties on the Back Burner

The Rochester Police Department launched a “zero tolerance” crime-fighting initiative last October following a string of murders. The policy has placed Rochester residents under constant suspicion and triggered an alarming rash of stop-and-frisk encounters between police officers and innocent people.

The Genesee Valley Chapter has led a local movement opposing the harsh police practices, voicing residents’ fears and frustrations.

“The zero tolerance strategy has less to do with protecting the public than with harassing people into submission,” said Gary Pudup, director of the Genesee Valley Chapter. “This type of policing is expensive, historically ineffective and poses a grave threat to civil liberties. There has to be a balance between protecting public safety and upholding civil liberties. Zero tolerance tilts the balance away from civil liberties.”

Zero tolerance combines increased police patrols with strict enforcement of all laws and local ordinances. It also leads to thousands of unjustified police stops.

“People are being stopped-and-frisked without cause,” said Pudup, a retired Monroe County Sheriff’s Police Lieutenant. “Police routinely stop motorists and search their cars. Any gathering of young people is dispersed without any evidence of wrongdoing.”

Liebermann Honored by State Bar with Award for Civil Rights and Social Justice

The New York State Bar Association presented Donna Liebermann its Haywood Burns Memorial Award, honoring her tireless work defending civil rights and promoting social justice for all New Yorkers.

Liebermann accepted the award, which is annually bestowed to an individual who has demonstrated an outstanding commitment to civil rights, in January.

“Donna was there if and when we needed her – to provide support, run to court, to tell us not to be afraid,” said Lee.

Liebermann was particularly touched to receive an award named for Burns, a scholar and longtime civil rights lawyer who she considers a friend and mentor.

“I’m humbled to be even thought of in the same breath as Haywood,” Liebermann said. “He was a warm, gentle and kind man who dedicated his life to justice, peace and equality.”

W. Haywood Burns, a former dean of the City College of New York City and a member of the NYCLU board of directors, received the award in 1988. He established the NYCLU’s Reproductive Rights Project in 1990 and served as the project’s director until 2000.

Several of Liebermann’s friends and colleagues spoke during the reception, paying tribute to her dedication, skilled leadership and sense of humor.

“Donna was there if and when we needed her – to provide support, run to court, to tell us not to be afraid,” del Rio said.
Daniel L. Alterman

(Nominated by Nominating Committee)

Attorney; NYCLU member for 35 years. Alterman is a partner in the law firm of Alterman & Boop LLP, a small law firm in Lower Manhattan. He has been doing progressive plaintiff-side legal work in New York City since 1969 after graduating from NYU Law School. He has also taught, lectured and practiced in New York City for the last 38 years.

I participated in the Attica defense team in Buffalo, challenged pre-trial detention policies in Brooklyn, and represented demonstrators at the Republican National Conventions in Miami in 1972 and in New York in 2004, when I was instrumental in the suit to hold New York City in contempt.

My main reason for seeking re-election to the Board is my children. My wife, LiWah Lai and I have two kids who were NYCLU pre-schoolers and also traveled to schools to talk about privacy, sex education and students’ rights to know what they need to make informed decisions.

As a board member, I have worked to make the NYCLU more financially stable, developing a program where art with a civil liberties theme has been made and will be auctioned off or used as a vehicle to encourage and reward new donations to enhance the NYCLU’s program work.

Moreover, I have sought to strengthen the chapters and expand membership — especially among youth and the diverse groups who rely on the NYCLU ever more in these difficult times for civil liberties.

Deborah N. Archer

(Nominated by Nominating Committee)

Professor, New York Law School; Director, New York Law School Racial Justice Project; Director, Urban Law Clinic.

Protecting civil rights and civil liberties has been a lifelong commitment. My legal career began as an ACLU Karpatkin Fellow. Following that, I was an attorney with the NAACP LDF before joining New York Law School, where I direct the Racial Justice Project. Throughout, I have worked on issues involving a wide range of issues including education reform, voting rights, indigent defense and employment discrimination.

I am a proud member of the NYCLU, a cooperating attorney for both the NYCLU and the ACLU, and am currently co-counsel in an ACLU challenge to Palm Beach County, Florida’s education system. I am excited about this opportunity to serve, given the NYCLU’s innovative utilization of legal advocacy, public education and grassroots organizing to effect meaningful change in New York State. If elected, I hope to be part of this critical work, particularly in the areas of indigent defense, educational equality and dismantling the School to Prison Pipeline.

The past several years have been hard times for civil liberties advocates, with administrations and courts hostile to the protections of individual rights. But recent changes in Albany and the promise of change in Washington, D.C. give me some hope. As in past years, I know that the NYCLU will be at the forefront of the efforts to regain rights that have been eroded over the past several years, and to protect those rights in the face of new and evolving challenges to liberty. I look forward to joining you in these efforts.

Elliott H. Auerbach

(Nominated by Nominating Committee)

Physician (retired); State board member since 2003; Secretary 2005-2006; chair of Election Committee; member of Privacy Committee; Suffolk County Chap- ten board member since 1980s; Chapter treasurer (currently and in 1990s); Chapter president 1998-2003.

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. The NYCLU’s aim should be to organize opposition to these actions throughout the state in communities large and small.

In addition, due to unfriendly courts, more effort is needed to forward our aims through legislation, particularly on the state level.

Our chapters are a vital asset in these efforts and their effectiveness must be nurtured. The right to vote and to have one’s vote counted accurately is essential to legitimacy in a democratic society. We need to oppose any actions by New York State, in the course of revising the election machinery, which would hamper voter access or ballot accuracy.

Furthermore, the franchise for all citizens is essential; disfranchisement for any reason needs to be opposed. Honest representation in our state following the next census, including abolition of counting of prisoners in “prison counties” should be part of that goal. Legislation toward that end needs to be in place before 2010.

Rebekah Cook-Mack

(Nominated by Nominating Committee)

I will begin work at South Brooklyn Legal Services as a Skadden Fellow in the Foreclosure Prevention Unit in the fall. I am completing the course work for a joint degree in Law and Public Policy while working for the Brooklyn Family Defense Project of Legal Services New York City.

I am a longtime supporter of the NYCLU and am honored to be considered to serve on its board.

I am an ardent advocate of civil liberties who believes that the Bill of Rights wields its most impressive power when it is debated, explained and invoked. Since those rights are not merely the privilege of wealthy adults it is significant that the NYCLU has a long history of engaging youth in the struggle to use and protect these rights. I was a middle school student when I first encountered the NYCLU as a participant in one of its many programs designed to educate and engage New York City’s public school students in learning about and exercising these rights.

Today, with over-policing rampant on the streets and in our schools, the NYCLU’s work is even more critical. The NYCLU has responded to this challenge both in and out of the courtroom. Challenging times call for creative measures and the NYCLU has demonstrated a commitment to leave no stone turned. From litigation to “Know Your Rights” guides, legislative advocacy to high quality research and reporting, the NYCLU does it all. I would be honored to serve on the board of this vital organization.

Anthony Feldmesser

(Nominated by Nominating Committee)


The NYCLU has nearly 50,000 members statewide, plus many thousands of supporters.

To be a current member, you must have made a non-tax-deductible contribution to the NYCLU—in addition to any tax-deductible donations to the NYCLU Foundation—since March 1, 2007, or you must be a lifetime member.

If you have any questions about your membership status, please call the NYCLU at 212.607.3346.
NYCLU Board of Directors

Deborah Karpatin
(Nominated by Nominating Committee)

Attorney; current board member.

My hero, Eleanor Roosevelt, once said: “I have spent many years of my life in opposition and I rather like the role,” which captures completely my dedication to the NYCLU and my desire to continue to serve as a member of its Board of Directors. The ongoing assault on civil rights and civil liberties calls upon us to lift our voices in opposition to those who trample on our civil liberties.

Michael J. Hall
(Nominated by Nominating Committee)


For 88 years, the ACLU has been a guardian and defender of our most precious rights and freedoms. I am proud to have been a part of that undertaking serving seven terms as President of the Nebraska ACLU affiliate. That experience provided me with an understanding and appreciation for the role each individual affiliate plays in maintaining a vigilant watch over their respective states.

I greatly respect the responsibility each affiliate board holds and I have always found the strength and zeal of arguments presented by civil libertarians to be invigorating. I am also well aware that a group of passionate activists may at times not see eye to eye on every issue. I am a strong believer in work collaboratively in the best interest of the cause. Those with whom I may not agree today may be my partners tomorrow.

Throughout my life, I have consistently endeavored to make a difference in our world. In addition to my civil liberties work, my passions include pursuing equality for the GLBTQ community, protecting the interests of labor, and advocating for children and education.

Regrettably, the NYCLU and ACLU are needed now, more than ever, to take on the threats presented to the constitutional rights of all Americans. I have long been aware of the exemplary service the NYCLU provides the citizens of New York and hope I will be able to lend my energy, voice and skills to the cause as we continue into the future.

George Kannar
(Nominated by Nominating Committee)

Professor of Law, SUNY-Buffalo; ACLU: Karpatkin Fellow (1978-79), Staff Attorney (1979-86); NYCLU Board since 2001.

No organization in America performs a more important civic function than the ACLU and ACLU. As new technologies and external threats place steadily increasing pressure on our rights to liberty, equality and privacy, the NYCLU’s long and principled record of having resisted similar pressures will continue my civil liberties stewardship as your next Board member.

Janice Goodman
(Nominated by Nominating Committee)

Attorney; current board member.

My hero, Eleanor Roosevelt, once said: “I have spent many years of my life in opposition and I rather like the role,” which captures completely my dedication to the NYCLU and my desire to continue to serve as a member of its Board of Directors. The ongoing assault on civil rights and civil liberties calls upon us to lift our voices in opposition and the NYCLU is the perfect organization through which we can be heard. I believe my growing experience as a Board member allows me to play a significant role in this struggle to preserve our constitutional rights.

This year I was honored to be elected to the Executive Committee of the board which provides the opportunity to help lead our organization in solidifying our structural soundness and increasing our civil liberties activities. In addition, last year I chaired the Board Retreat Committee which brought Board members together with staff to enhance our working relationships, and thereby strengthen our organization. I also continue to serve on the Legal Committee.

I was born an activist, grew up to be a free-dom fighter in the southern movement, marched with the feminists in support of women’s rights and am now a civil rights lawyer. I want to continue to dedicate myself to my opposition to those who trample on our civil liberties.

Mohamed Khafer
(Nominated by Nominating Committee)

Software consultant; current member of the NYCLU Board.

During my current term as an NYCLU board member, I participated in all board meetings, and have been active in the Chapter Committee that works on enhancing the relationship between the central office and the chapters.

I have been active in the community for a long time and serve on the boards of several community organizations. I became more involved in civil liberties issues after the attacks, in the past few years, on the civil rights and civil liberties of various segments in our nation - especially the Arabs and Muslims. In the name of national security and fighting terrorism, we saw laws and government tactics that started to erode and curtail the rights granted by the Constitution and by all human rights declarations.

I value the NYCLU’s commitment to fight for fair and just treatment for everyone especially the alienated, the underprivileged, the disabled and the poor and all to defend the Bill of Rights and the Constitution.

I welcome the opportunity to continue to contribute to this good fight.

Alexis McGill
(Nominated by Nominating Committee)

Incumbent board member; Executive Director of Citizen Change.

I am a political strategist specializing in organizing young people of color around political par-
As my term on the board expires, I am re-
filling on the enriching and rewarding experience per-
serving the NYCLU. To the best of my ability, I have 
satisfied my financial and attendance obligations to 
the board. During my last three years, I have served 
on the nomination, development, and one time 'branding' committees. I have also served in an ad-
sory capacity to the Executive Director and her staff 
on marketing strategies and building relationships 
to constituent communities. In the last month, I worked 
with the development staff to provide a free screening 
of Taxi to the Dark Side, a film on the United States' 
role in torture, during its opening weekend for the 
membership.

Our work has become ever more relevant 
der the current administration on both the na-
tional and local level. Whether it is protecting re-
uctive rights, fighting abuses under the Patriot Act, or 
the potential criminalization of young people by in-
creased police presence in schools, the NYCLU has 
been at the vanguard of the struggle to protect our 
rights. I have been proud of my membership and ac-
tivism and the leadership of this organization. I sin-
cerely hope you will consider re-electing me again to 
this board.

Arlene Popkin
(Nominated by Nominating Committee)

I’ve been a member of the Civil Liberties 
Union since I was a teenager, and I’ve done every-
thing from arguing appellate cases to sweeping 
the floors and taking out the garbage. I would be glad 
and honored to be re-elected. Despite the hostility of the government 
and many courts, I believe we should be actively working 
to expand the understanding and scope of protected 
rights. Right now, the rights of persons living in New 
York who are not citizens of the United States are par-
ticularly imperiled, and inadequately defined. It is im-
portant that the Civil Liberties Union lead on these 
issues. Others invoke the rights of people society 
tries not to think about – people whose minds or bod-
ies are not quite what others consider “normal,” peo-
ple whose personal lives and preferences do not 
mismatch with “Leave it to Beaver,” people who are, 
or have been imprisoned.

I believe it should be a priority for the 
NYCLU to work to counteract the fundamental American idea – that people have the same rights whether they 
agree or disagree with the majority or with the gov-
ernment – to be taught in public schools at all grade 
levels. On the budget front, thanks to the incredibly 
offensive crew in Washington we’re in pretty good 
shape right now. I think we should work to ensure 
that, if the current contribution level drops, we will be 
able to maintain a high level of program activity.

Vera M. Scanlon
(Nominated by Nominating Committee)

As a native New Yorker and a member of the 
legal profession, I am keenly aware of the important 
work that the NYCLU undertakes to protect our civil 
rights and liberties. I truly appreciate the part I am 
able to play in helping to ensure that the NYCLU’s 
work and legacy can continue and welcome my 
renomination to the Board.

My work with the NYCLU began as a young 
law student when I had the privilege of working at the 
NYCLU after my first year of law school. From 
there, I continued my work in fighting for what I be-
lieve is just. I have always been a legal advocate for 
those without a voice: As a lawyer for The Legal Aid 
Nationals’ Rights Clinic and working on a reentry project with the Feerick 
Center Social Justice Clinic. I believe in the impor-
tance of preserving and expanding our civil rights 
and civil liberties. As a member of the Board I would dili-
ently commit my energies to NYCLU’s work.
Capital Region Stands Strong for Free Speech, Artistic Freedom

The Capital Region chapter rushed to the defense of free speech in Troy after city officials there shut down an arts and media center on code violations after the debut of a controversial art exhibit there. The Sanctuary for Independent Media was ordered closed on March 11, a day after the opening of “Public officials cannot selectively and unfairly enforce building codes simply to shut down an art exhibit they find distasteful.”

Iraqi-American artist Wafaa Bilal’s video game and art installation “Virtual Jihadi” is intended to provoke thought about the roots of violence, but it angered some who believe it is sympathetic to terrorism. Robert Mirch, the city’s public works commissioner and minority leader of the Rensselaer County Legislature, was among those upset by the artwork.

Mirch, who oversees code enforcement, led a protest in front of the Sanctuary’s building the day the exhibit opened. The next day, the building was ordered closed. The Sanctuary had been in the process of renovating the 106-year-old building. The city had not cited it for violations prior to the exhibit opening.

Representatives of the Sanctuary contacted the Capital Region chapter, which helped coordinate media outreach, organize a public protest and solicit the help of a local civil rights attorney.

“Public officials cannot selectively and unfairly enforce building codes simply to shut down an art exhibit they find distasteful,” said Melanie Trimble, chapter director. “Such behavior would be an abuse of power and wholly inconsistent with the First Amendment right to free speech.”

Trimble helped organize a rally at Troy City Hall protesting the closing of the exhibit. Cooperating attorney Peter Henner filed a request under the Freedom of Information Law for records pertaining to the building’s closure.

“The public has a right to know what motivated the sudden decision to shutter the center,” Trimble said. “This is an important case, and we will see it through to the end.”

A Winning Formula: Wine + Cheese = Nassau Success

The Nassau chapter is spreading its message and attracting support from the comfort of members’ living rooms. It has sponsored a series of house parties, introducing Long Islanders to the organization and its mission.

The parties promote the NYCLU in many ways. They have increased the chapter’s membership and visibility in the community. They also broaden its base of support, raise interest in its issues and boost fundraisings.

“They’ve a great success,” said Tara Keenan-Thomson, Nassau Chapter director. “The parties provide a relaxed, comfortable environment to discuss our issues and attract new members.”

Host a party! Call the Nassau office at (516) 741-8520.

The parties have focused on racial bias in the justice system and the NYCLU’s effort to reform the state’s draconian Rockefeller Drug Laws. Discussion topics will change as new issues arise.

Hosts are asked to invite friends, family and neighbors who are not NYCLU members. They also provide the refreshments. The parties have been as simple as coffee and cookies, as formal as a full dinner, or somewhere in between. It is up to the hosts.

The Nassau staff helps plan the parties and provides guest speakers. The chapter will print invitations for hosts to drop in the mail. The hosts are asked to follow up the mailing with phone calls.

Since the parties also serve as fundraising events, invitations suggest “giving levels” starting at $50 or include a “bring your checkbook” reminder.

The chapter has recruited hosts through its e-newsletter and by word-of-mouth.

Radio Civil Liberty Backs on the Air, Web

Radio Civil Liberty, the NYCLU’s weekly radio show in Buffalo, has returned to the airwaves after a six-month hiatus, finding a new home on the dial at WUDD AM 1120.

The show, produced by the NYCLU’s Western Regional Office, can be heard live on the radio every Saturday at 11 a.m. or downloaded anytime by visiting nycluradio.org.

Radio Civil Liberties has been on the air since 2004. Over the years, the weekly show has featured guests such as New York Times media critic Charles P. Lutz, author and professor at the New York Law School, and the Foreign Intelligence Surveillance Act (FISA)
STAND UP FOR FREEDOM

ACLU 2008 MEMBERSHIP CONFERENCE

WASHINGTON DC

- Take part in discussions with current Supreme Court Justices, elected officials, celebrities, ACLU staff and many others

- Get hands-on training and participate in activist workshops on Free Speech, Privacy, Human Rights and more

Here’s your chance to meet face-to-face with New York’s congressional leaders as you network, socialize and strategize with civil liberties activists from your community and throughout New York State!

Scholarships available for youth 25 and younger.

Visit www.nyclu.org/conference for more details and to register TODAY!
**Central New York Says No to Censorship in Local High School**

The Central New York Chapter confronted censorship at a school district in the Southern Tier, clinching an important free speech victory for youth and LGBT allies. The episode in Tioga County demonstrates the chapter’s work advocating for free expression and students’ rights.

Heathyre Farnham, a 10th grade student at Spencer-Van Etten High School, south of Ithaca, was sent home from school in September for wearing a “gay” fine by me” T-shirt. Barrie Gewanter, chapter director, worked with an NYCLU staff attorney to represent Farnham.

Gewanter and staff attorney Matt Faella contacted the district in early October about the incident. Subsequently, Gewanter delivered a presentation to the high school’s faculty on students’ First Amendment rights. The following day, the school district’s attorney publicly admitted that the censorship was a mistake. Gewanter and Faella reported that evening on the district to deliver a message directly to students that would re-affirm the students’ rights to free speech and free expression.

Two weeks later, after additional advocacy by Gewanter and Faella, a statement was broadcast over the school’s public address system assuring students that they may display controversial or political messages, including messages supportive of lesbian, gay, bisexual and transgender people. The school district also issued Farnham a private apology.

**Billboard Starts as Comment on Controversy, Ends Up at Center of It**

Federal appeals court heard arguments this March in the NYCLU’s challenge of a state Lobby Commission policy requiring advocacy groups to report a wide range of activities that have nothing to do with lobbying. The NYCLU filed the lawsuit in November 2003 after the commission launched an investigation of an NYCLU-sponsored billboard advocating the freedom of expression. The billboard was posted outside an Albany-area shopping mall after a patron was arrested there for wearing an anti-war T-shirt. It read, “Welcome to the mall. You have the right to remain silent. Value free speech.”

The commission based the investigation on a policy that requires advocacy groups to report to the government on an assortment of non-lobbying activity. That policy had triggered a similarly baseless lobbying investigation of a CNY Hall rally in Manhattan sponsored by hip-hop mogul Russell Simmons and the Hip-Hop Summit Action Network demanding reform of the Rockefeller Drug Laws.

The state abandoned the investigation after the lawsuit was filed, but the policy behind that investigation remained in place, and the NYCLU continued its challenge.

Without deciding the constitutionality of the policy, the district court dismissed the case because the billboard investigation had ended. The NYCLU appealed that ruling.

Associate Legal Director Christopher Dunn argued the case before the U.S. Court of Appeals for the Second Circuit on March 7 in Brooklyn.

Dunn asked a three-judge panel to declare the commission’s policy unconstitutional.

“Our position is simple,” said Dunn. “Advocacy that is protected by the First Amendment, like the NYCLU billboard, and that is not lobbying is not the business of state lobbying authorities. Under the First Amendment, we all are free to hand out flyers, write letters to the editor, publish newsletters, or write books without having to report to the Lobbying Commission and risk invasive investigations into our advocacy.”

**NYC... YOU Meet Activist Ayesha Syed**

Ayesha Syed, 27, is president of the NYCLU’s campus chapter at Touro Law Center. She is a native of Malverne, New York and a longtime member of the NYCLU.

What drew you to get involved in with the NYCLU? It first caught my attention at an anti-war protest in the city. The group appealed to me because it provides an organized and consolidated way to express dissent in a time when public opinion is being ignored on so many issues that matter to me.

What civil liberties issues are you particularly passionate about? A few are the suspension of habeas corpus and detention without trial, ethnic profiling, erosion of privacy through things like Real ID, warrantless searches and surveillance, and LGBT equality. How do you find time for activism? School and work take up most of my time of course, but work affords a means to live comfortably in the world, thoughtful, and still feel empowered enough to try for change. They’re the ones who don’t give up.
What is a National Security Letter?

Various federal statutes authorize government investigators to compel individuals and entities to produce financial, credit or communications records upon certain conditions. These records are relevant to international terrorism or counterintelligence investigations. Investigators specify the documents being demanded by delivering National Security Letters to the custodians of the records. For example, a federal statute authorizes the FBI to issue NSLs to compel communications firms, such as Internet service providers or telephone companies, to produce customer records whenever the FBI certifies that those records are “relevant to an investigation authorized to protect against international terrorism or clandestine intelligence activities.”

The legislation authorizing the FBI to issue NSLs was enacted in 1986 as part of the Electronic Communications Privacy Act. The 1986 statute generally provided that the government could not obtain stored electronic communications without the consumer’s permission unless the government had a subpoena, warrant or court order. The NSL provision was an exception to this general rule. It allowed the FBI to compel the production of documents relevant to foreign counterintelligence information without seeking judicial approval in circumstances where it could certify that it had “specific and articulate facts giving reason to believe” that the documents pertain to “a foreign power or an agent of a foreign power.” Over the years, Congress reduced the conditions that needed to be satisfied before the FBI could issue an NSL. And in the USA Patriot Act, adopted in September 2001, Congress eliminated the requirement that NSLs be limited to investigations of a “foreign power” and substituted a provision allowing the use of NSLs for any “investigations of terrorism or clandestine intelligence gathering.”

An NSL issued under the Patriot Act was brought to the public’s attention in the NYCLU in 2004. It contained a blanket prohibition directing the recipient of the letter that he could not publicly disclose that he received the FBI’s demand for documents.

I n a court brief filed in March, the NYCLU asked a federal appellate court to uphold a lower court decision striking down the National Security Letter (NSL) provision of the Patriot Act. The provision gives the FBI the authority to issue letters demanding private information about people within the United States, and to impose an indefinite gag order on the recipients of the letters.

“The district court was right to find that the FBI can’t be given the power to impose unreviewable gag orders on the recipients of national security letters. The FBI’s power to silence the recipients of these letters must be subject to judicial oversight. Without that oversight, the FBI can misuse its power to conceal abuse and silence its critics, which is exactly what it’s been doing.”

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Robert Perry, legislative director, said the statewide advocacy initiative will strengthen the organization’s legislative lobbying. “It’s not good enough to have a lobby visit in Albany,” Perry said. “We need people around the state reaching out to legislators in their districts and saying, ‘These issues matter to me as an average citizen except as the power to protect domestic security. Given the difficulty of defining the domestic security interest, the danger of abuse in acting to protect that interest becomes apparent.”

Team of organizers will support regional chapters with grassroots work, public education efforts

NYCLU Unveils New Advocacy Department

With offices located throughout the state, the NYCLU is in a strong position to influence public policy everywhere in New York. To harness this strength, the organization has created an Advocacy Department that is coordinating statewide campaigns to reject attacks on civil liberties.

The department is responsible for grassroots organizing, public education, coalition building, online activism and direct lobbying of lawmakers. It will work closely with the NYCLU’s chapters and regional offices, which have engaged in grassroots organizing and public education for decades.

Legislative Counsel Udi Ofer is director of the advocacy department. Ofer traveled the state in December, meeting with the chapter and regional directors.

“The greatest unrealized opportunity in this organization is its statewide reach through the chapters,” said Ofer, who has more than four years experience organizing advocacy campaigns out the New York City office. “We have sophisticated litigation and lobbying initiatives. A strong statewide advocacy operation is a natural next step.”

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Ari Rosmarin, the new statewide campaign coordinator, said the organization’s 48,000 members could be a wellspring of grassroots activism.

“Our membership is a sleeping giant, and I think there is a real opportunity get members more engaged in our advocacy work,” Rosmarin said. “We will give them a chance to organize in their communities and play a personal role in defending civil liberties.”

Ofer said the advocacy department will focus on two or three major issue campaigns a year. It already has launched a statewide campaign opposing reauthorization of the Real ID Act, a federal law that would establish America’s first-ever national ID system. It is assembling a diverse coalition of organizations and interest groups from all backgrounds and political leanings that share an opposition to Real ID.

With support from the Advocacy Department NYCLU chapters and regional offices hosted community forums in Rochester, Long Island, New York City and Buffalo where expert panelists informed residents of the law’s many threats to New Yorkers’ privacy and liberty. Seth Muren, Suffolk County Chapter, said such events welcomed the addition of the advocacy department; saying it arms them with additional resources to tackle the issues facing his chapter, the state and the country. “With the advocacy department’s help, we’ve been able to get a conversation going on Long Island about Real ID,” he said. “Their resources and expertise and my knowledge of the area gives us the tools to execute effective advocacy campaigns.”

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