

NEW YORK
CIVIL LIBERTIES UNION

**ANNUAL
REPORT
2013**



MISSION

The New York Civil Liberties Union (NYCLU) is dedicated to defending civil liberties and civil rights.

Founded in 1951 as the New York affiliate of the American Civil Liberties Union, we are a not-for-profit nonpartisan organization with eight chapters and regional offices and nearly 50,000 members across the state.

Our mission is to defend and promote the fundamental principles and values embodied in the Bill of Rights, the U.S. Constitution, and the New York Constitution.

ANNUAL REPORT CREDITS

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DEAR FRIENDS

The year 2013 was a whirlwind of change that will affect the lives of millions of people. From the streets, to the courtrooms, to the Legislature, we mobilized our resources throughout the state to advance freedom and equality. We achieved historic victories. In these pages, we share these stories with you—our dedicated supporters.

These are not one-off victories. They are the culmination of many years of work by the NYCLU and our partners to shift public opinion, influence public policy, and advance social justice. This year, the NYCLU played a key role in putting the brakes on the NYPD's out-of-control stop-and-frisk program. This report details our victories that limit the reach and harm of this unconstitutional program.

We are proud of our historic victory in the Supreme Court for marriage equality. The defeat of the discriminatory Defense of Marriage Act was a giant leap forward for LGBT rights and particularly exciting in New York, where the case began with our client Edie Windsor. Because of Edie's victory, thousands of couples can now marry and enjoy the federal protection they deserve.

With these victories, we are emboldened to face the work ahead. In the coming year, we will push New York State to overhaul its public defense system. We will continue to promote policies and practices that advance equal and adequate educational opportunities for every student. In addition, we will fight to preserve and expand the reproductive rights of all New Yorkers.

If there is one thing we've learned over our 60+ years, it is that the NYCLU has the staying power to tackle any challenge. The NYCLU is positioned to leverage the momentum of our recent successes to achieve greater gains.

I am so proud of what we have accomplished. We thrive—and excel—because of your generous support. Thank you for your commitment to civil liberties and for your support of the NYCLU.

Peace,



Donna Lieberman, Executive Director

DOMA DEFEATED

June 26, 2013 marked one of the most triumphant civil rights moments in U.S. history: The U.S. Supreme Court struck down The Defense of Marriage Act (DOMA) because it discriminates against married lesbian and gay couples and their families.

The NYCLU played a major role in this historic victory.

Edie and Thea: A Love Story

Edie and Thea met in 1962 at Portofino, a Greenwich Village restaurant. The pair made an instant connection and danced until the restaurant closed for the night. In 1967, Thea proposed with a diamond circle pin rather than a ring because circle pins were popular in those days and Edie did not want to face questions from co-workers about a presumptive husband-to-be. Edie wore the same brooch on the day the Supreme Court decision was handed down.

The couple moved into an apartment near Washington Square in Manhattan, where Edie still lives, and bought a house together in Southampton, Long Island. Edie rose to the highest technical position within IBM, and Thea, a psychologist, saw patients in their apartment. In the years following the Stonewall riots they both marched and demonstrated for equal rights.

In 1977, Thea was diagnosed with multiple sclerosis. As Thea's health deteriorated, Edie became her full-time caregiver. Then in 2007, Thea's doctors told her she had one year left to live. After hearing this prognosis, the couple decided to get married. With Thea in a wheelchair, they traveled to Toronto because Canada has fair marriage laws. After a 44-year engagement, the couple finally married. Edie was 77 and Thea was 75. When Thea died in 2009, she left everything to Edie, including their homes. In the midst of her grief, Edie realized that the federal government considered her and Thea strangers, not family, and assessed an estate tax that no married opposite sex couple would face. So she sued.

Case Details

- New York City resident Edith "Edie" Windsor sued the federal government for failing to recognize her marriage to her partner of more than 40 years, Thea Spyer. When Spyer died in 2009, she left all of her property to Windsor, including the apartment that they shared. But because DOMA prevented the federal government from recognizing same-sex marriages, Windsor was forced to pay \$363,053 in estate taxes, which she would not have owed had Thea been Theo.
- The NYCLU served as co-counsel to Windsor along with the ACLU and the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP.
- Edie filed her lawsuit against the U.S. government on November 9, 2010, at the age of 81.
- The section of DOMA that was struck down was "Section 3," which prevented the federal government from recognizing any marriages between gay or lesbian couples for the purpose of federal laws or programs, even if those couples were legally married in their home state.

"Because of today's Supreme Court ruling, every child born today will be able to grow up in a world without DOMA – a world where the federal government won't discriminate against their marriages no matter who they are. I know Thea would have been so happy and proud to see how far we have come in our fight to ensure that all gay and lesbian couples are treated with the dignity and respect that they deserve."

– Edie Windsor, plaintiff, *U.S. v. Windsor*

What the Repeal of DOMA Means

- A federal estate tax refund of \$363,053 to Edie Windsor. Plus interest!
- Benefits! There are more than 1,000 federal marriage benefits that the federal government now grants to married same-sex couples, such as:
 - Marital tax status, including the marital exemption from federal estate taxes;
 - Spousal immigration rights for couples in which one partner is not a citizen;
 - Health insurance and pension protections;
 - Social security benefits;
 - Support and benefits for military spouses;
 - Marital rights to creative and intellectual property; and
 - Stronger protections for families headed by same-sex couples.



"This is a great day for equality and the beginning of the end of official discrimination against people who are lesbian and gay,"
– Donna Lieberman, executive director of the New York Civil Liberties Union

"Edie and Thea were there for each other in sickness and in health like any other married couple. It's only right for the federal government to recognize their marriage and the life they built together."
– James Esseks, director of the ACLU Lesbian Gay Bisexual & Transgender Project and co-counsel

"This is truly a day for the history books, one that will be marked by future generations as a giant step forward along our nation's continuing path towards equality. DOMA was the last law on the books that mandated discrimination against gay people by the federal government simply because they are gay. The days of 'skim milk' or second-class marriages for gay people are now over."
– Roberta Kaplan, lead counsel

Edie Windsor was the grand marshal at the New York City Pride Parade on June 30, 2013, where a NYCLU contingent of almost 200 staff members and supporters marched with her.



ENDING DISCRIMINATORY POLICING

We made history this year!

The NYCLU achieved historic victories this year in our ongoing campaign for fairness, transparency and accountability in policing.

What does this mean?

The NYPD's stop-and-frisk program was declared unconstitutional! We won *Ligon v. City of New York*, our class-action lawsuit, filed along with The Bronx Defenders, LatinoJustice PRLDEF and civil rights attorney Chris Fabricant, challenging the NYPD's unlawful stop-and-frisk program in privately-owned apartment buildings. This victory – combined with a historic victory in a case brought by the Center for Constitutional Rights – brings a federal monitor to New York City who will oversee broad reforms of the NYPD's stop-and-frisk program.

According to NYPD data, police officers made 329,446 stops on suspicion of trespassing between 2006 and 2010, representing more than 12 percent of all stops. Only 7.5 percent of reported trespass stops resulted in arrest.

Judge Shira Sheindlin, who decided the case, ruled that the NYPD's stop-and-frisk practices violated New Yorkers' civil rights in two ways:

- By violating the Fourth Amendment, which protects against unlawful searches and seizures, because many frisks and searches were not supported by suspicion of crime; and
- By violating the Fourteenth Amendment, which guarantees equal protection under the law, because the program targets people of color.

The New York City Council passed the Community Safety Act, a bill written primarily by the NYCLU and a top priority for the NYCLU, as well as our partners in the Communities United for Police Reform coalition and the Brennan Center for Justice. The new law:

- creates an Inspector General to oversee NYPD policies and practices, and
- establishes a strong and enforceable ban on racial profiling by the NYPD.

Though Mayor Michael Bloomberg sued to stop implementation of the racial profiling ban, the NYCLU is at the vanguard of defending the new law and is confident the law will stay on the books.

To achieve these victories, the NYCLU mounted a comprehensive campaign:

After years of litigation to force the NYPD to release data about its stop-and-frisk practices, the NYCLU analyzed and published the shocking numbers behind the NYPD's stop-and-frisk campaign. This analysis was a critical piece of the effort to expose and stop discriminatory policing.

- We sued the NYPD over its unlawful use of stop-and-frisks and won.
- We co-founded Communities United for Police Reform and played a leading role in the campaign to pass the Community Safety Act.
- We mobilized our members to make phone calls, gather petition signatures, conduct voter registration drives on New York streets, send letters to lawmakers and community leaders, publish fact sheets and more to win a veto proof majority that passed the historic Community Safety Act.
- We conducted extensive legal research to address lawmakers' concerns about the bills.
- The NYCLU's stop-and-frisk work was featured in the New York media nearly every week this past year. Our staff wrote opinion pieces, appeared on news shows, were quoted in newspaper articles, held press conferences, created videos and more.
- We launched a viral social media campaign to raise awareness and to encourage the public to get involved.

34 Barbershop Initiative

To get New Yorkers involved in our campaign to secure the 34 City Council votes needed for a veto-proof passage of the Community Safety Act, the NYCLU launched the 34 Barbershop Initiative. In a single week, we visited 34 barbershops in Brooklyn, Queens, Harlem and the Bronx and were received with overwhelming support.

Web Honors

Our smartphone app Stop and Frisk Watch was chosen out of thousands of entries as an honoree in The Webby Awards, an international contest that honors the "best of the web." Our free smartphone app allows witnesses of stop-and-frisk encounters to record what they see and provide the NYCLU with the video and additional details about the incident.



Jacqueline's story

Jacqueline Yates (below), a plaintiff in *Ligon v. City of New York*, lives in an apartment building in the Bronx enrolled in Operation Clean Halls. Jacqueline's two teenage sons are regularly harassed by NYPD officers in her building's stairwells, lobby and courtyard. Her friends and family are reluctant to visit her out of fear of being stopped by police and potentially arrested for trespassing.

"My children shouldn't be treated like criminal suspects in their home. They shouldn't expect to be bothered by police officers every time they leave our apartment," Jacqueline said. "I believe the NYPD has a role to play in our community. But right now, they don't make us feel safe. We feel under attack in our homes."



Whistleblower Officer Matthews' Story

Veteran Officer Craig Matthews repeatedly reported to his commanding officers the use of an illegal and abusive quota system for arrests, summonses and stop-and-frisk encounters in the 42nd Precinct in the Bronx. The commanding officers responded by giving Officer Matthews punitive assignments, separating him from his longtime partner, denying him overtime and leave, giving him poor evaluations and subjecting him to constant harassment and threats. Other officers who fail to meet quotas are subjected to similar retaliation.

The NYCLU filed *Matthews v. City of New York* to challenge the repeated retaliation against Officer Matthews and defend his free speech rights.

Politics, Politics...

The NYCLU does not support candidates for public office but we do meet with them and advocate for our position on key issues. The NYCLU and our coalition partners succeeded in making stop-and-frisk a key issue in the New York City mayoral election. Indeed, from the primaries through Election Day, every candidate had to say what they would do to achieve fair and just policing.

Ending an Era of Stop-and-Frisk

During the Bloomberg administration, NYPD officers conducted more than 5 million stop-and-frisk encounters on the city's streets. Nearly nine of every 10 people stopped were innocent, meaning they were neither arrested nor issued a summons. More than eight in 10 stops involved black or Latino New Yorkers.



WOMEN'S EQUALITY NOW!

In his January 9, 2013, State of the State Address, Governor Cuomo announced the Women's Equality Agenda (WEA), a bold 10-point legislative agenda to remedy discrimination New York's 10 million women and girls face in the courts, the workplace and the doctors' office.

The WEA aims to end discrimination against pregnant women, single parents, survivors of domestic violence and those who receive housing subsidies. It would also address workplace discrimination and inequality.

A key feature of WEA is a much needed reform of New York's antiquated abortion law so a physician can terminate a pregnancy whenever necessary to protect a woman's health. New York's penal law currently criminalizes abortion after 24 weeks unless it is necessary to save a woman's life – not health. Because of this, physicians are too often afraid to provide abortion care and women facing tragic circumstances during pregnancy are forced to undergo serious health risks or leave the state to get the health care they need. WEA sought to align New York law with federal law and ensure that providers would no longer face criminal penalties for providing the care that women need.

WEA was an all-hands-on-deck campaign for the NYCLU. Staff from every department and from every office across the state worked tirelessly from January to June to lead the Women's Equality Coalition and grow it to 850 organizational members. We brought our members from all over the state to a rally in June and to lobby tirelessly during the legislative session. The NYCLU generated thousands of emails, faxes, tweets and phone calls to support the 10-point plan, raise money, and build public awareness in an effort to bring equality and justice to the women of New York.

Unfortunately, despite the groundswell of public support for the WEA measures, women's rights fell victim to the worst display of Albany politics. The governor's 10-point bill was passed by the Assembly. But we could not find a single pro-choice Republican to vote for the 10-point plan in the Senate. The Senate passed just nine pieces of the agenda (without even allowing the reproductive health provision to come to the floor). Not a single piece of legislation advancing women's rights was sent to the governor to sign into law.

The disappointing end to the legislative session has not dampened our efforts. The NYCLU continues to build a strong coalition to press for Women's Equality in 2014.

WEA 10-Point Agenda

1. Achieve pay equity
2. Stop sexual harassment in all workplaces.
3. Allow for attorneys' fees awards in employment, credit and lending discrimination cases
4. Strengthen human trafficking laws
5. End family status discrimination
6. Stop landlords from discriminating on the basis of a person's source-of-income (such as alimony, child support or government assistance)
7. Stop housing discrimination for victims of domestic violence
8. Stop pregnancy discrimination once and for all
9. Protect victims of domestic violence by strengthening order-of-protection laws
10. Safeguard reproductive health decisions

BIRDS, BEES & BIAS

In September 2012, the NYCLU issued Birds, Bees and Bias: How Absent Sex Ed Standards Fail New York's Students – the state's first review of middle- and high-school sex education curricula. Using Freedom of Information requests, we gathered and analyzed thousands of pages of materials from 82 school districts across New York State.

Our findings? Shocking.

The curricula revealed:

- stark, persistent gender and anti-LGBT bias in instructional materials – girls in most districts were taught less accurate information about their bodies than boys, and LGBT students were ignored or stigmatized in all but a handful of districts;
- gaps and inaccuracies in basic instruction about condoms, pregnancy, sexual harassment, confidentiality, and how to get help from trusted adults about sex and sexuality;
- woefully inadequate information on sexual harassment, sexual assault and bullying; and
- outdated, incomplete and medically inaccurate information, including in state-required HIV lessons.

The Impact

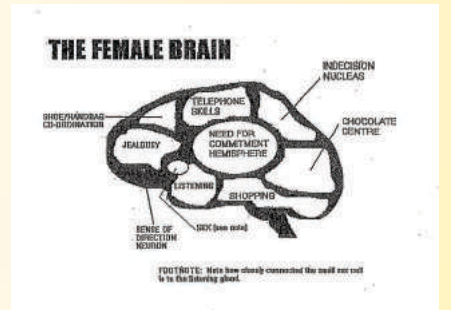
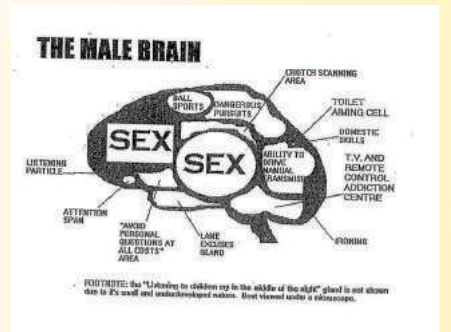
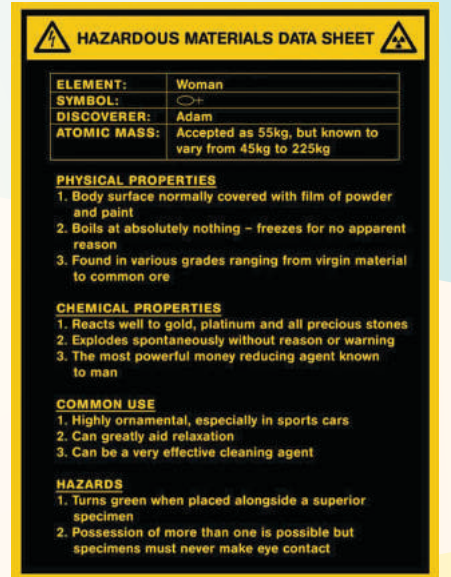
In response to the report:

The Buffalo Public School District held a series of public hearings and is now rewriting its sex education curriculum;

The school districts with the most egregious problems removed the most blatantly sexist and homophobic materials – literally within days.

The report garnered extensive statewide media coverage and generated meetings with members of the New York State Board of Regents.

The NYCLU presented the report at two national sex education conferences.



Above: the so-called sex education materials highlighted in our report that was removed from a school district's curriculum following our report's release.



CIVIL RIGHTS FOR TRANSGENDER AND GENDER NON-CONFORMING NEW YORKERS

How would it alter your life experiences if the most fundamental parts of your life – how you dress and speak, your name – exposed you to hostility and exclusion in your home, school, at work, in public and by people dear to you as well as those who are charged with protecting you?

For many people who do not conform to gender-based stereotypes, or whose gender identity differs from the one usually associated with their anatomical sex, discrimination and harassment is persistent. Unfortunately, New York State's anti-discrimination laws do not include transgender and gender non-conforming people within their protections. This means that when transgender and gender non-conforming people are harassed or discriminated against, they have no legal recourse. The lack of protections also lead to challenges earning a living, obtaining an education and finding housing. Routine activities like dining, shopping or going to the movies carry the risk of mistreatment, refusal of service – or worse.

Although all major cities in New York have passed their own laws extending basic protections to transgender and gender non-conforming individuals, New Yorkers who live outside of these cities remain vulnerable to discrimination. Including those protections in our State's anti-discrimination laws will provide protections to all transgender and gender non-conforming New Yorkers in:

- Employment
- Housing and Real Estate
- Public Accommodations
- Education
- Credit

How We Are Protecting Transgender and Gender Non-Conforming New Yorkers:

As part of our mission to protect New York's most vulnerable communities, the NYCLU is committed to fighting for the rights of transgender New Yorkers.

We are working to:

- increase awareness of the challenges faced by transgender and gender non-conforming individuals, and
- change laws and policies to extend basic protections and rights to transgender and gender non-conforming individuals, including developing public-education materials; participating in legislative research; leading a statewide coalition; and collecting and sharing personal stories of transgender and gender non-conforming people and their families.

Documenting Discrimination, Calling for Protection

In May 2012, we released a detailed report, *Advancing Transgender Civil Rights in New York: The Need for GENDA*, which documents the everyday challenges, discrimination and violence faced by transgender and gender non-conforming New Yorkers. The report demonstrates the need for laws that would protect transgender and gender non-conforming New Yorkers from discrimination.

Syracuse Fair Practices Law

The NYCLU led the coalition in Syracuse that won passage on November 19, 2012 of a local civil rights law to protect transgender and gender non-conforming residents from discrimination in employment, housing and public accommodations, such as restaurants, hotels and stores.

Now, as a result, every large city in New York State and some counties provide basic civil rights protections for transgender and gender non-conforming people.

"Nobody should be denied at a doctor's office or fired from a job because of the way they express their gender.

We applaud the Common Council for closing this gap in local anti-discrimination laws across upstate New York."

- Barrie Gewanter, NYCLU Central New York Chapter Director

NYPD Patrol Guide Changes

Transgender individuals face an array of unique problems when interacting with the police, which often lead to traumatic, abusive and humiliating experiences. As part of a broad coalition, the NYCLU worked successfully to obtain changes to the NYPD Patrol Guide, ensuring that police officers treat transgender people with dignity and respect. The revisions include:

- Prohibiting the use of discourteous or disrespectful remarks regarding a person's sexual orientation or gender identity or expression.
- Instructing police officers to refer to transgender New Yorkers by names, honorifics and pronouns that reflect their gender identity (even if it does not match the information on their ID documents) and amending forms so that an individual's "preferred name" can be recorded and used while they are in police custody.
- Prohibiting police officers from conducting any search for the purpose of determining a person's anatomic gender. This also applies to school safety officers, NYPD personnel assigned to the city's public schools.
- Individuals in NYPD custody will be searched by an officer of the gender they request.
- Defining "gender" to include gender identity and expression, consistent with the city's Human Rights Law. This means that when the NYPD have to take into account someone's gender, it is their gender identity that matters, if even if that identity differs from the sex assigned at birth.
- Individuals in NYPD custody will be held in sex-segregated police facilities according to their gender identity, even if it differs from their sex assigned at birth, unless there is a concern for the person's safety, in which case they will be considered "special category prisoners" and placed accordingly.
- "Special category prisoners," including transgender people, will not be cuffed to rails, bars or chairs for unreasonable periods of time.



Sam's story

Sam lives in the Hudson Valley, where he works as a farmer. Among Sam's many encounters with discrimination, one stands out: A few winters ago, Sam had a bad case of bronchitis, and sought treatment at a local walk-in medical clinic. At the time, Sam's legal name was distinctively female – but he did not look conventionally feminine.

"My appearance was confusing to people," Sam said, including to the clinic receptionist.

When Sam's name was called, the receptionist asked why Sam was there, which Sam explained: Chronic asthma leading to bronchitis meant that Sam needed antibiotics.

"Well, we can't help you," the receptionist said. "We don't know where to put you."

"Are you too busy to see me today?" Sam asked.

"We don't treat people like you here," the receptionist explained, sighing with impatience. "We don't know where to put people we can't place."

Others in the waiting room heard the conversation; Sam heard whispers and chuckles.

"All I was asking for was treatment for a routine medical problem," Sam said. "But my appearance was so out of the routine that I was treated as a medical anomaly – as if my right to literally breathe were offensive."



KEEPING STUDENTS IN THE CLASSROOM

Pop Quiz: Which of the following produces the best learning environment?

- A) A school detention area
- B) A classroom
- C) A jail
- D) The street

If you chose option B, we agree with you.

The NYCLU receives many phone calls about students – particularly in New York City public schools – getting into trouble for minor disciplinary issues and being removed from classes. This exclusionary discipline often leads to further disciplinary issues and academic decline.

The NYCLU is committed to keeping students in the classroom by advocating for codes of conduct that are fair and emphasize positive disciplinary practices, reduce suspensions and arrests, and ensure due process for students facing suspension. In New York City, our advocacy led to:

- eliminating suspension for low-level infractions and reducing the severity of some minor infractions;
- enhanced clarity regarding due process; and
- improved parental notification of disciplinary actions.

We already see a decline in New York City suspensions and look forward to continued reductions.

- In the 2011-2012 year, there were a reported 69,643 suspensions as compared with 73,441 in the 2010-2011 year, a decrease of 5.2 percent. Further, so-called “superintendent’s suspensions,” which last 5 to 180 days, dropped by 11.9 percent, from 15,055 in 2010-2011 to 13,258 in 2011-2012.

Changing the Model of School Policing

We maintain our commitment to establishing a school discipline structure that eliminates reliance on police officers to enforce routine school discipline. The NYCLU has spent years researching what an effective model should look like and, this year, we finished drafting it. We have reactivated the Student Safety Coalition to launch and lead a campaign for schools in which educators, not the NYPD, are in charge of school discipline.

Challenging Abuse and Arrest of Students in School

The NYCLU’s class-action lawsuit *B.H. v. City of New York* challenges the NYPD School Safety Division’s policy of unlawfully arresting school children in school and the use of excessive force against students, such as pushing them into the ground and shoving, hitting and grabbing them while causing injury in the process. The suit seeks system-wide reform of the NYPD’s policy of handcuffing and arresting students for the minor violation of school rules; locking them in seclusion rooms; and interrogating them without parental consent. Students who misbehave have also been forcibly removed from school and taken to hospital psychiatric emergency rooms.

Publicizing School Safety Data

We continue to use New York City suspension and school arrest data, provided regularly under the Student Safety Act (which we drafted and secured passage of), to raise awareness of discriminatory school disciplinary practices and the consequences of heavy police presence in the public schools. The data consistently reveal that students of color and students with disabilities are suspended and arrested at stunningly disproportionate rates – 90 percent of students arrested and more than 80 percent of students suspended are black and Latino.

Representing Students

To ensure that students’ due process rights are upheld, we represent students in suspension and education-related proceedings and have provided legal assistance to students related to disciplinary issues.

Promoting Alternatives to High-Stakes Testing

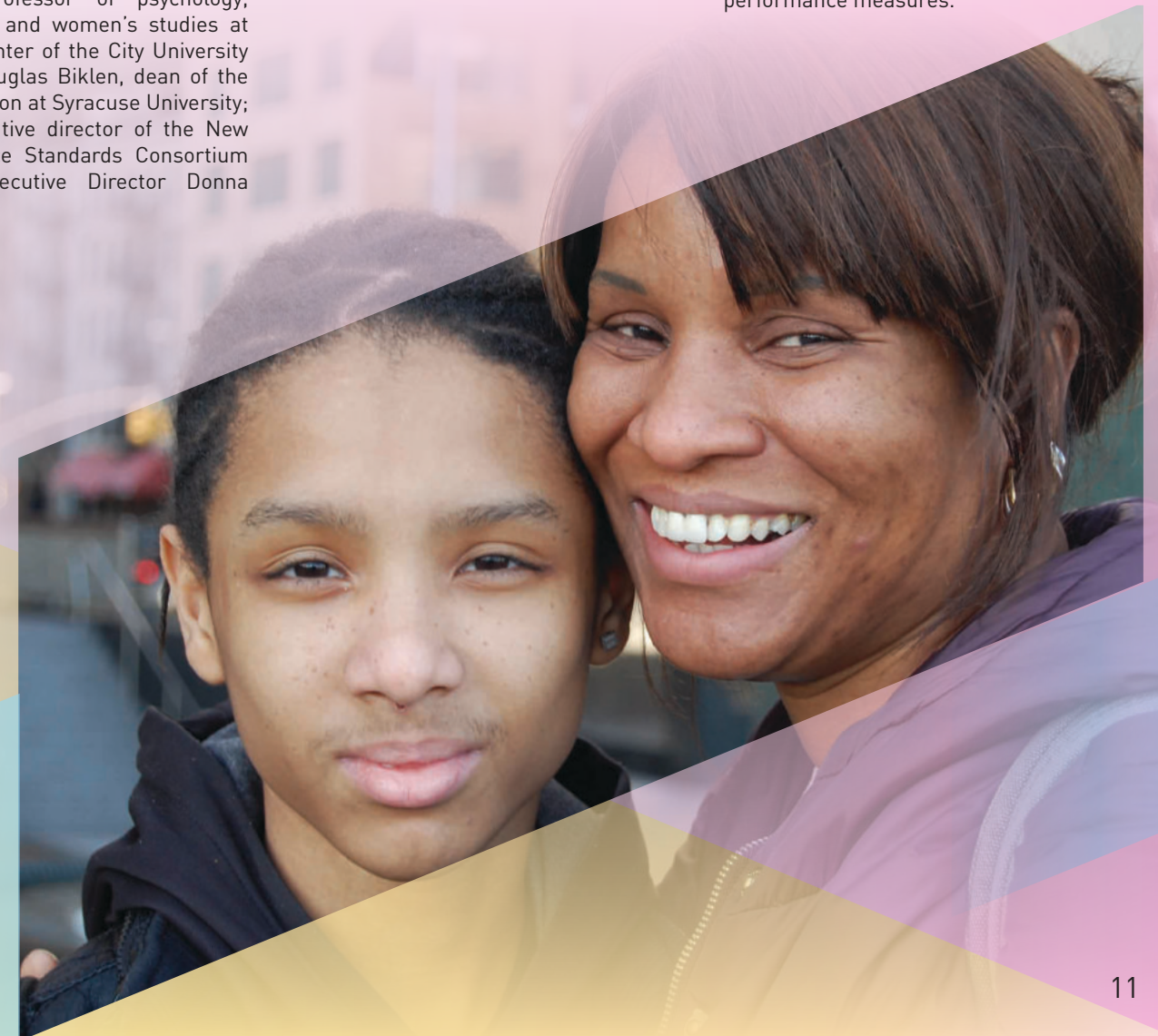
As part of our work to achieve educational equity, we have been a strong voice to promote thoughtful alternatives to high-stakes standardized tests.

In June 2012, we held a press briefing with representatives from the New York State Performance Consortium and Professors Against High Stakes Testing to highlight the Consortium schools’ remarkable academic achievements for high-risk populations without relying on tests alone and without abandoning inquiry based learning, arts education and physical education. Experts also attribute the focus on high stakes testing to an expansion of the achievement gap. Participants at the briefing included: Pedro Noguera, professor of education and executive director of the Metropolitan Center for Urban Education at New York University; Diane Ravitch, research professor of education at New York University and nonresident senior fellow at the Brookings Institution; Michelle Fine, distinguished professor of psychology, urban education and women’s studies at the Graduate Center of the City University of New York; Douglas Biklen, dean of the School of Education at Syracuse University; Ann Cook, executive director of the New York Performance Standards Consortium and NYCLU Executive Director Donna Lieberman.

With civil rights leaders Marian Wright Edelman (Children’s Defense Fund), Professor James Forman, Jr. (Yale Law School), Margaret Fung (Asian American Legal Defense and Education Fund), Damon Hewitt (NAACP Legal Defense and Educational Fund), Wade Henderson (The Leadership Conference Education Fund), David Jones (Community Service Society), Pedro Noguera, Dennis Parker (ACLU – Racial Justice Program), and Kim Sweet (Advocates for Children of New York), we organized to send a letter to U.S. Secretary of Education Arne Duncan describing the success of the Consortium and urged the secretary to support the Consortium’s continuing variance that permits rigorous portfolio assessments of student achievement in lieu of high stakes tests.

The NYCLU is continuing our work on this issue through the following strategies:

- advocating to renew the Consortium’s waiver from state exams, including having meetings with key State Education Department staff members, conducting outreach to the U.S. Department of Education, and advocating with the American Federation of Teachers on behalf of the Consortium;
- filing Freedom of Information requests regarding testing contracts, question development, and student privacy protections; and
- exploring potential legislative and public-education strategies to reduce the reliance on high stakes testing and adopt alternative performance measures.



YOU'VE GOT THE RIGHT...

To practice your religion

On June 18, 2013, the NYCLU -- along with the ACLU and the Creating Law Enforcement Accountability & Responsibility (CLEAR) project of Main Street Legal Services, Inc. at CUNY School of Law -- filed *Raza v. City of New York* on behalf of religious and community leaders, mosques and a charitable organization that were all targeted by the NYPD's unconstitutional surveillance of Muslim New Yorkers. In this NYPD spying program, entire communities of New Yorkers have been singled out simply because of their religious beliefs.

The NYPD's own records show that its Intelligence Division has built a program dedicated to the suspicionless surveillance of Muslims in the greater New York City area. Officers and informants routinely monitor restaurants, bookstores and mosques and create records of innocent conversations. The Department also sends paid infiltrators into mosques, student associations and even sporting events to take photos, write down license plate numbers and keep notes on people for no reason other than because they are Muslim. An NYPD official admitted that these activities have not generated a single lead or resulted in even one terrorism investigation.

In this lawsuit, we are asking the court to end the NYPD's Muslim Surveillance Program, and to prevent future surveillance based solely or predominantly on religion in the absence of individualized suspicion of criminal activity. It also seeks to expunge the records that were created by the program, and to appoint a monitor to ensure that New York City truly ends the unconstitutional practice of religious profiling.

The NYCLU first challenged this type of surveillance more than 40 years ago when we filed lawsuit *Handschu v. Special Services Division* to oppose the NYPD's practice of suspicionless spying on anti-war protestors, civil rights activists and other government critics. The case was settled in 1985 with a consent decree, in which the NYPD was prohibited from investigating political and religious organizations unless there was "specific information" that the group was linked to a crime that had been committed or was about to be committed. Over the last four decades, the NYCLU has remained vigilant in holding the NYPD to this consent decree and we will continue to protect the political freedoms provided through *Handschu*.

To Protest

On October 1, 2012, in a long overdue victory, a federal judge ruled -- in *Dinler v. City of New York* -- that the NYPD engaged in unlawful mass arrests and fingerprinting of hundreds of peaceful protesters during the 2004 Republican National Convention in Manhattan. In cases brought by the NYCLU and others, a U.S. District Court judge declared unlawful the Aug. 31, 2004 mass arrest of more than 200 peaceful protesters in Lower Manhattan. Additionally, the court ruled that the NYPD's mass fingerprinting of people arrested during the protests violated state law.

"This ruling is a victory for the right to protest -- a core democratic principle." -- Donna Lieberman, executive director of the New York Civil Liberties Union

To take pictures... even of the police!

Philip's Story: Philip Datz had not crossed any police lines, had prominently displayed his press credentials and had not interfered with the police in any manner, but still he found himself unlawfully arrested and detained for filming police activity on a public street in Bohemia, on Long Island.

The NYCLU filed *Datz v. Suffolk County* on his behalf to challenge Suffolk County's policy and practice of obstructing the First Amendment right of the press and the public to record and gather news about police activity in public places. The lawsuit alleges false arrest, assault and battery, and violation of civil rights.

Hadiyah's Story

Hadiyah Charles used her smartphone to record two NYPD officers as they questioned and frisked three black youth who had been fixing a bicycle down the street from her Bedford-Stuyvesant home. The police officers tried to prevent Charles from filming the encounter by shoving her, handcuffing her, arresting her and holding her in a jail cell for 90 minutes. We filed *Charles v. City of New York* to challenge this unlawful arrest.

PROTECTING IMMIGRANTS

New York State's immigrants are vulnerable to attacks on their liberties. From workplace abuses to unlawful detainment by law enforcement, both documented and undocumented immigrants face barriers to their safety and security.

What the NYCLU is Doing:

NYCLU staff traveled to upstate Lyons, New York this winter to hear the stories of farmworkers forced to work without overtime or minimum wage -- and too often with injuries sustained on the job. As part of a coalition, the NYCLU has worked to pass the Farmworker Fair Labor Practices Act, legislation that would provide farmworkers with the same labor protections that have long been afforded other workers in New York State.

Eliceo's story

Eliceo (top right) is a dairy farmworker in upstate New York. Milking cows and caring for bulls on a dairy farm is dangerous work. This past February, Eliceo was guiding cows into the milking pens when a bull rammed him from behind. His head slammed into the floor, knocking him out. The bull started battering Eliceo's chest with its head, lifting and tossing him against the milking pen, while one of his shoulders rammed into the pen's metal poles. Somehow, Eliceo was able to stand and walk away, but when he tried to resume his work he couldn't move his arm and felt extremely weak. Within minutes, he couldn't walk.

Although Eliceo's doctor provided him with a note prohibiting him from returning to work for at least a week, his manager ordered him back to the farm three days later. Eliceo's injuries made it impossible to return to work so quickly, and he was fired.

If farmworkers were protected by the state's labor laws and were able to unionize, Eliceo would have been protected against unfair terminations due to injuries suffered on the job.

Lucy's story

On Dec. 28, 2011, Lucy (bottom right), who works for a government-funded health care network transporting Spanish-speaking farmworkers to doctors' appointments, was driving toward the Canadian border to take two farmworkers to dentist appointments. Lucy was pulled over by a Border Patrol agent who told her he was conducting a "citizenship checkup" and asked her and her passengers whether they were U.S. citizens. Lucy provided the agent with her New York State driver's license. Because the two farmworkers traveling with Lucy were unable to immediately provide proof of their immigration status, Lucy was arrested.

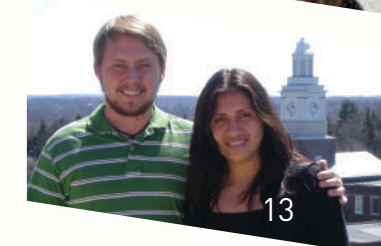
Lucy was handcuffed and detained in the back of a CBP patrol car for about an hour. Then she was taken to a U.S. Border Patrol station where she was searched, interrogated and held in a cell for three hours. She was never charged with any crime.

"This was a humiliating and frightening experience," Lucy said. "I should be able to go to work or go to the gym without having to constantly worry about being stopped by Border Patrol agents simply because of the color of my skin. I shouldn't have to prove my citizenship just to go about my business."



What the NYCLU is Doing:

In response to a pattern of rampant misconduct by U.S. Customs and Border Protection agents (CBP) against both immigrants and U.S. citizens, the NYCLU has been involved in a nationally coordinated effort to curb unlawful border patrol practices and build support for immigration reform. As part of this effort, on March 13, 2013, the NYCLU filed a complaint challenging the unlawful arrest of American citizen Lucy Rogers by CBP in upstate New York. Lucy, a naturalized U.S. citizen of Mexican descent, was pulled over, arrested and detained for several hours -- even though she had committed no crime. Lucy's is among 10 cases filed by a coalition of immigrants' rights advocates alleging unlawful CBP conduct.



DIGNITY IN THE CRIMINAL JUSTICE SYSTEM

Solitary Confinement

Peoples v. Fischer

Leroy Peoples spent 780 days locked down with another prisoner in a barren cell roughly the size of an elevator as punishment for filing false legal documents. This was not the first time he suffered the consequences of New York's practice of allowing extreme isolation as punishment for non-violent misbehavior. In 2005, Peoples was sentenced to six-months in isolation for unauthorized possession of multi-vitamins and amino acids – available at the prison commissary – in his cell.

This class-action lawsuit challenges the harsh and unconstitutional system-wide policies and practices that subject thousands of individuals like Peoples who are incarcerated in New York's prisons and are forced to endure solitary confinement and extreme isolation.

Defending the Right to Counsel

Hurrell-Harring et al. v. State of New York

The NYCLU, along with Schulte Roth & Zabel LLP, filed this major class-action lawsuit to challenge New York State's broken public defense system that deprives low-income defendants of their constitutional rights to effective counsel. Fifty years after the landmark case *Gideon v. Wainwright*, the NYCLU seeks to make the right to counsel a reality.

In its own investigation of the state's defense system, the NYCLU found the defense system in New York is inadequate and unconstitutional because of:

- The absence of an attorney at first appearance, when a defendant is first charged and bail is set;
- Overwhelming workloads for overburdened and unsupported public defenders;
- Inadequate resources and compensation, especially as compared with the prosecution;
- A lack of attorney-client consultation and communication;
- The failure to investigate cases, use expert witnesses, or engage in any meaningful advocacy other than delivering prosecutors' plea offers to the client; and
- Incoherent or excessively restrictive eligibility standards that exclude indigent people from representation when they are charged with a crime.

Health Care Standards for the Incarcerated

Marone v. Nassau County

On April 4, 2013, the NYCLU celebrated a victory when a State Supreme Court justice ordered Nassau County to comply with a 23-year-old unfulfilled charter mandate to establish an independent board charged with overseeing and reforming conditions at the Nassau County Correctional Center where county officials have for years failed to provide prisoners adequate medical and mental health care.

The NYCLU filed the lawsuit in March 2012, weeks after Bartholomew Ryan, a 33-year-old Iraq War veteran, committed suicide while in custody at the jail. A state Commission of Correction report found the private company that manages medical care at the jail failed to adequately evaluate and treat Ryan. Since January 2010, seven people have died while in custody at the Nassau County jail, including five suicides. State authorities have indicated several of those deaths, including Ryan's, were clearly preventable. In recent years, the NYCLU has received hundreds of complaints from people incarcerated at the jail about the failure to provide necessary medication, the mistreatment of persons with disabilities and the lack of mental health services at the jail.

From 2007 to 2011, New York issued more than 68,000 extreme isolation sentences as punishment for violating prison rules. On any given day, approximately 4,500 people – about 8 percent of the entire New York State prison population – are locked down for 23 hours a day in isolation cells.

From 2007 to 2011, prison officials imposed extreme isolation for:

- "smoking in an undesignated area" - 302 isolation sentences
- "wasting food" - 135 isolation sentences
- "littering" - 114 isolation sentences
- "untidy cell or person" - 234 isolation sentences

Jail and Prison Conditions

Butler v. Suffolk County

This lawsuit argues that the county's longstanding indifference to the deplorable and notorious conditions at the county jails violates constitutional protections against cruel and unusual punishment. The plaintiffs seek a court order requiring Suffolk County to improve conditions at the jails to constitutionally acceptable standards.

Every day, people housed at Suffolk County Correctional Facility, most of whom are in jail awaiting trial, encounter oppressive, appalling conditions, including:

- Sewage that regularly bubbles up from shower drains and toilets;
- Decrepit showers coated with thick, black mold and reek of mildew;
- Air vents so caked with rust, mold and dirt that ventilation is affected and the air smells of feces, urine and mold;
- Widespread vermin infestations;
- Unsanitary kitchens and dining areas, with visible areas of mold, rust and chipping paint;
- Extremely cold temperatures, due to high air-conditioning in the summer and lack of heating in the winter (inmates receive only one thin blanket); and
- Contaminated drinking water that has made people violently ill.

Inmates who have made formal complaints or filed lawsuits over jail conditions have been subjected to retaliation that includes having the entire contents of their cell discarded or denied "privileges," such as access to the law library, telephones or television.



MORE VICTORIES

Voting Rights

Pitcher v. Dutchess County Board of Elections
On November 5, 2012, a federal district judge ruled that college students who registered to vote but had their applications denied by Republican Commissioner Erik Haight could vote in the November 6th presidential election.

The NYCLU, along with the law firm of Lowenstein Sandler PC, filed the class-action lawsuit on November 1, 2013, in the wake of Hurricane Sandy, on behalf of four college students who attend the Culinary Institute of America, Marist College and Bard College. The students registered to vote, providing both street and mailing addresses, but were denied by Haight because they either did not provide the technical name of their dormitory buildings or their dorm room numbers on their applications. Approximately 100 students were similarly denied the right to register to vote for the same reason.

"This is a victory for voting rights. The right to vote is preservative of all other rights in a democracy, and deserves the strongest constitutional protection possible," said NYCLU Legal Director Arthur Eisenberg, who – in the aftermath of Hurricane Sandy – drove 150 miles on the last of his car's fuel to file the case.



Left: The NYCLU was displaced from our Lower Manhattan office for nearly two months because of Hurricane Sandy. During this time, our pro bono partner, Skadden, Arps, Slate, Meagher & Flom LLP, generously gave us a home at its Times Square office. The NYCLU staff got super-close in this cozy workspace.

Right: In preparation for our move to midtown, a contingent of staff climbed 19 flights to our old office in order to collect equipment and supplies. They carried computers, books and boxes down the dark, dank, mildew-smelling stairwells so we had what we needed in our temporary quarters. They are our NYCLU heroes!

Privacy Rights

Cunningham v. New York State Department of Labor

In a victory for the right to privacy, on June 27, 2013, the state's highest court unanimously ruled that New York State acted unlawfully when it planted a GPS tracking device on a government employee's personal car and tracked his movements outside of working hours.

The NYCLU's lawsuit, filed in 2010, challenged the planting of a GPS tracking device on a Department of Labor employee's personal car as part of an investigation into workplace misconduct. Using the device, the state tracked the whereabouts of 30-year employee Michael Cunningham and his family for at least a month, including during evenings, weekends and while the family went on vacation out of state.

Labor Rights

New York City Paid Sick Time Law

On May 8, 2013, the New York City Council passed the Earned Sick Time Act, which will ensure New Yorkers cannot be fired for taking time away from work when they or certain family members are sick. The law will ultimately require all employers with 15 or more employees to provide up to five paid sick days per year. This makes New York City the largest American city with a paid sick leave policy. Since many other jurisdictions continue to fight for this benefit, New York City will now serve as a model for reform.

The NYCLU worked as part of a coalition including A Better Balance, Working Families Party, Make the Road New York, Restaurant Opportunities Centers United and others to advocate for the bill's passage.

Freedom from Carrying Identification

Barry v. City of New York

On March 22, 2013, a federal judge found unconstitutional a New York City Transit Authority rule that required people who use the city's subway and buses to carry ID.

The lawsuit was filed by the NYCLU in November 2011 on behalf of Steve Barry and Michael Burkhart, railroad enthusiasts and photographers who were unlawfully arrested in August 2010 while taking photos of subway trains at the Broad Channel subway stop in Queens. Both men were charged with unlawful photography; Barry was handcuffed and charged with failing to produce ID in violation of a Transit Authority rule.

"This decision is a victory for people's core American right to walk around without having to show identification. It's past time for the NYPD to learn about the Constitution and stop harassing and even arresting people for exercising their basic rights."

- NYCLU Staff Attorney Mariko Hirose

In the last 10 years, 6,542 summonses have been issued to people who failed to provide identification under the flawed ID rule.



NYCLU REPORTS

CHECK OUT THESE RECENT REPORTS ON WWW.NYCLU.ORG

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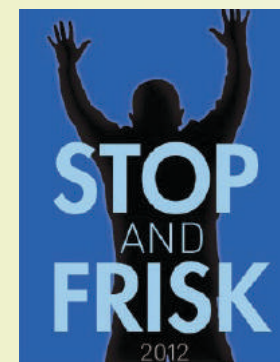
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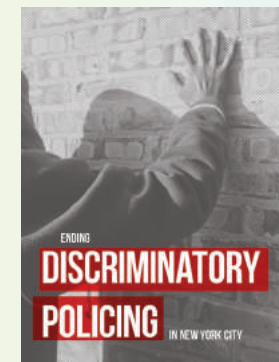
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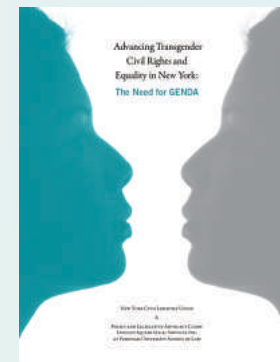
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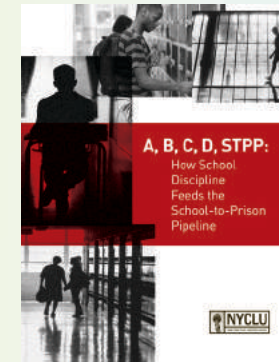
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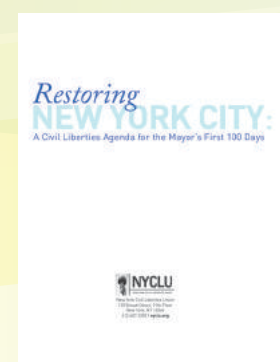
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2. Birds, Bees and Bias

3. Marijuana Arrests Across New York State

4. Report: NYPD Stop-and-Frisk Activity in 2012

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9. Beyond "Deliberate Indifference": An NYPD for All New Yorkers

10. Restoring New York City: A Civil Liberties Agenda for the Mayor's First 100 Days

INSPIRING YOUNG LEADERS

The NYCLU engages young people in civil liberties and social justice activism through a number of initiatives aimed at empowering them to stand up for their rights and use activism to change the world around them.

Teen Activist Project

The Teen Activist Project (TAP) develops high school-aged, New York City youth as peer health educators and activists in their communities. Each year, TAP develops and implements activism projects to change injustices in students' home communities, in addition to providing workshops on minors' rights to reproductive health care. Recent projects have addressed LGBTQ students' rights, police in schools, high school admissions, and voting rights.

NYCLU's teen activists had another amazing, eye-opening year. Here's a snapshot of their work.

School Bullying

The 2012-2013 school year was the first full year that the New York State anti-bullying law –the Dignity for all Students Act – was in effect. With this law, every school is required to appoint a staff person to serve as its Dignity Coordinator, the person who is responsible for ensuring that the law is followed in the school. The coordinator is also supposed to be a person students can safely approach with bullying and harassment concerns. The TAP teens wanted to find out if students actually know who the Dignity Coordinator is at their schools. They developed a survey to find out.

They collected 370 anonymous surveys from students in high schools across the five boroughs, and found that only 9 percent of students surveyed were able to correctly identify their Dignity Coordinator. This strongly suggests that New York City students are not fully informed about the Dignity Act and its requirements. They presented their findings to community-based organizations and elected officials. They are also working on a brief report about their findings, which they will publish, post on NYCLU's website, and mail to New York City educators, organizations and elected officials.

Police Reform and Voting Rights

The teens were very busy this year helping the Advocacy Department raise awareness of discriminatory NYPD stop-and-frisk practices. One of these efforts was a voter registration drive ahead of the mayoral election. The teens registered 171 people during this activity and were inspired to continue working on voting rights. This led to the creation of a voting rights video, which is posted on the NYCLU's website at <http://www.nyclu.org/tap-votingrights>. Would New Yorkers trade their right to vote? Watch it to find out.



Freedom of Expression Contest

Teens in schools across New York State are invited to think critically and express themselves creatively through our annual Freedom of Expression Contest. Through this statewide competition, young people submit essays, poetry, visual art and multimedia pieces that explore a topic relevant to their lives and related to civil liberties. The winners are showcased at our annual Broadway Stands Up for Freedom concert and other events throughout the state.

Workshops and Outreach

The NYCLU goes into schools and communities to educate young people about their rights on topics such as police, education, reproductive health, LGBTQ student rights and the rights of undocumented students. In addition, we distribute materials on these topics throughout the state, at events, schools, community centers, health care clinics and beyond.

Broadway Stands Up for Freedom

The arts and civil liberties share an important, intrinsic relationship, as each generation's artists challenge the status quo, often by pushing the boundaries of free expression. Accordingly, the NYCLU has a long and rich history working with and for the arts community to advance civil liberties and social justice.

As a way to support the next generation of artists and activists, each year, Broadway stars have lent their talents to our Broadway Stands Up for Freedom benefit concert, which supports the NYCLU's youth programming.

This year's concert opened with a civil liberties video by Broadway stars Celia Keenan-Bolger and Andrew Keenan-Bolger with Jesse Tyler Ferguson (*Modern Family*) and Harriet Harris (*Thoroughly Modern Millie*) followed by opening remarks by Andrew Lippa, Tony- and Grammy-nominated composer and librettist of *The Addams Family*, *The Wild Party* and *Big Fish*. The show featured performances by Tony-winner Randy Graff (*City of Angels*), Tony nominee Charl Brown (*Motown*), Rory O'Malley (*The Book of Mormon*) and Kate Baldwin (*Finian's Rainbow*), Krysta Rodriguez of the TV series *Smash*, as well as Erich Bergen (*Jersey Boys*), Zach Prince (*The Last Five Years*), Susan Blackwell (*title of show*), Julie Halston (*Anything Goes*) and founding performers Dana Steingold (*...Spelling Bee*) and Liana Stampur. Closing out the spectacular show, Tony winner Tonya Pinkins (*Jelly's Last Jam*, *Caroline or Change*) led the entire theater in an inspiring performance of "We Shall Overcome."

Top right: Tony Award- and Pulitzer Prize-winning playwright – and longtime NYCLU member – Tony Kushner served as honorary chairman and delivered closing remarks.

Bottom right: For the first time ever the NYCLU staff took to the stage and sang Frank Sinatra's "High Hopes," led by one of the concert's youngest talents, Grace Capeless (*A Christmas Story: the Musical*).

"There are no groups like the NYCLU or the ACLU, there's only the NYCLU and the ACLU, and it's no exaggeration to state that, more than merely offering a handy way for citizens like us to have direct political and hence historical efficacy and agency, the NYCLU and the ACLU are so essential to the functioning of our republic that it's impossible to imagine the republic functioning without them, they're like a part of the machinery of democracy in America, part of the reason that part of the time the machine works, and irreplaceable in putting our democracy back on track when it threatens to run off the rails.

As long as I can remember, or any of us can remember, the NYCLU and the ACLU have been prominent partners in the national conversation, holding us to self-evident truths, no matter how uncomfortable it is to face them, urging us forward by demanding that we live up to our highest and bravest aspirations, demanding that we, in our roles as citizens, act, and never allowing us to lapse into the uselessness of carping critics, never allowing us to surrender to the dangerous comforts of despair.

So thanks for supporting the NYCLU! Support it more, as much as you can, with your time and votes and most of all, with your dollars, all the dollars you can spare, and you can always spare more dollars than you think, give everything,"
- Tony Kushner, Honorary Chair, Broadway Stands Up For Freedom



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FINANCIALS FOR FISCAL YEAR 2012-2013

New York Civil Liberties Foundation, Inc.

2013 REVENUE

Contributions	1,769,262
Foundation Grants	794,222
Investment	147,245
Legal Fee Awards	643,019
Miscellaneous	406,230
Transfer from Reserves*	476,624

Total 5,494,738

2013 EXPENDITURES

Administration	49,694
Development	428,057
Legal	2,759,170
Legislative	224,134
Advocacy	714,647
RRP	744,814
Communication	574,221

Total 5,494,738

New York Civil Liberties Union, Inc.

2013 REVENUE

Membership	913,786
Foundation Grants	30,000
Contributions	3,500
Investment	3,214
National ACLU Shared Income	197,006
Transfer to Reserves	(135,390)

Total 1,012,116

2013 EXPENDITURES

Administration	44,405
Development	30,816
Legal	126,925
Legislative	522,811
Advocacy	145,211
RRP	82,975
Communication	58,973

Total 940,058

*Includes income from multi-year grants and restricted funds

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JOIN AND BECOME A CARD-CARRYING MEMBER

Basic individual membership is only \$20 per year, joint membership is \$35. NYCLU membership automatically extends to the national American Civil Liberties Union and to your local chapter. Membership is not tax-deductible and supports our legal, legislative, lobbying, educational and community organizing efforts.

MAKE A TAX-DEDUCTIBLE GIFT

Because the NYCLU Foundation is a non-profit 501(c)(3) organization, donations are fully tax-deductible. The NYCLU Foundation supports litigation, advocacy and public education but does not fund legislative lobbying, which cannot be supported by tax-deductible funds.

BECOME AN NYCLU ACTIVIST

NYCLU activists organize coalitions, lobby elected officials, protest civil liberties violations and participate in web-based action campaigns

THE DESILVER SOCIETY

Named for Albert DeSilver, one of the founders of the ACLU, the DeSilver Society supports the organization through bequests, retirement plans, beneficiary designations or other legacy gifts. This special group of supporters helps secure civil liberties for future generations.

THE AMICUS CLUB

Lawyers and legal professionals are invited to join our Amicus Club with a donation equal to the value of one to four billable hours. Club events offer members the opportunity to network, stay informed of legal developments in the field of civil liberties and earn CLE credits.

THE EASTMAN SOCIETY

Named for the ACLU's co-founder, Crystal Eastman, the Eastman Society honors and recognizes those patrons who make an annual gift of \$5,000 or more. Society members receive a variety of benefits.

Go to www.nyclu.org to sign up and stand up for civil liberties.

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