

THE VIEW FROM HERE

60 Years of Fighting
for Civil Liberties



■ November 1951

■ In response to McCarthy era attacks on civil liberties, the NYCLU is established.

■ September 1962

■ NYCLU lawsuit ends required recitation of prayer in schools.

■ December 1965

■ The NYCLU defends David J. Miller's expression of political dissent after burning his draft card to protest selective service regulations and the Vietnam War.

■ May 1970

■ The NYCLU leads repeal of state law that criminalizes the performance of medical abortions.

Reproductive
RIGHTS

■ October 1970

■ NYCLU lawsuit enables busing to achieve school integration in Buffalo.

Racial
JUSTICE

■ May 1975

■ NYCLU landmark *Willowbrook* case establishes comprehensive treatment standards for the mentally disabled.

■ March 1975

■ NYCLU case establishes students' right to hearings when threatened with suspension.

Youth and Student
RIGHTS

■ January 1981

■ NYCLU lawsuit achieves guidelines and reporting requirements for NYPD's surveillance of political activities.

■ February 1989

■ NYCLU lawsuit ends the Board of Education's system of awarding scholarships based solely on SAT scores, which advantaged male students.

Gender
EQUALITY

■ 1995-2001

■ NYCLU successfully challenges 27 unconstitutional Giuliani administration restrictions on First Amendment rights.

DEAR FRIENDS,

The New York Civil Liberties Union's 60th anniversary is both a milestone and a marker in our ongoing commitment to preserve and protect our democracy. Since its founding in 1951, the NYCLU has helped shape our society and made a difference in people's lives. We have been there for New York. We have been there for you. And you have been there for us.

Because of contributions from supporters like you, over the past 60 years the NYCLU has:

- Contested the witch hunts and loyalty oaths of the McCarthy era and protected the right to protest
- Stopped school censorship and ended forced prayer in the public schools
- Challenged the constitutionality of the Vietnam War and fought for the right to publish the Pentagon Papers
- Fought for legal abortion three years before *Roe v. Wade* and for HIV/AIDS and sex education in schools
- Won reforms in New York's draconian Rockefeller drug laws
- Revealed racial disparities in the NYPD's massive stop-and-frisk program targeting innocent New Yorkers
- Exposed and challenged government abuse, including warrantless surveillance and torture at Guantanamo.

And we continue to change lives. In 2011, the NYCLU played a major role in momentous human rights victories:

- The passage of the Marriage Equality Act, guaranteeing same-sex couples the freedom to marry in New York State
- The order by NYPD's top brass halting certain types of low-level marijuana arrests
- The suspension of New York State's participation in Secure Communities, a federal deportation program that tears families apart and encourages racial profiling
- The guarantee of the rights of immigrant children to enroll in public school, ensured in Department of Justice guidelines, regardless of their status.

Challenges abound in the coming year as the NYCLU seeks to:

- Overhaul the woefully inadequate system of legal representation for indigent defendants
- Ensure that every child attends school in a safe environment that's free from bullying and bias
- Secure sex education in New York's public schools
- Reverse the bigoted federal Defense of Marriage Act
- End racially biased stop-and-frisk abuses.

Your support makes all of this possible. We are proud of the work we have done as an organization, and we look forward with pride and determination to the challenges and achievements of the coming year, the coming decade, and the next 60 years of NYCLU advocacy.

Thank you for your continued support of the New York Civil Liberties Union.



Donna Lieberman, Executive Director



Jonathan Horn, Board President



MISSION STATEMENT

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 seven 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.



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FIRST FREEDOMS

Freedom of speech, association and religion are the first principles of our Bill of Rights. They lie at the heart of our democracy—and the soul of the New York Civil Liberties Union.

Protecting First Amendment freedoms has been a crucial component of the NYCLU's work since our beginning in 1951. When McCarthy-era witch hunts targeted New Yorkers from all walks of life—teachers, artists, janitors—the NYCLU challenged the demands for loyalty oaths and defended the freedom of New Yorkers to think unpopular thoughts, to associate as they pleased and to speak their minds free from government recrimination. We successfully defended playwright Arthur Miller, under investigation for alleged left-wing affiliations, and *New York Times*' copywriter Robert Shelton, charged with contempt of Congress for refusing to answer the infamous question, "Are you now, or have you ever been, a member of the Communist Party?"

Protecting the First Amendment means protecting the right to protest—always a top priority for the NYCLU. During the Vietnam War era, the NYCLU stepped in when more than 500 demonstrators were unlawfully arrested at an anti-war rally led by famed pediatrician Dr. Benjamin Spock. We pioneered the concept of "symbolic speech" when we defended the right to place a peace symbol on an American flag and represented protestors who burned their draft cards to protest the war.

Three decades later, amid the worldwide February 15, 2003 demonstrations against the invasion of Iraq, the NYCLU exposed and challenged the pervasive interference by the NYPD with the public's right to protest. NYCLU advocacy, litigation and our 2003 report, *Arresting Protest*, were instrumental in ending the political interrogation of arrestees, the ban on marches and suspicionless searches of protestors. During the Republican National Convention in 2004, the NYCLU's "Protecting Protest" storefront near Madison Square Garden served as a dynamic hub for organizing and information. We published a report, *Protecting Protest: Rights and Wrongs at the RNC*, and advocated successfully with Manhattan District Attorney Robert Morgenthau to dismiss the unlawful arrests of 227



NYCLU representatives were regular fixtures during the Occupy Wall Street demonstrations in New York City, serving as both legal observers or, in this case, providing "know your rights" information to protesters.



Hundreds of thousands of people hit the streets of New York City on February 15, 2003 to protest the invasion of Iraq. In an unprecedented move, a judge denied organizers' request for a permit to hold a march, so a stationary demonstration was held instead.

protestors at one demonstration. And as Occupy Wall Street has become a nationwide movement, the NYCLU regularly trains protestors to “know your rights,” provides teams of legal observers at the demonstrations and advocates for policies that respect the right to protest.

Protest is the will of dissenting people made public. Protecting that voice is vital to the NYCLU. In any given year, we help dozens of groups secure permits, and understand and vindicate their rights—regardless of their point of view. That is also why the NYCLU has spent four decades on the *Handschu* case—which provides crucial safeguards that regulate the NYPD’s surveillance of political groups and demonstrations.

Religious freedom, another First Amendment guarantee, means the right to worship as one chooses—or not to

worship at all. It establishes a bright line between church and state, dividing private worship from public life. The NYCLU’s landmark 1962 Supreme Court case, *Engel v. Vitale*, established the precedent that prohibits prayer in the public schools. When a Nassau County school district banned books like *Go Ask Alice* and *Black Boy* from school libraries for being “anti-American, anti-Christian, anti-Semitic and just plain filthy,” the NYCLU fought back and won with the seminal 1982 Supreme Court ruling in *Island Trees School District v. Pico*. During Vietnam and still today, the NYCLU has defended the rights of conscientious objectors who have sought exemption from military service based on both moral and religious beliefs. The NYCLU has also defended the right of an orthodox Jewish rabbi to hold Sabbath services at his home, and the right of an imam to establish a mosque and Muslim cultural center on private property in lower Manhattan.

Taking pictures in public is also protected by the First Amendment. From 2005 to 2010, the NYCLU successfully challenged proposed bans on photography in the New York City subway and fought against the harassment of photographers on the Long Island Railroad. We challenged both U.S. and New York City restrictions on photography, clarifying regulations that limited photography outside federal buildings and on videotaping or filming in New York City without a permit.

But the NYCLU defends individuals as well as cherished ideals: Ask the Red Sox fan who left the stands to answer nature's call during the seventh-inning stretch at Yankee Stadium—during the playing of *God Bless America*. When the NYPD officers threw him out of the game in a case of enforced patriotism, the NYCLU stood up, because protecting individual rights is part of defending the greater community—and the ideals that guide and define our work.



The NYCLU was a leader in the movement supporting the right of a Muslim cultural center to move into lower Manhattan when controversy enveloped the project because of its proximity to Ground Zero. Here NYCLU Executive Director Donna Lieberman shows off an advertising campaign the NYCLU and ACLU started standing up for religious freedom.

NYCLU and the Arts

Artists walk the high-wire of cultural change. Past is prologue for the NYCLU's role as defender of the arts community: The NYCLU's 1955 defense of Arthur Miller —suspected of leftist associations—set the stage for our support of Joseph Papp, future founder of the New York Shakespeare Festival, who had been fired after invoking the Fifth Amendment during House Un-American Activities Committee hearings. When local school administrators in Mamaroneck sought to ban a high-school production of an irreverent comedy by Christopher Durang, the NYCLU, supported by the playwright, insisted that the show must go on!

When Mayor Rudolph Giuliani, personally scandalized by the Brooklyn Museum's 1999 *Sensation* exhibit, sought to use the power of his office to try to close it down, the NYCLU stepped in on behalf of the museum and the artists. Photographer Jonathan Tunick, whose images

features large groups of nudes in public spaces, turned to the NYCLU when the NYPD denied his request for a permit to create art in the streets. And in 2011, when Pulitzer-winning playwright (and avid NYCLU supporter) Tony Kushner's political comments prompted the City University of New York to veto his honorary degree, the NYCLU urged the CUNY Board to honor its historical commitment to diversity of opinion, a defining hallmark of both the university and New York City life.

The NYCLU also regularly celebrates the contributions artists make to New Yorkers' lives: Since 2003, the NYCLU's annual benefit concert, *Broadway Stands Up for Freedom*, has brought dozens of established and rising stars together to celebrate the NYCLU. At the 2011 show, which took place the day after New York's fair marriage law went into effect, New York Assemblyman Danny O'Donnell presented the NYCLU with a signed certificate of the law in recognition of our vital role in the victory for same-sex marriage.



Left: Award-winning author, playwright and NYCLU enthusiast Tony Kushner regularly serves as the honorary chair of *Broadway Stands Up for Freedom*. Right: Singer, actor, dancer and puppeteer John Tartaglia, of *Avenue Q* fame, performed at a show.

WAR AND PEACE

Wartimes have historically served as occasions for heroic individual sacrifice—as well as for political opportunism that preys on fear and manipulates patriotic sentiment. As the Cold War of the 1950s and 60s morphed into the undeclared—and increasingly unpopular—war in Vietnam, the NYCLU challenged the constitutionality of going to war without a Congressional declaration. We lost that fight, but we stood tall for constitutional principles. Our Selective Service and Military Law Panel counseled hundreds of young men about the draft and their rights as potential conscientious objectors. And we came to the defense of freedom of the press when *The New York Times* published the *Pentagon Papers*—the top-secret, 47-volume history that documented the pattern of official lies and deception used to justify U.S. involvement in that war.

On September 11, 2001, our nation was thrust into a new era, and for the past decade, we have been urged to sacrifice our liberties for a new war without end or national boundaries—the “war on terror.” In partnership with the ACLU, the NYCLU challenged unlawful and abusive detention practices, filing multiple *amicus* briefs in support of challenges to the indefinite military detention of U.S. citizens, including Jose Padilla, without charges or access to counsel. Freedom of information lawsuits filed by both the NYCLU and the ACLU achieved the release of government records documenting officially-sanctioned torture at Guantanamo, Bagram and secret CIA detention sites overseas. We successfully challenged the National Security Letter provision of the USA Patriot Act and are currently challenging provisions of the FISA Amendments Act that

authorize dragnet surveillance and warrantless wiretapping of Americans’ international communications.

The NYCLU also fought back against the USA Patriot Act with our statewide Bill of Rights Defense Campaign, which drew heavily on our chapter network to win passage of Bill of Rights resolutions in city and town councils throughout the state: New York City, Albany, Syracuse, Elmira, New Paltz, Ithaca, Woodstock, Huntington, Mamaroneck, Mt. Vernon and many more. Our statewide campaign also led New York lawmakers to reject a state version of the Patriot Act.

ACLU founder Roger Baldwin once said, “The battle for civil liberties never stays won.” And in times of war—or the fear generated by war—the NYCLU’s task of fighting the good fight for civil liberties couldn’t be more daunting—or more critical.



The NYCLU’s statewide Bill of Rights Defense Campaign urged lawmakers to reject a New York State version of the Patriot Act.

CRIMINAL JUSTICE, RACIAL INJUSTICE

While the quest for a fair criminal justice system and the right to a free, fair and effective public education are fundamental to all New Yorkers, the brunt of unjust law enforcement policies and educational abuse and neglect is borne mostly by people of color and those living in poverty. Remedying those inequities and abuses is important for all New Yorkers—and essential to eliminating the pervasive barriers that undermine human rights and equal opportunity in our society.

Over four decades—from 1965, when the NYCLU board first formally opposed capital punishment, to 2004, when the New York Court of Appeals struck down the Pataki-era death penalty as unconstitutional—the NYCLU utilized a multi-layered program of public education, lobbying, advocacy and multiple *amicus* briefs to help end capital punishment in New York. But other less-visible issues have called for equal NYCLU persistence and dedication: In 1976, after a decade of lobbying efforts, we won legislative reforms that protect innocent people charged with crimes by clearing their records when charges are dropped. In 1980, NYCLU litigation led a federal court to rule that warrantless searches of parolees' homes are unconstitutional. Nearly as soon as the ink was dry on the draconian Rockefeller drug laws, the NYCLU began a 30-year campaign to reform them. In 2009, we finally succeeded in ending the regime of mandatory jail terms that bloated our prisons with tens of thousands of New Yorkers, mostly men of color convicted of non-violent drug offenses. The NYCLU's work on these issues—as well as our efforts to limit the NYPD's blanket stop-and-frisk

program in communities of color in New York City (see NYCLU and the NYPD)—highlights the dramatic, race-based inequities that epitomize too many police practices in New York.

The NYCLU's commitment to our state's most vulnerable residents is evident as well in our pursuit of effective counsel for poor people accused of crimes: Our investigations and testimony helped inform the New York State Commission on the Future of Indigent Defense, which in 2006 concluded that the state's public defense system denied defendants the effective legal representation guaranteed by both the U.S. and New York State constitutions. When the state failed to reform the system, the NYCLU in 2007 filed a landmark class action lawsuit, *Hurrell-Harring et al v. New York State*, charging the state with failing its constitutional obligation to provide effective counsel to indigent defendants in Onondaga, Ontario, Schuyler, Suffolk and Washington counties. In a landmark 2010 ruling, the state's highest court upheld the NYCLU's suit. This case has national implications, and is being closely watched by legal scholars and advocates.

NYCLU and the NYPD

The purpose of law enforcement is to serve and protect the people—and to do so while respecting their civil and human rights. Holding the NYPD accountable to these ideals has long been an important part of the NYCLU's work. The NYCLU campaign for just policing began in 1966 when our Police Practices Project urged an independent oversight body for the NYPD. Nearly a quarter-century later, police abuses in the East Village's Tompkins Square Park and on the steps of City Hall, documented in our 1988 report *Tompkins Square Park: The First 100 Days* and in 1990's seminal *Police Abuse: The Need for Civilian Investigation and Oversight*, led to the creation of the Civilian Complaint Review Board in 1993. We continue to aggressively monitor the work of the

police oversight board and make our findings public in reports like 2007's *Mission Failure*.

New Yorkers should not have to worry about being stopped by the police whenever they go out in public. But for black and Latino New Yorkers—particularly young men—an innocent walk down the block could, not uncommonly, result in a police stop.

Since 2004, police have conducted more than 4 million street interrogations. More than 80 percent of people stopped were black or Latino, and nearly 90 percent of those targeted by the police were innocent of any wrongdoing, walking away without even a summons. NYCLU lawsuits have challenged the NYPD's stop-and-frisk program from many angles, and a three-year campaign started by the NYCLU in 2007 culminated

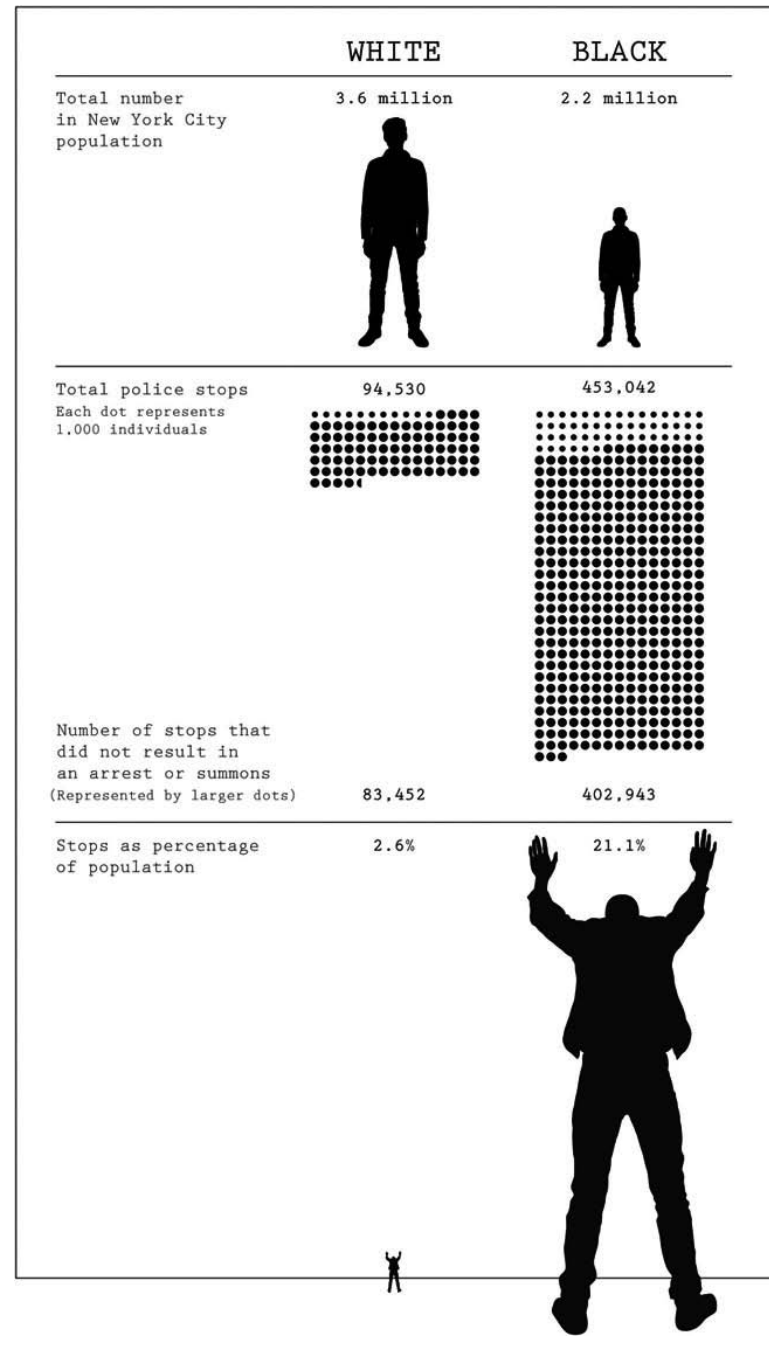


An anti-war rally brought hundreds of thousands of protesters to the streets of New York City in 2003 and saw several clashes between the NYPD and demonstrators.



in the passage by the New York State Legislature of a bill that ended the Department's practice of keeping a permanent electronic database of innocent people swept up in the stop-and-frisk program.

Inequities in policing and criminal justice are mirrored in many public schools, especially schools that primarily serve children of color. The NYCLU's groundbreaking 2007 report, *Criminalizing the Classroom*, documented the over-policing of New York City's public schools where skyrocketing numbers of NYPD personnel target children of color with excessive force, illegal arrests and overly harsh school discipline. Through litigation, public education, legislative advocacy and coalition-building, we are working to dismantle the school-to-prison-pipeline that pushes at-risk youngsters out of school and into the criminal justice system. Our class action lawsuit challenging police abuse in the schools made national headlines. And more than three years of research, advocacy and negotiation resulted in the unanimous passage of the Student Safety Act by the New York City Council in 2010, the nation's most comprehensive local reporting law on student discipline and arrests.



Top Left: NYPD officers line the streets during a protest march. Right: NYCLU Executive Director Donna Lieberman and Associate Legal Director Christopher Dunn teamed up with graphic designer Andy Pressman to illustrate to readers of *The New York Times* the problems with the NYPD's stop-and-frisk program. This op-ed chart ran in the Sunday Opinion section in 2007.

Giuliani Time

Defending civil rights is always a priority for the NYCLU, but some eras—and elected officials—demand greater vigilance. Over the eight-year term of Mayor Rudolph Giuliani (1993-2000), the NYCLU, under the leadership of Executive Director Norman Siegel, filed more than 30 lawsuits and *amicus* briefs directed at Giuliani administration policies and practices. We won over 90 percent of them.

Many focused on Giuliani's disregard for the First Amendment as he sought to silence his critics. The NYCLU successfully challenged the Giuliani administration for NYPD retaliation against black and Latino police officers who spoke out about racial profiling, and opposed gag rules that tried to ban city employees from speaking with the press on their own time. The NYCLU successfully challenged Giuliani administration efforts in 1998 to limit protest on the steps of City Hall. When the mayor tried to censor a bus ad that satirized him, courts agreed with the NYCLU and rejected his attempt at censorship as unconstitutional. The NYCLU also vindicated the First Amendment rights of city cab drivers when the Giuliani administration ordered a blockade of East River crossings in a failed effort to stop them from conducting a taxicab caravan protest across the bridges. And in 2001, we defended the right of housing advocates to protest by sleeping on the sidewalk across the street from Gracie Mansion—and we defended the right of a church to allow homeless people to sleep on its own church steps. That same year, an NYCLU lawsuit forced the NYPD to abandon its policy of arresting and holding protesters overnight, for next-day arraignments, in favor of issuing them desk appearance tickets.

During the final year of his administration, when Mayor Giuliani sought to punish the Brooklyn Museum for its “offensive” *Sensation* art exhibit with eviction from its landmark Beaux-Arts building, the NYCLU organized a major demonstration at the museum, and with an *amicus* filing, participated in the successful effort to defend the museum's right to artistic control of its exhibits.

Throughout the Giuliani administration, the NYCLU kept close watch on the NYPD and its oversight body, the Civilian Complaint Review Board, publishing seven separate reports that criticized the agency for failing to provide meaningful oversight of the police. The NYCLU's 1998 report *Deflecting Blame* critiqued Giuliani administration failures to reform police practices in the wake of several notorious cases of police brutality—the brutal torture of Abner Louima and the killing of Anthony Baez, Michael Stewart, Amadou Diallo and far too many others.

From solstice-worshippers on a Staten Island beach to protesters at rallies, marches and demonstrations, the NYCLU consistently worked to ensure that free speech in the Giuliani era was for all New Yorkers—not just the mayor's fan club.

YOUTH AND EDUCATION

Protecting the rights of young people is among the NYCLU's core obligations. Central to every child's ability to survive, thrive and become an active participant in civil society is education. But in New York many children, especially children of color and those living in poverty, are compelled to attend failing schools or schools that fail to provide the safe and nurturing environment that is essential to learning. In September 1968, the NYCLU's *The Burden of Blame* highlighted educational inequities in New York City and called for greater community control of local schools—control that persisted until the Bloomberg administration's campaign for "mayoral control" dismantled the Board of Education and the city's 32 community school districts. In 1970, the state's de facto segregated schools came under NYCLU scrutiny: A class action suit by the NYCLU halted efforts in Buffalo to prohibit busing to achieve integration. From 1974 to 1978, the



The NYCLU is a leader in the movement to end bullying and harassment in New York's schools. In 2010, after a decade of lobbying and advocacy, the State Legislature finally passed the Dignity for All Students Act.

NYCLU intervened in *Caulfield v. Board of Education*, in order to advance the desegregation of the teaching corps in New York City's public schools.

During the late 1990s, the NYCLU and others advanced litigation that tackled massive deficiencies and inequalities in education for the most vulnerable students: often, children of color, living in low-income communities, whose school facilities, teachers and curricula fell far short of statewide norms. Though unsuccessful in New York, the NYCLU's lawsuit to establish school-based education reform for children relegated to failing schools in several communities outside New York City inspired similar litigation and advocacy efforts around the country. As friends of the court, the NYCLU filed numerous briefs in support of the Campaign for Fiscal Equity to secure fair and equal funding for all New York City public school students, and we have sought to end the racial and economic isolation of schoolchildren statewide.

In 1970, the New York State commissioner of education agreed with the NYCLU and harshly criticized the lack of due process in New York City school disciplinary procedures. Though the Supreme Court in 1975 agreed that suspended students are entitled to a hearing, excessive reliance on suspensions and zero-tolerance discipline continue to push children out of school. The NYCLU's 2011 report *Education Interrupted* highlights troubling statistics: Suspensions in New York City schools, often imposed without formal hearings, have increased dramatically over the past decade, with black children and those with special needs suspended at dramatically disproportionate rates.



Youth organizations from across New York City joined the NYCLU at a 2008 press conference to push the City Council to pass the Student Safety Act. The bill, finally signed into law in 2011, requires regular public reporting on school arrests and suspensions.

That report built on 2007's *Criminalizing the Classroom*, which provided the first comprehensive documentation of police involvement in the New York City schools. Our follow-up report *Safety With Dignity* described how certain schools created safe and hospitable learning environments and greater educational success for at-risk students without relying on zero-tolerance discipline, large numbers of police or metal detectors. The NYCLU's 2010 challenge to police abuse in schools, *B.H. et al v. City of New York*, followed a 2009 lawsuit charging a small upstate school district with failing to protect LGBTQ students from bullying (*J.L. v. Mohawk Central School District*).

Significant legislative victories distinguish the NYCLU's recent work on behalf of New York's students. In June 2010, the New York State Legislature passed the Dignity for All Students Act, a law to prevent bullying and

bias-based harassment in schools by promoting education and tolerance—and explicitly prohibiting activities that create a hostile environment. In January 2011, New York City Mayor Michael Bloomberg signed the NYCLU's Student Safety Act into law, which was the product of more than three years of advocacy and public education by the NYCLU, Make the Road New York, the Urban Youth Collaborative, the Children's Defense Fund and many others. The law requires transparency and regular, public reporting by both the NYPD and Department of Education on school arrests and suspensions.

Ensuring a safe learning environment that respects the dignity of every child and encourages students to learn is essential to the well-being of our society—and a top priority of the NYCLU.

SEX, GENDER AND PRIVACY

Since its inception, the NYCLU has been deeply committed to preserving and expanding the personal dignity of all men, women and children, regardless of sex or gender. We have fought for the right of all New Yorkers to control their reproductive destiny, to marry their partners and to protect their families. From our efforts on behalf of family-planning and contraception in the 1950s to the creation of the Reproductive Rights Project (RRP) and the Teen Health Initiative in the 1990s, the NYCLU has served as the “legal arm” of the reproductive rights movement. Our work for gay, bisexual and transgender rights achieved a historic victory in June 2011 when the State Legislature affirmed the freedom of same-sex couples to marry.



The longstanding efforts of the NYCLU and its members have been instrumental in securing New York as a relative “safe haven” for reproductive choice—one of few states where minors can give informed consent to confidential reproductive health care and where the Medicaid program funds comprehensive pregnancy-related care, including abortion. Our 1958 campaign ended the New York City Board of Hospitals’ ban on discussing family planning or dispensing contraceptives at city hospitals. When reproductive rights pioneer William G. Baird was arrested for distributing contraceptives to married women in 1965, we defended him. We challenged the constitutionality of a New York State law limiting women’s right to abortion in 1967 and, three years ahead of the Supreme Court’s landmark *Roe v. Wade*, New York decriminalized most abortions. Two years later, in 1972, a federal court upheld the NYCLU’s position in opposition to the denial of Medicaid payments for elective abortion.

Since the 1990s, the RRP has focused on protecting the rights of those most vulnerable to government restrictions: young women, low-income women and women of color. The NYCLU joined the ACLU to represent Planned Parenthood’s Dr. Irving Rust in the legal challenge to the notorious “gag rule,” which prohibited the use of government funds to counsel or refer women for abortion.

Tens of thousands of copies of our signature publication *Teenagers, Health Care and the Law*, supplemented by workshops and advocacy for young people and the professionals they rely on, have ensured that young New Yorkers

NYCLU Executive Director Donna Lieberman and thousands of New Yorkers crossed the Brooklyn Bridge during a 2004 march in support of reproductive rights.



Thousands took to the streets in 2005 to demand that New York Governor George Pataki sign a bill that would make emergency contraception available to New York's women and girls.

can get the reproductive health services they need on a confidential basis. RRP teamed up with the advocacy community around HIV/AIDS education in the schools and in 1993 filed *Knowledge v. Board of Education*, a successful challenge to the New York City Board of Education's abstinence-driven censorship of the curriculum. We also fought for condom availability in school health resource rooms and ended a 1995 ban on condom distribution in city parks. Although parents overwhelmingly support sex education programs in the schools, the programs are highly controversial—and far too rare. The NYCLU is currently advocating for sex education programs that afford young people all of the information they need to protect their sexual health.

The RRP also successfully challenged pregnancy discrimination on behalf of women in various walks of life: from

the Suffolk County police officers and the deckhand on the Staten Island Ferry who were denied light duty and forced to leave work during pregnancy, to the parochial school teacher fired from her job, and the students pushed out of school or denied the right to participate in graduation for being pregnant.

As the nation prepares to implement health care reform and electronic medical records promise to enhance the coordination of services, the NYCLU leads the way in identifying the privacy concerns inherent in both, and advocating to ensure that New Yorkers can obtain the services they need without jeopardizing confidentiality.

LGBT/Fair Marriage

The freedom to marry in New York State is the hard-won product of more than 20 years of active advocacy by the NYCLU and other organizations. The Stonewall rebellion shined a light on anti-LGBT violence and in 1990, after U.S. Drug Enforcement Agents viciously beat two gay men, the NYCLU and the ACLU brought the first federal civil rights lawsuit against government employees as a result of bias-based violence. The case added momentum to the effort to enact federal hate crime legislation in 2000. In 2009, our successful suit against a New York school district on behalf of a 14-year-old student who was harassed and bullied for non-traditional gender expression, *J.L. v. Mohawk Central School District*, marked the first time in a decade that the U.S. Department of Justice intervened in an LGBT-related lawsuit. In 2004, the NYCLU and the ACLU together filed a landmark lawsuit seeking the freedom to marry for New York's lesbian and gay couples. Although that case, *Samuels et al v. N.Y. Dept. of Health*, was ultimately lost in the state's highest court, it brought the issue to a national audience and set the stage for the legislature's eventual passage

of the Marriage Equality Act in June 2011. Crucial to that achievement was the NYCLU's 2008 victory in *Martinez v. County of Monroe*, which forced New York State to recognize out-of-state same-sex marriages and prompted Governor David Paterson to require state agencies to follow suit. After a heartbreaking legislative defeat in 2010, ardent lobbying and advocacy led to a win for marriage fairness—and for all New Yorkers—in 2011.

On a national level, the NYCLU's work to challenge the constitutionality of the Clinton-era Defense of Marriage Act, which defines marriage as strictly between opposite-sex partners and denies legally married same-sex couples full recognition, has advanced through the courts, principally through our 2010 lawsuit, on behalf of Edie Windsor, who was forced to pay nearly \$400,000 in federal inheritance taxes after the death of her female spouse and partner of 44 years—fees that would not be levied on other married couples. As a result of the lawsuit, in February 2011, Attorney General Eric Holder announced that the Obama administration would no longer enforce or defend DOMA, leaving the House majority to scramble to defend the law in court.

Advocates from across the state descended on Albany in 2009 to press the State Legislature to update New York's marriage law and pass anti-bullying and transgender rights legislation.



SOCIAL JUSTICE

Advocating for the most vulnerable New Yorkers has long been central to the work of the NYCLU—giving voice to the oppressed, the marginalized, the disabled, the disenfranchised and immigrants.

Starting in the late 1960s, the NYCLU’s Mental Health Law Project championed the civil and human rights of the developmentally disabled and the mentally ill, breaking new ground and essentially creating a new area of civil liberties law. Our work in this critical arena is exemplified by our challenge to the then-established practice of warehousing mentally impaired patients in large institutions, typified by the the Willowbrook School, a state-run facility on Staten Island called a “snake pit” by Sen. Robert Kennedy. From 1972 to 1975, the NYCLU’s class action lawsuit, *New York State Association for Retarded Children v. Paterson*, charged that inhumane conditions at Willowbrook violated the constitutional rights of the mentally disabled. The lawsuit led to the closing of Willowbrook, with residents moved to smaller, more-appropriate community settings. A 1975 consent decree established comprehensive and detailed treatment standards for the mentally disabled—standards the NYCLU continues to uphold and monitor today.

Nearly 20 years later, the NYCLU pressed a class action lawsuit on behalf of psychiatric patients admitted to emergency rooms, which led to a 1992 court order guaranteeing timely, appropriate care and treatment. But despite long-standing court-mandated protections, abuses of the mentally challenged persist: In 2008, the NYCLU

exposed a 49-year-old woman’s death on the floor of a Brooklyn public hospital emergency room after a near-24 hour wait for care, tragically demonstrating a systemic culture of indifference that was the subject of an NYCLU lawsuit against the same hospital a year before the death. By January 2010, New York City finally agreed to overhaul patient care at Brooklyn’s Kings County Hospital, which the NYCLU continues to monitor closely. A month later, the New York State Legislature passed the Family Health Care Decision Act, ensuring the rights of families to make health care decisions for incapacitated loved ones, including domestic partners.





Protesters gathered in Nassau County in 2008 to oppose anti-immigrant ordinances.

Advancing the rights of New York's immigrants meant, in 1982, a lawsuit establishing the rights of immigrant detainees at the Brooklyn Detention Center to receive humane treatment, and the release of 53 Haitian immigrants who had been held without hearings, based only on their race and nationality. Nearly 20 years later, in 2003, we fought against a "special" immigrant registration program that exploited racial, ethnic and religious profiling. And in 2010, the NYCLU contributed to a significant victory for workers' rights, when the New York State Legislature passed a law establishing basic human rights and labor protections for domestic workers, most of whom are immigrant women of color. That same year, a court ruled that Oyster Bay, Long Island could not enforce a law on its books that prohibited day laborers from seeking employment on public streets, a policy that targeted members of the Latino community. In 2011, Secure

Communities—a federal deportation program that tears families apart and encourages racial profiling—was suspended in New York State, in large part due to NYCLU advocacy. We also worked to oppose local anti-immigrant ordinances, including those that sought to apply English-only rules in towns like Jackson, New York. Our advocacy encompassed New York's counties, towns and villages and included testimony before the United Nations. Integrating the causes of immigrants' rights and the rights of children to a free and fair public education, the NYCLU exposed the discriminatory practices of school districts across the state in requesting proof of immigration status to enroll in school. The NYCLU's advocacy led to the first-ever formal guidance from the U.S. Department of Justice and Department of Education affirming the rights of immigrant children to attend public school.

“ONE PERSON, ONE VOTE”

The right of citizens to vote is fundamental to a vibrant, pluralistic democracy. The NYCLU achieved a major victory for the core principle of “one person, one vote” when we challenged the New York City Board of Estimate. A 1989 victory in the U.S. Supreme Court capped eight years of NYCLU litigation—and led to the overhaul of New York City government. A similar NYCLU lawsuit in Nassau County was also successful. Along with the NAACP, we invoked the Voting Rights Act to mount a successful legal challenge to minority vote dilution and the City Council structure in Yonkers.

Protecting New Yorkers’ right to the ballot box has meant advancing the voting rights of paroled felons and community-based projects to educate new citizens and other eligible voters about their rights and responsibilities. The NYCLU continues to challenge prison-based gerrymandering that unfairly weights upstate communities with census-counts that include downstate residents incarcerated out of their home counties. And over the last 20 years, we have worked to establish the rights of students to vote in the communities in which they attend school, whether in cities like Albany and Syracuse, college towns like Saratoga, Ithaca and Poughkeepsie, or the New York City suburbs, home to schools like Sarah Lawrence and SUNY Stony Brook. We have also extended the reach of our voting-rights work beyond the geographic limits of New York: We have filed U.S. Supreme Court briefs challenging political gerrymandering in Indiana and Pennsylvania, seeking access to the ballot for third-party candidates in Ohio and challenging a provision in Hawaii that denied voters the right to cast write-in ballots.

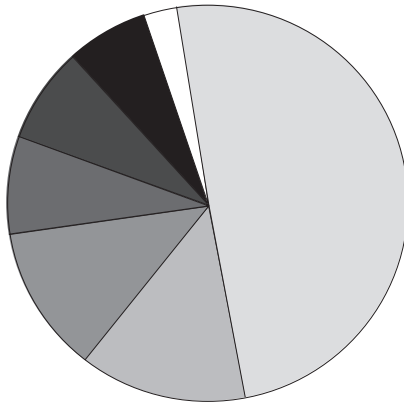
From New York’s quiet suburbs to the United States Supreme Court, the NYCLU has sought to protect the rights of all New Yorkers to the ballot box—to preserve and advance access to the political process that shapes our state, our country, and our future.



In New York, you can vote while on probation or once you have completed parole. During the 2008 presidential election, the NYCLU engaged in a public education campaign to let New Yorkers know this important information. Our outreach included a billboard in New York City’s Times Square.

FINANCIALS

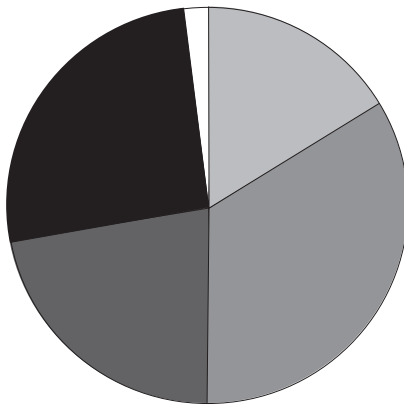
NEW YORK CIVIL LIBERTIES FOUNDATION, INC



2011 EXPENDITURES

<input type="checkbox"/>	Legislation	\$170,067
<input type="checkbox"/>	Legal and Public Education	\$2,016,573
<input type="checkbox"/>	Reproductive Rights Project	\$575,437
<input type="checkbox"/>	Advocacy	\$562,641
<input type="checkbox"/>	Communication	\$387,129
<input type="checkbox"/>	Administrative and General	\$436,407
<input type="checkbox"/>	Fund Raising	\$508,552

Total Expenditures \$4,656,806

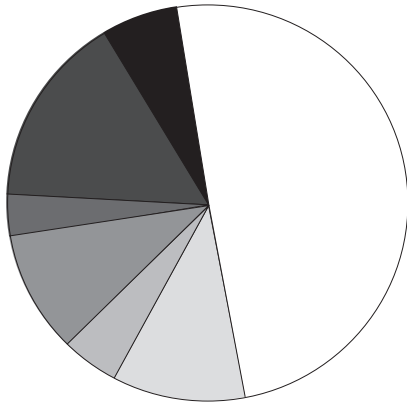


2011 SOURCES OF REVENUE

<input type="checkbox"/>	Foundation Grants	\$931,503
<input type="checkbox"/>	Contributions and Special Events	\$1,247,873
<input type="checkbox"/>	National ACLU Shared	\$1,410,462
<input type="checkbox"/>	Legal Fees Award	\$1,436,035
<input type="checkbox"/>	Other Income	\$108,566
	Transfer from (to) Reserves	(\$1,034,091)
	Investment Income	\$556,458

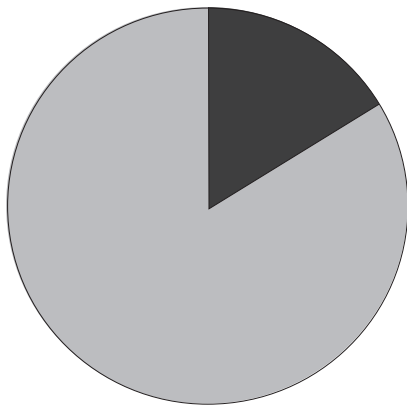
Total Sources of Revenue \$4,656,806

NEW YORK CIVIL LIBERTIES UNION, INC



2011 EXPENDITURES

<input type="checkbox"/>	Legislation	\$423,515
<input type="checkbox"/>	Legal and Public Education	\$96,479
<input type="checkbox"/>	Reproductive Rights Project	\$55,175
<input type="checkbox"/>	Advocacy	\$100,599
<input type="checkbox"/>	Communication	\$28,477
<input type="checkbox"/>	Administrative and General	\$143,516
<input type="checkbox"/>	Fundraising	\$61,934
	Total Expenditures	\$909,695



2011 SOURCES OF REVENUE

<input type="checkbox"/>	Membership	\$939,758
<input type="checkbox"/>	Contributions	\$1,247,873
	Transfer from (to) Reserves	(\$132,529)
	Investment Income	\$1,072
	Total Sources of Revenue	\$909,695

SUPPORT THE NYCLU

For 60 years, the New York Civil Liberties Union has been New York State's preeminent champion of civil liberties and civil rights. You can help fight for constitutional checks and balances and seek justice for the people of New York by supporting our work.

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.

JOIN 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.

JOIN 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.

JOIN THE AMICUS CLUB Lawyers and legal professionals are invited to join our Amicus Club with a donation worth 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. For more information, contact kwatterson@nyclu.org.

JOIN THE YOUNG PROFESSIONALS This program engages New York City young professionals between the ages of 24 and 40 in defending the civil liberties of all New Yorkers. Through event planning and fundraising, the Young Professionals raise funds for the NYCLU while socializing with like-minded people. For more information, contact cvalentin@nyclu.org.

BECOME AN NYCLU ACTIVIST NYCLU activists organize coalitions, lobby elected officials, protest civil liberties violations and participate in web-based action campaigns. Go to www.nyclu.org to sign up and stand up for civil liberties, or follow @NYCLU or @JustAskDonna on Twitter.

For details and additional options on giving, contact:

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Tel: 212.607.3300

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Buffalo, NY 14202
716.852.4033

■ **2003/2010**

■ NYCLU/ACLU win release of government records documenting torture of US military detainees at Guantanamo, Bagram and secret CIA detention sites.

National
SECURITY

■ **June 2004**

■ After nearly a decade of advocacy by NYCLU and allies, death penalty is abolished in New York.

■ **October 2004**

■ NYCLU lawsuit stops NYPD from restricting demonstrations at 2004 Republican National Convention.

Freedom of
PROTEST

■ **April 2009**

■ After more than 30 years of advocacy, NYCLU celebrates historic reforms of the state's notorious Rockefeller drug sentencing laws.

■ **May 2010**

■ Court rules that NYCLU and co-counsel Schulte, Roth & Zabel, LLC can proceed with landmark case demanding reforms to New York State's failing public defense system.

■ **June 2010**

■ NYCLU advocacy leads to basic labor protections for domestic workers through the passage of the Domestic Workers Bill of Rights.

■ **June 2010**

■ After a decade of advocacy, the NYCLU wins protection for children from bullying and biased-based harassment in public schools throughout the state with passage of the Dignity for All Students Act.

■ **June 2011**

■ NYCLU advocacy helps same-sex couples finally win the freedom to marry in New York.

▶ **And more milestones to come as the NYCLU's work is never finished.**



www.nyclu.org