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NEW YORK CIVIL LIBERTIES UNION
125 BROAD STREET, 19TH FLOOR
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We need you to join the Civil Liberties Majority!

There are many ways to take part in the
Trump Resistance Movement:

- Become a member at nyclu.org/join.
- Donate to us by following the "Donate" link at nyclu.org.
- Become an online activist at nyclu.org/act.
- Learn more about volunteering at nyclu.org/volunteer.
- Follow us @nyclu on [Twitter](https://twitter.com/nyclu)/[Instagram](https://www.instagram.com/nyclu) and on facebook.com/nyclu.

nyclu.org

A MESSAGE FROM NYCLU EXECUTIVE DIRECTOR DONNA LIEBERMAN:

What Does Resistance Look Like?



Founded in 1951 as the New York affiliate of the American Civil Liberties Union (ACLU), we are a nonprofit, nonpartisan organization with nine offices and nearly 200,000 supporters. Through legislative advocacy, impact litigation and public education, the NYCLU leads freedom forward across the state.

It has been less than a year since Donald Trump was sworn into office. His campaign made it very clear that his presidency would put our democracy under siege. Unfortunately, the Trump regime has confirmed our worst fears. They have pursued a relentless agenda of hate, greed, and disdain for the principles of freedom, equality and justice that lie at the heart of our democracy.

So...the NYCLU has been relentlessly fighting back, helping to lead the resistance.

Perhaps the most visible, ruthless and gut-wrenching attacks have targeted immigrants. In January, we fought back—at the airports, in the courts, and in the streets—to stop the Muslim ban. And just last month we won a major victory for the many refugees held in the Batavia, New York federal detention facility without a bond hearing or consideration for parole.

As we strive to defend justice, the NYCLU has been relentless in our pursuit of police transparency and accountability. In New York City, we led the campaign for the [Right to Know Act](#). We launched an interactive campaign called #ListeningNYC, inviting New Yorkers to talk to each other about policing and demand that the mayor holds the NYPD accountable for protecting all communities equally, with dignity and respect. We also released the first part of our Police Report Card series, [Taking Cover](#), which details the lack of transparency in police departments around the state. Finally, we sued the NYPD for discriminating against black detectives seeking promotions in the department's intelligence division.

Everyone's rights are at risk—even our children: this administration's rollback of federal protections for transgender students is a prime example. Here at the NYCLU, we look out for young people. We [successfully challenged](#) the Buffalo City School District for discrimination against LGBTQ students at McKinley High School and won recognition for the school's Gay-Straight Alliance. Our lawsuit put an end to the use of [solitary confinement](#) on juveniles awaiting trial in the Onondaga County "Justice" Center. And now, we're suing to demand changes to use-of-force policy on behalf of a [14-year-old student](#) in Syracuse who was choked until he lost consciousness by a police officer assigned to his school.

We've been very busy because the attacks come daily. Every win for the NYCLU is a win for New York and none of this would be possible without your unwavering support.

Thank you for standing with us in troubling times.

#ListeningNYC

"When I grew up in Bushwick it was hyper-policed...like an outside entity invading my community."

—Darren, Bushwick resident

A #ListeningNYC participant as he crafts his message to the Mayor.



When the NYCLU launched #ListeningNYC in late September, we expected it to generate buzz around policing in New York City. Our goal was to get New Yorkers and those tasked with serving and protecting to think critically about the role of policing and how it affects different communities. The campaign blossomed beyond our expectations: former Boston mayoral candidate [Tito Jackson](#) vowed to replicate it if elected and New Yorkers, like Darren, were eager to share their experiences.

#ListeningNYC invites people to talk and listen to each other about policing in New York City. The campaign features a travelling pop-up installation called the "Listening Room," which allows visitors to engage in difficult dialogue about police/community relations and hear recorded stories of New Yorkers' interactions with the NYPD. Discussions are facilitated by conversation cards with prompts like, "should footage

from police body cameras be public?" and "I believe the role of police is to _____". Listening Room participants can also send messages to Mayor Bill de Blasio—as of December 4th, we had sent over 1,300 postcards to the mayor on behalf of local New Yorkers.

#ListeningNYC is a follow-up to our unprecedented 2016 survey of New York City residents in the most heavily policed communities about their experiences with the NYPD. In partnership with the Public Science Project, [#CitizenQuota](#) surveyed more than 1,000 individuals in three week-long sessions in Brownsville, Brooklyn, East Harlem, and Morrisania, Bronx. The survey was also designed to inform people of their rights, common policing tactics and how to identify some surveillance equipment.

For more information and to get involved, visit [listening.nyc](#) or follow [@listeningNYC](#) on Instagram.

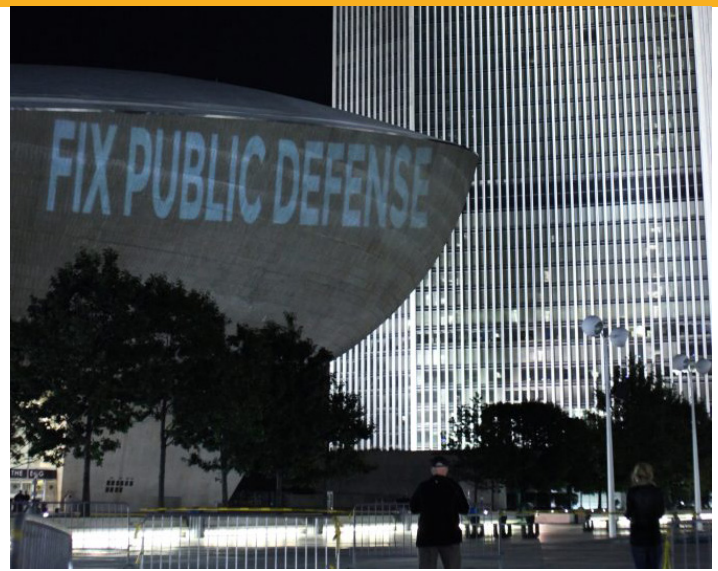
10 Years Later: Reform of Public Defense Services in New York

This year, state lawmakers finally passed the Justice Equality Act thanks in large part to a ten-year NYCLU crusade.

In 2007, the NYCLU filed a lawsuit (*Hurrell-Harring et al. v. State of New York*) that charged the state with failing its constitutional duty to provide a lawyer to persons facing criminal charges who could not afford a private attorney. In October 2014, we reached a settlement agreement that obligates the state to provide the resources required to uphold the right to counsel of indigent persons. But the settlement in *Hurrell-Harring* reached only the five counties named as defendants in the lawsuit.

Early in 2015, Assembly Member Patricia Fahy introduced legislation obligating the state to fund public defense services in all counties. The New York State Association of Counties applauded the bill and county officials joined our campaign. Senate Deputy Majority Leader John DeFrancisco then introduced the Fahy bill. Never before had a Republican sponsored major criminal justice reform legislation supported by the NYCLU.

In the closing days of the 2016 legislative session, lawmakers passed the bill without a single “no” vote. The governor’s office was notably silent. Six months later, on New Year’s Eve, the governor vetoed the bill. In response, the NYCLU used a



In 2014, the NYCLU partnered with [The Illuminator](#) to bring awareness to our campaign. This is just one example of the countless tools used to educate the public and generate dialogue throughout this decade-long battle.

variety of tactics, including travelling to Albany with more than 1,000 NYCLU supporters, demanding that lawmakers fix New York’s failed public defense system. In a meeting with the governor’s counsel, senior members of the NYCLU staff did their best to shame him and the governor for the New Year’s Eve veto.

Soon after, the Assembly introduced budget legislation mandating that the state provide all 62 counties the funding required to meet the standards for public defense services required by *Hurrell-Harring*. Now, tucked away in a 370-page bill adopted as part of the 2017 budget are several pages that guarantee the right to legal counsel for criminal defendants.



NYCLU Sues the NYPD (Again)

In September, the NYCLU filed yet another lawsuit against the NYPD. This time, on behalf of three black detectives (Jon McCollum, Ronald Stephens and Theodore Coleman) who experienced discrimination when they sought promotions. In this federal suit, filed in partnership with the law firm of Emery Celli Brinkerhoff & Abady LLC, the

three plaintiffs represent a class of black detectives.

This suit comes on the heels of a complaint filed with the EEOC (United States Equal Employment Opportunity Commission) in 2011. In response to the filing, the EEOC concluded that “black detectives received lesser and later opportunities for promotion consistent with their qualifications.” Despite years of complaints and the EEOC’s conclusions, the NYPD has yet to make any changes to their discriminatory practices. According to the recent lawsuit, black detectives continue to be overlooked “in spite of their proven track records of achievement and strong recommendations from their direct supervisors.”

The role of the NYPD Intelligence Division is to prevent and investigate major crimes. The three detectives in this case joined the Division in 2001 and risked

their lives on behalf of New Yorkers after the September 11th attacks. They rescued people from buildings and played a major role in the subsequent investigation, interviewing hundreds of suspected terrorists and following up on countless leads.

Like other detectives in this case, Jon McCollum’s supervisors submitted multiple recommendations for his promotion between 2001 and 2011, all of which were denied. One supervisor said, “if you were a white guy, you’d be [promoted] by now.” After being a detective for 16 years, Detective McCollum was finally promoted in 2012, a year after the EEOC’s conclusions and two years before his retirement. Detective McCollum was promoted along with black colleagues who averaged nearly 10 years of service before their promotion and whites that averaged approximately five.

Abdi v. Sessions – Seeking Asylum, Receiving No Mercy

Aadhithi Padmanabhan and Paige Austin originally wrote about this case in the [New York Daily News](#).

This summer, the NYCLU began to receive reports that the government was detaining indefinitely asylum-seekers at the Buffalo Federal Detention Facility in Batavia, New York. These were all people who came to America seeking refuge, only to end up in a remote detention center, alone and afraid.

This practice flies in the face of federal policy and is a direct manifestation of the anti-immigrant sentiment that has shaped the first year of Donald Trump’s presidency. We sued in July on behalf of a single Somali asylum-seeker and the government quickly released him. In August, we expanded the case to include a class of more than 30 asylum-seekers held unlawfully at Batavia. Our lawsuit was filed in partnership with the International Refugee Assistance Project at the Urban Justice Center.

Johan Barrios Ramos, one of our lead clients, described his time at Batavia as suffering. Originally from Cuba, Johan fled to the U.S. believing that our country would protect him. Instead, it brought up horrific past experiences. “The anxiety that I felt while incarcerated in Cuba has gotten worse,” said Johan. “Being locked up reminds me of what happened to me in Cuba. I have been diagnosed with PTSD.”

In 2010, Johan became involved in political opposition and human rights work. After visiting an imprisoned member of the opposition in 2013, Johan himself was locked up. Authorities viewed his actions as “anti-Cuba”. For 11 months, he was subject to abuse, solitary confinement and was sometimes deprived of food. After his release, he was harassed and monitored by Cuban authorities.

After two failed attempts at leaving the country, Johan left Cuba on a raft and arrived at the coast of Mexico in December 2016. He travelled overland for days, before finally arriving at the U.S.-Mexico border just days before President Trump’s



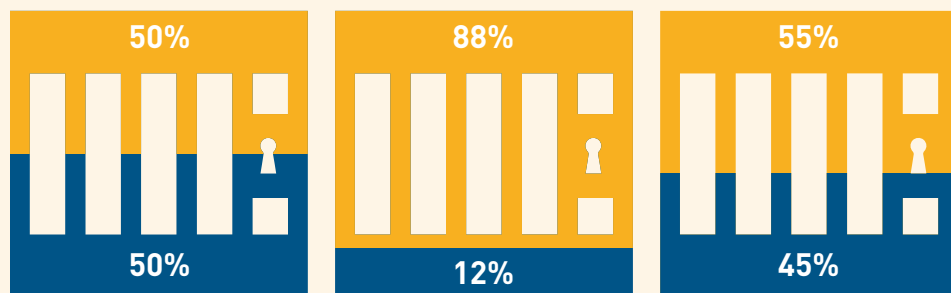
The first thing the judge said to the group above was: “it’s not often I see the government outnumbered.” From left: NYCLU Paralegal Andrea Barrientos, NYCLU Staff Attorney Paige Austin, IRAP Staff Attorney Deepa Alagesan, NYCLU Staff Attorney Aadhithi Padmanabhan, IRAP Litigation Director Mariko Hirose, NYCLU Legal Director Chris Dunn, NYCLU Legal Fellow Scout Katovich, NYCLU Staff Attorney Robert Hodgson and IRAP Paralegal Casey Smith represented asylum-seekers in this case. NYCLU Data & Policy Analyst Michelle Shames was also on the case.

inauguration. He requested asylum and passed an initial screening, but a deportation officer told him that ICE was no longer granting parole to anyone.

Federal policy states that asylum-seekers are to be granted parole and released from detention while awaiting their asylum hearing unless they are considered a threat to the public or a potential no-show to court. Johan was finally released on parole in September—seven long months after he took his dangerous trek to the U.S.

In mid-November, Federal District Court Judge Elizabeth Wolford granted our request for a preliminary injunction and denied the government’s motion to dismiss the case. She ordered the government to immediately redo the parole process for our clients and to start bond hearings for asylum-seekers held for more than six months. We are waiting to see how the government responds but this is an enormous win for asylum-seekers at Batavia.

Parole Decisions Pre-Inauguration to Post-Filing



11/10/16 – 1/19/17

1/20/17 – 7/28/17
Inauguration – Filing Date

7/29/17 – 8/10/17

Data obtained by the NYCLU shows that after President Trump’s inauguration in late January, parole at Batavia plummeted from 50 percent to just above 10 percent.

- Parole Denied
- Parole Granted

The NYCLU's Inaugural Associate Council

Founded to bridge the gap between the NYCLU and young professionals, our Associate Council is already shaping up to be so much more.

Donald Trump's rise to the presidency has altered the way that many people spend their time. Since the election, some have dedicated themselves to advancing Trump's vision for America. Others, often victims of the damage already dealt by his administration, have worked tirelessly with allies to combat a common foe. Despite Trump's divisiveness, many people are standing united in resistance.

Dominic Spence felt an urge to contribute to the resistance after the election. He could not stomach doing nothing while people like him were targeted. So, when the application for the NYCLU's Associate Council circulated shortly after Inauguration Day, the timing couldn't have been more perfect.

Though Dominic enjoys his professional career, it largely consists of "corporate transactional work" and his only opportunities to volunteer his time are through pro bono legal services. "I want to have an impact on younger folks who look like me, who have similar experiences to me," he said. "The NYCLU and the Associate Council are great ways for me to use some of my time to give back."

Dominic is a Jamaican-American man of color who identifies as LGBT. He is all too familiar with the ignorance and bigotry his communities face every day and knows that many voices go unheard. In everything he does, he seeks to empower marginalized people with knowledge, skills, resources and the motivation to advocate for their rights. The NYCLU's track record as a voice for the oppressed is what attracted Dominic to us.

In Dominic's eyes, the Council can add significant value to the NYCLU. "There is a new generation of activists who want to get involved," he explained. "They don't only want to send money, they want to participate in the various avenues of activism that the NYCLU has created. Whether that means organizing or attending events and rallies, or calling voters and politicians, the Associate Council is committed to protecting civil rights." The Associate Council will ultimately bridge the gap between the NYCLU and the young professionals who want to do something in the name of social justice, but may not have us on their radar.

In September, Dominic and the Council held their first "Flights and Rights" event at The Ginger Man in Midtown Manhattan, which garnered interest from non-Associate Council members and non-NYCLU affiliated folks alike. NYCLU Assistant Advocacy Director Lauren Frederico spoke to the audience about our work and volunteer opportunities. The Associate Council plans



Dominic Spence, NYCLU Associate Council Co-Chair

to host events regularly, including networking events with guest speakers, panels and roundtable discussions. They also look to host an annual fundraiser on behalf of the NYCLU geared towards people in their generations.

Through the first six months of its inaugural year, members are laying the groundwork to ensure the Council remains in place for years to come. The Council has established leadership positions and committees to efficiently leverage the enthusiasm of its members. So far, "everyone is excited and motivated and I want them to stay that way," Dominic said. "In today's world, we are interested in things for five minutes, and then move on to the next headline, so it's my job to keep the council engaged."

The NYCLU is grateful to Dominic and all of the associate council members for volunteering their time with us. We could not do this without a strong network of advocates standing with us, holding the line for freedom.

For more information about the council and upcoming events, email the council at associatecouncil@nyclu.org or visit them at nyclu.org/associate-council.



Broadway Stands Up

The NYCLU and the ACLU hosted the annual Broadway Stands Up for Freedom concert on July 17th for a sold-out crowd at the NYU Skirball Center for the Performing Arts. The show featured the premiere of 13 original songs for the resistance composed by renowned Broadway songwriters including Tony Award winner Stew (*Passing Strange*), Kinoshian and Blair, and Kooman and Dimond. Kurt Crowley from *Hamilton* was the concert's music director.



This was the NYCLU's 15th Broadway Stands Up for Freedom concert. The first was a benefit developed by aspiring actors to highlight social injustices, civil rights and civil liberties. The show has come a long way in 15 years and featured many of Broadway's finest performers, like Tony Award winners Gavin Creel and Jayne Houdyshell along with Seth Rudetsky, Erich Bergen, Celia Keenan-Bolger, Shaina Taub and more. One of the highlights of the 2017 show was the Brooklyn Youth Chorus and Shaina performing her original song, "Huddled Masses".

The NYCLU honored Mr. Harry Belafonte with our first ever Freedom Award for his contributions as an artist and activist to human rights. Mr. Belafonte was under the weather and unable to attend the event. That didn't stop him from calling in to the show to accept his award while encouraging those in attendance to stand together and never back down.



Broadway Stands Up for Freedom is moving to Town Hall in Times Square and to the fall. Save the date: October 15, 2018

Photos (top-bottom): Shaina Taub performs with the Brooklyn Youth Chorus; Executive Director Donna Lieberman speaks to Harry Belafonte on the phone to present him with the Freedom Award; Actors Susan Blackwell, Celia Keenan-Bolger, Taylor Trensch and Gavin Creel perform (Photos by Dia Dipasupil).

What's on my civil liberties playlist?

Are there any songs that kept you calm, motivated or uplifted through this difficult year? If not, we have you covered. Here are a few songs for the resistance that NYCLU staff have had in heavy rotation since inauguration day:

- Alicia Keys - We Are Here
- Aretha Franklin - Respect
- Avicii - Wake Me Up
- Beyoncé - Lemonade (Album)
- Bob Marley and the Wailers - Rebel Music
- Caetano Veloso - Cucurrucucu Paloma
- Eddie Kendricks - My People...Hold On
- HAiM - Days Are Gone
- Hamilton Cast - Hamilton (Soundtrack)
- Jamiroquai - Canned Heat
- Janelle Monae Feat. Erykah Badu - Q.U.E.E.N.
- John Legend - If You're Out There
- John Legend Feat. Common - Glory
- Kanye West - Stronger
- La Santa Cecilia - Ice El Hielo
- Las Cafeteras - This Land Is Your Land
- Las Cafeteras - If I Was President
- Nas and Damian Marley - Count Your Blessings
- Nina Simone - To Be Young, Gifted and Black
- Paul Simon - Graceland (Album)
- Pharrell - Freedom
- Radiohead - Optimistic
- Rihanna - Disturbia
- Sade - Why Can't We Live Together?
- Sia - The Greatest
- Talib Kweli - Get By
- The Decemberists - Don't Carry it All
- TLC - His Story

Yes! I will be a part of the civil liberties majority.

**I stand with the NYCLU. Together, we will:
Fight the Hate | Protect Our Democracy | Defend Justice**

Enclosed is my check payable to the NYCLU Foundation in the amount of:

\$500 \$250 \$100 \$50 Other \$ _____

Name _____

Address _____

City _____ State _____ Zip _____

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Please charge \$_____ to my: AmEx Visa MasterCard

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