



VOL. LIX, NO. 2 | SPRING 2019

# NYCLU NEWS

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**NYCLU**

A MESSAGE FROM NYCLU'S EXECUTIVE DIRECTOR DONNA LIEBERMAN

## What Democracy Looks Like



Founded in 1951 as the New York state affiliate of the American Civil Liberties Union (ACLU), we are a nonprofit, nonpartisan organization with nine offices and nearly 200,000 supporters.

Through impact litigation, legislative advocacy, organizing and public education, the NYCLU fights for the dignity of all people.

These days I cherish good news wherever I can find it. Fortunately, New Yorkers have more victories to cheer for in the [first half of 2019](#) than any other time in recent memory. After years of neglect, the State Legislature finally is standing for the rights and dignity of all New Yorkers.

Indeed, this has been a landmark year for civil rights and civil liberties in New York. We published our agenda for the first 100 days of the state legislative session and more than half of our proposals have already passed in whole or in part.

With the passage of the Reproductive Health Act (RHA), New York now stands as a safe haven for women. Our law now recognizes abortion care as a fundamental right, bringing our state law in line with the protections provided by *Roe v. Wade*. And New Yorkers can finally count on insurance coverage for contraceptives. We are well on our way to enjoying early voting, same-day registration and “no-excuse” absentee voting. Gender identity and expression are now protected categories under state civil rights laws. We have seen reforms to bail, speedy trial and criminal discovery laws that should work in concert to improve our justice system.

But lawmakers don’t deserve all of the credit. With engaged supporters like you and countless allied organizations by our side, the NYCLU lit a fire under our elected officials after the midterms and demanded that they protect us from the Trump regime’s backwards agenda.

RHA’s passage infuriated Trump—he even misled the country about it in his State of the Union Address. To correct the record, RHA takes abortion out of the criminal code and permits the procedure after 24 weeks if the fetus is inviable or the mother’s health is at risk. It allows New Yorkers to receive abortion care from nurse practitioners, physicians’ assistants and licensed midwives, broadening access.

The RHA movement was a decades-long campaign. The debate about whether qualified advanced practice clinicians could perform abortions stemmed from the NYCLU’s advocacy on behalf of a physician’s assistant in the 1990s. We pushed the state to issue guidance in favor of this, as long as abortion care was within the clinicians’ expertise and training. But providers were still reluctant, fearing that DAs would charge them anyway.

While there is still more to do to make New York a bastion of equality, we have certainly made enormous progress.

Our wins speak to the value of persistence and epitomize how we can come together to demand a democracy that works for us. Keep reading to see just a few ways that we are hard at work: ensuring that equity is at the heart of infrastructure projects, standing with the LGBT community, and combatting Trump’s anti-immigrant policies. At [nyclu.org](http://nyclu.org), you will see even more.

Thank you for supporting the NYCLU as we push New York to become a safe haven for all New Yorkers.

## Democracy on the Line in the Supreme Court

### The NYCLU and ACLU in court fighting against a citizenship question on the census

An accurate census is crucial to our democracy. It apportions political power and determines how vital federal resources are allocated. The Trump administration is well aware of this: that is exactly why it decided to include a citizenship question on the 2020 Census. Such a change would mark the first time America has done so since the 1940s.

It is clear that the Trump regime intends to use this question to intimidate immigrants and communities of color and to ensure that certain people don’t count in America.

The administration itself has admitted that such a question could result in an undercount of nearly 6.5 million people.

In January, we filed suit along with the ACLU and the New York State Attorney General’s office to successfully stop the federal government from weaponizing the Census. The federal court found that the census question constituted an “egregious” violation of federal law and confirmed that millions of people will likely go uncounted.

Of course, the Trump administration appealed the ruling. ACLU attorneys were in the Supreme Court on April 23 to conduct oral arguments with NYCLU attorneys present and supporting.

No one should be intimidated from being counted in our Census. We must continue to raise our voice and speak out against Trump’s overreach and his anti-immigrant policies.

# This is Not the Year 1960

## Lanessa Owens-Chaplin is empowering her hometown community

In September 2018, the NYCLU's Central New York Chapter welcomed Lanessa as the Interstate 81 Project Counsel. A Syracuse native with a legal and organizing background, Lanessa felt that the unfolding battle around the future of I-81 was too important of an issue to observe from the sidelines.

As a child growing up on Syracuse's southside, Lanessa often wondered, "Why is this city so segregated?" While the answer to this question is complicated, involving cyclical poverty fueled by generations of inequality and injustice, Lanessa does not have to dig too far in history to find at least one culprit: Interstate 81.

I-81's construction during the 1950s and 1960s was controversial as it cut through downtown Syracuse in favor of suburban development. Residents of the 15th Ward—where the majority of Syracuse's black population lived at the time—faced arrests and harassment from the police. They were protesting the seizure and the eventual destruction of their homes to make way for the highway. In fact, the NYCLU's Central New York Chapter was founded in 1963 in response to these events.

But I-81's legacy goes well beyond mishandled protests. The highway isolated the black community. It is responsible for Syracuse having the highest concentration of impoverished black and Latino communities in the country. Syracuse also has the highest levels of segregation between school borders in all of New York and is the ninth most segregated city nationwide. "This was a thriving neighborhood," Lanessa said of the 15th Ward. "There were black homeowners and black business owners. When we look at poor families today, who knows what kind of wealth they would have accumulated if they hadn't lost their neighborhood?"

Together with discriminatory practices like redlining, the highway facilitated white flight to the suburbs. Resources and development followed white families but the black families displaced by the construction were left behind. Property owners refused to sell homes or rent to people of color. Though Lanessa did not realize this when she was a teenager, her family had problems moving to the suburbs for this very reason.

Her stepfather, a black man, was unable to purchase a home. Despite having a good union job at the Solvay steam plant near Onondaga Lake, realtors continually showed him homes in low opportunity neighborhoods that were majority black. They would claim that there were no available homes in other areas, a practice referred to as "racial steering." But Lanessa's mother, a white woman, contacted a realtor and was immediately shown houses in high opportunity areas in the white suburbs. At the time, she made only a third of her husband's salary.

Today, as I-81 Project Counsel, Lanessa is uniquely positioned to make a difference and reverse some of I-81's damage for future generations. The highway's 50-year lifespan expired in



NYCLU's I-81 Project Counsel, Lanessa Owens-Chaplin. Photo by VRenee Photography.

2017 and the Department of Transportation recently released a Draft Environmental Impact Statement (DEIS) detailing their plans to replace the highway in Syracuse with a community grid. Lanessa and Central New York Chapter Director Yusuf Abdul-Qadir have led efforts to educate the public about I-81 and the impact it has had on Syracuse. They also are working to ensure that Syracuse's marginalized communities are front and center when it comes time for the State to field public comments about the DEIS and the highway's future.

Lanessa describes this work as a rewarding, yet uphill, battle: "It takes a lot of work to empower and engage people who historically have been disenfranchised and left out of decision-making processes." Lanessa spends much of her time hosting workshops and canvassing neighborhoods to raise awareness about the highway and the opportunities the replacement process presents. When meeting with folks from the community, she reminds them that, "this is not the year 1960," Lanessa said. "We can actually do something about this."

One of the primary challenges Lanessa faces is shifting the public conversation to focus on the community that would be most affected by I-81's replacement. Right now, much of the I-81 discourse revolves around convenience for suburbanites and their commute time through Syracuse. Lanessa argues that the discussion instead should focus on "those who live five to seven feet away" from the highway. She went on to say that, "We should be talking about the health, social, economic and educational implications that the highway is having on an entire neighborhood."

Many already suffer from the effects of terrible air quality (asthma, for example) due to their proximity to the highway. In addition, those who rely on public transportation will have their lives derailed once construction gets underway. It is crucial that those who live closest to the highway are involved in the replacement planning process.

If not, this community will suffer for another half-century, or more. They cannot afford that setback.

To learn more about our advocacy around I-81, visit [NYCLU.org/i81](https://www.nyclu.org/i81).

# Trans Woman Charged With 'False Personation'

## for Giving the NYPD Her Real Name

On her way home from the bus stop on a spring night in the Bronx last year, Linda Dominguez cut across a park to get to her apartment.

Even though others leaving the bus also were crossing the park, three NYPD officers decided to single out and arrest Linda, a Latina transgender woman.

Linda, who doesn't speak English, had no idea why the police had stopped her or what they were arresting her for. In the precinct, an officer finally spoke to her in Spanish, and Linda explained that she was a transgender woman and had legally changed her name. She then gave the officer both her previous first name and her current first name, along with accurate information about her last name, date of birth and home address.

Linda's experience got worse from there. The arresting officer placed her in a part of a cell that was separated from other people. She cuffed Linda to a bar in the cell using pink handcuffs. Around her, Linda saw other people being placed in cells, but none of them were cuffed inside the cells, and none of

them were in pink handcuffs. While other people who were arrested were referred to by their last names, the officers repeatedly and mockingly called Linda by her old first name. Officers repeatedly gestured at Linda while joking, laughing, and shooting her disgusted looks.

Even when Linda was brought to court the next morning, she still didn't understand why she was there. It was only later that she learned she was charged with criminal trespass for being in the park at night as well as with "false personation"—a crime requiring a person to have knowingly misrepresented their actual name with intent to prevent the police from discovering their identity—for giving her previous and current names to the police.

The charges against Linda were dropped in August of last year, but her experience left her traumatized and afraid of the police. In January, the NYCLU and the ACLU filed a lawsuit on Linda's behalf for malicious prosecution for targeting her with a bogus criminal charge because she is transgender. The abuse and harassment Linda endured also violated state and local civil rights laws and made clear that the NYPD has failed to take reasonable measures to train and supervise its officers when interacting with transgender people.

Linda's experience is all too common for trans people of color around the country and in New York. A [recent report](#), for example, highlighted how transgender



Linda Dominguez, 2019.

people in Queens are often profiled as sex workers and targeted with bogus arrests by the NYPD.

The NYPD has known about incidents like these for a long time. In 2012, it issued a series of patrol guide provisions establishing basic protections for transgender people who come into contact with the police, including a specific provision prohibiting officers from charging trans people with false personation based on naming confusion. But in 2017, the [NYC Department of Investigation](#) found that the NYPD's steps to prevent abuse of transgender people were woefully inadequate.

Linda cares deeply about advocating for her community, and she decided to do what she could to keep what happened to her from happening to anyone else. This lawsuit aims to make sure that the NYPD turns good policies into good practices when it comes to the transgender New Yorkers it is sworn to protect.

**Yes! I am part of the civil liberties majority.**

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\$500  \$250  \$100  \$50  Other \$ \_\_\_\_\_

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Join us on June 11 at  
6:30 p.m. for our LGBT Project's  
Annual Cocktail Reception  
in NYC. We'll be at the Top of  
the Standard at The Standard,  
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Anniversary of Stonewall.

**Visit [NYCLU.org/lgbtreception](http://NYCLU.org/lgbtreception)  
to purchase a ticket today!**

# Election 2019: Biographies of Candidates

## NYCLU Board of Directors

### WHO MAY VOTE

To be a member, you must be a New York state resident who has made a non-tax-deductible contribution to the NYCLU or ACLU—notwithstanding any tax-deductible donations to the NYCLU Foundation or to the ACLU Foundation—since February 1, 2018 and no later than June 13, 2019, or be a lifetime member. If you have any questions about your membership status, please call the NYCLU at 212.607.3364 or email [kkole@nyclu.org](mailto:kkole@nyclu.org). There is still time to become a member and vote: Go to [nyclu.org/join](http://nyclu.org/join).

### CANDIDATES

Each year, the NYCLU Board of Directors elects a Nominating Committee, including current and non-board members from across the state, to assemble a slate that will strengthen the Board of Directors by increasing diversity and representation of the state's residents and assuring that the Board has the full range of skills and experience necessary to fulfill its responsibilities. Candidates recommended by this year's Committee were interviewed and carefully considered under a number of key criteria, including but not limited to: the need for regional balance in leadership; the recently updated board plan for equity, inclusion and diversity; professional backgrounds and expertise; understanding of the NYCLU's mission; and personal initiative on NYCLU priority issues. In accordance with the NYCLU bylaws, the NYCLU Nominating Committee nominated 14 people (as indicated in their biographical statements), the exact number of people to be elected. The Committee believes that the recommended slate represents a wide range of perspectives and has the ability to provide deep expertise on a number of civil liberties issues to the Board.

The annual meeting of the members of the NYCLU will be held on June 20th, 2019 at the NYCLU offices at 125 Broad Street, 19th Floor, New York, New York, for the purposes of electing directors and receiving the annual report. There are 14 candidates and 14 vacancies, including one recently created when a member resigned. The 13 candidates receiving the highest number of votes will serve full three-year terms. The candidate receiving the fewest number of votes will serve two years.

The candidate biographies are set forth below in alphabetical order. To view lengthier candidate statements, to obtain contact information for individual candidates or to print out a proxy ballot (one cannot vote electronically), please visit [www.nyclu.org/boardelections](http://www.nyclu.org/boardelections).

## Candidate Bios

### V Simpson Turner

(Nominated by the Nominating Committee)

I am the Senior Pastor of the historic Mt. Carmel Baptist Church in Brooklyn. Our congregation has been outspoken and led protests against civil rights violations. I formed a community organization named Operation Upgrade where we have enlightened and assisted the disenfranchised regarding civil liberties. I am a Chaplain with the Fire Department of New York. I have worked for 25 years on prison reform with a civic organization. I have spoken at the United Nations regarding racial, social and economic injustice around the world.

### Rachel Noerdlinger

(Nominated by the Nominating Committee)

Rachel Noerdlinger is a communications expert with decades of experience amplifying civil rights cases that led to national awareness around criminal justice reform. Noerdlinger has led national publicity campaigns for companies and non-profits to drive community engagement and has organized large-scale coalitions. She is an expert around issues related to diversity, inclusion and strengthening relationships in marginalized communities.

Noerdlinger has been public relations advisor to Rev. Al Sharpton, Attorney Maya Wiley, the late Attorney Johnnie L. Cochran, Jr., among others. She is the former Chief of Staff for New York City's First Lady, Chirlane McCray.

Rachel learned public relations from one of the country's preeminent publicists, Terrie M. Williams, whose firm she joined as an intern before ascending to the position of Vice President. Noerdlinger has been featured in Essence Magazine as one of the top ten females in the country making strides in her respective field.

### John Cirrin

(Nominated by the Nominating Committee)

I have served on multiple committees on the NYCLU Board: Auditing, Statewide Presence, Board Meetings Remote Participation, Chapters and Nominating. My background in Public Library Public Relations gives me a unique perspective on crafting our message to resonate with the public, and the ability to work effectively with the diverse perspectives that our Board embodies.

If re-elected, I would participate in any Public Relations initiatives that the Board and the NYCLU staff wish to embrace. In the past, I have been active in the NYCLU's efforts to repeal the Rockefeller drug laws, and advocating for comprehensive immigration reform, as well as the drive to implement Marriage Equality in New York state.

I have a great deal of respect for NYCLU's work and the selfless attitudes of the individual members. Residing in Albany has made me acutely aware of the legislative climate and ways the NYCLU can implement its agenda.

### Carlin Meyer

(Nominated by the Nominating Committee)

I became a CLU supporter more than 50 years ago and a decade ago joined as a lifetime member. I did so because of its leadership in fighting against discrimination and inequality and for economic, civil and social rights. Today, that leadership is needed more than ever and the NYCLU is in a strong position to exercise it.

Before joining the NYCLU Board, I practiced civil rights, employment and labor law and taught law for 26 years. I served as president of the NYC Chapter of the National Lawyers Guild and as a Commissioner on the NYC Status of Women.

During my three years on the NYCLU board, I have helped draft policies on Aid in Dying, and Equity, Inclusion and Diversity, spoke for the NYCLU against holding a state constitutional convention, conducted staff anti-discrimination training, helped redraft the NYCLU's Employee Handbook, and participated actively in discussion of our goals and strategic direction.

### Anne Keenan

(Nominated by the Nominating Committee)

I am honored to be nominated to the Board of the New York Civil Liberties Union for a second term. I have been proud to serve such an effective and inspiring organization.

Over the past three years, I have served on Board committees including the Development Committee and the Nominating Committee and have brought my background in reproductive rights, my professional skills in strategy, advocacy, and marketing, and my passion for the issues that NYCLU addresses. I have:

A passion for reproductive justice. I have a professional background at Planned Parenthood and serving on the Boards of two abortion funds.

Experience in strategy. I currently work at Purpose PBC to create strategy, branding, and campaigns for social change.

Another perspective. I'm not a lawyer, but my background as an organizer and parent to a young child gives me a different vantage that I'd love to represent on the Board.

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**Elizabeth Nicolas**

(Nominated by the Nominating Committee)

I joined the NYCLU board to facilitate, inform and support radical movement work. In my first term, I have achieved these goals and I am eager to deepen the work I have started if I am re-elected.

I am currently a Workers' Rights Attorney with the Center for Popular Democracy outside of Rochester, N.Y. I work on developing policy that supports and empowers low-wage workers. My professional work and activism focuses on the intersections of race, gender, immigration, economic policy and civil liberties. The political and corporate attack against workers, people of color, women, queer folks, Muslims and immigrants has only intensified since the 2016 presidential election. NYCLU has played a crucial role in responding to and stemming these attacks. I plan to continue to use my skills and experience to strengthen NYCLU's work in resisting oppressive political structures and building an inclusive democracy.

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**Mayur Lakhani**

(Nominated by the Nominating Committee)

When I joined the Board in 2016, I could not have predicted the challenges to our civil liberties nor the tirelessness with which the NYCLU would have to fight to protect all Americans. What I can predict is that the NYCLU will continue defending those liberties.

My work has focused on strengthening the financial position and processes at the NYCLU. My background and understanding of the organization has helped me to develop a fulsome budget and investment process. We are financially stronger, procedurally best in class, and I aim to maintain our financial fortitude.

Professional: I have worked in finance for nearly 21 years.

Personal: I arrived in New York as an immigrant and have lived all across this great State including: Queens, Long Island, Westchester, Northern New York, and Manhattan. I am married and have two wonderful children, for whom I hope to leave this country strong, fair and free.

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**Stephanie Fox**

(Nominated by the Nominating Committee)

I am honored to be nominated to serve on the NYCLU Board of Directors. The ACLU's mission has inspired me since I was young. In fact, I have been a "card carrying member" since I was 16.

In my work as a teacher at an under-resourced school in the Bronx, I fight to ensure my students receive not only an equitable education, but also the quality mental health services, nutrition, and health care they deserve. Every day I work to uproot the harsh disciplinary procedures that disproportionately affect students of color.

Nobody has fought longer or more effectively for the rights of New Yorkers than the NYCLU. I support with passion the organization's mission to secure individual freedoms, protecting reproductive rights, freedom of speech, gender equality, and LGBTQ rights. I would relish the opportunity to bring my experience, and that of my students and their families, to inform and strengthen the NYCLU's work.

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**Ron Tabak**

(Nominated by the Nominating Committee)

It is my privilege to seek re-election to the NYCLU Board.

Most of my career has involved pro bono work, including representing death row inmates, fighting capital punishment, chairing the City Bar's civil rights committee, and co-chairing a state bar committee on prisoner re-entry.

In various capacities, including as a committee chair and NYCLU Secretary, I have facilitated forward-looking decision-making. My committee work included helping the NYCLU adopt an aid in dying policy protecting people with disabilities against coercion by financial pressures. I recently renewed my involvement with a committee seeking to increase our effectiveness aided greatly by volunteers and chapters.

I am delighted by the NYCLU's leadership on such crucial matters as racial and gender justice, voting rights, immigration, criminal justice, and the First Amendment. In these times of incredible threats and tremendous opportunities, I hope to help the NYCLU maximize its impact.

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**Terry McGovern**

(Nominated by the Nominating Committee)

I have been a social justice advocate for over thirty years. Because women, LGBT people of color, undocumented clients were literally dying without treatment, housing, custody rights to their children, I founded the HIV Law Project in 1989. I served as the Executive Director for ten years. We represented thousands of low-income HIV affected clients and I litigated cases against the federal, state and local governments successfully, including a class action charging that the U.S. government had discriminated against women in its response to the AIDS epidemic.

I am currently the Chair of the Heilbrunn Department of Population and Family Health and Professor at Columbia University Mailman School of Public Health where I direct the Global Health Justice and Governance Program. From 2006-2012, I was a Senior Program Officer in the Human Rights Program at the Ford Foundation fighting for funds to build the strategic capacity of groups advocating for human rights globally.

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**Edwin Lopez-Soto**

(Nominated by the Nominating Committee)

Today, more than ever I feel that the NYCLU has become the defender of individuals' rights. Rather than defend the core liberties and rights that have made our country great, the current administration appears ready to sacrifice our civil rights in the name of "security." Think about the necessary legal challenges to unlawful immigration detention, legal challenges to secure the rights of immigrant children to be reunited with their families and legal challenges to defeat local anti-immigrant ordinances. Consider how we need to speak out against xenophobic hate and champion local and state policies that protect immigrants. Consider how we need to educate the public about these infringements on our rights. I cannot think of lending my energy and skills to a more important organization.

Last year our Board honored me by selecting me the affiliate representative to the National ACLU Board. I consider this work amazingly important as I hope to bring the important civil liberties issues in

New York to the attention of the national Board and bring the issues in other States to the attention of the NYCLU Board.

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**Rebecca Town**

(Nominated by the Nominating Committee)

As a staff Public Defender in Buffalo City Court, I have dedicated my career to defending civil liberties and ensuring that our criminal justice system fulfills the promise of equal protection for all. When working on the front lines of an overburdened system to advance the cause of justice one case at a time, one can feel like Sisyphus. It is difficult to maintain a belief in our collective potential for systemic change. As public defenders, we rely heavily on the work of the New York Civil Liberties Union through impact litigation and community organizing to move the boulder forward.

I believe that my experience defending those accused of crimes and seeing the real-life impacts of the criminal justice system makes me an ideal candidate for the Board of Directors. I am grateful for the work of the NYCLU and would welcome the opportunity to support the dedicated staff in their mission.

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**Arlene Popkin**

(Nominated by the Nominating Committee)

Retired criminal defense lawyer and CLU lifer. I believe the CLU is the most important, and the most intrinsically patriotic membership organization in America. I'm a current Board member of the Lower Hudson Valley Chapter, previously Chair. I have previously served on the state board and sat on many committees. I believe we should have more active issue specific committees, using Board members' time, skills, and experience to build policy in areas that the staff is working on. Drones versus Privacy, and rights to anonymity or to have personal information deleted from electronic data systems, for example.

Police accountability is key. If you've been shot dead, the rest of your rights are academic. We must change police recruitment, training and culture so officers can be a part of the communities they serve. I am delighted that the CLU has become so active in prison conditions issues. All human beings should be treated as human beings.

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**Wendy Stryker**

(Nominated by the Nominating Committee)

It has been my great honor to serve on the Board, including for the past three years as Vice President.

My experience working at the ACLU before law school inspired me to go on to a career as an employment lawyer with a deep interest in and commitment to workplace fairness and gender equity issues.

Since joining the Board, I have held multiple leadership roles including chairing the Nominating Committee (twice), the Election Policy Committee, and the Aid in Dying Policy Committee. I have also served as an active member of the DEI (Diversity) and Executive Committees.

NYCLU has been incredibly successful in its campaigns to protect the rights of New Yorkers. I thank you for taking the time to evaluate candidates and hope to be able to continue bringing my skills, experience, institutional knowledge, and interest in civil liberties and social justice to the NYCLU for another term.