



VOL. LX, NO. 1 | WINTER 2020

NYCLU NEWS

WHAT'S INSIDE?

- Real Accountability
- A Green Light for Farmworkers
- A New Day in New York
- Board Elections Notice
- And Albany Listened
- 2019 Events Recap

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It's a New Day in New York
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Photo by Jena Cumbo

A MESSAGE FROM EXECUTIVE DIRECTOR DONNA LIEBERMAN

A New Day in New York

It's a new day in New York: our state finally is standing up for the rights and dignity of all New Yorkers. 2019 was a productive year for the NYCLU with enormous wins in both the State Legislature and the courts.

We had much to cheer for in Albany as lawmakers tackled nearly three-quarters of the important civil liberties issues that we called for before the session began (see: "And Albany Listened"). We saw landmark victories in voting rights, reproductive justice, protections for immigrants, criminal justice reform and protections against hate and discrimination.

Through litigation, we've fought back against Donald Trump's anti-immigrant agenda and secured many wins in the process. In addition, we continue our work to hold police departments accountable and urge them to commit to transparency.

These advances and more were the result of years of work by the NYCLU, ACLU, our partners—lawyers, advocates, organizers, clients—and you.

But we can only expect the attacks on our democracy to intensify as Trump pursues a second term. The NYCLU recently released another civil liberties agenda, *Leading the Way*, to provide a roadmap for Albany to further position New York as a beacon of hope and blueprint for the rest of the country.

We call on the legislature to:

- Resist the fearmongering campaign led by law enforcement and prosecutors to derail the changes we've made to our criminal legal system. We must continue to push towards a system that neither criminalizes poverty nor relies on jails.
- Amend the state constitution to include anti-discrimination protections based on a person's sex, pregnancy outcomes, sexual orientation, national origin and disability.
- Stand up for students by passing the Solutions Not Suspensions Act and requiring comprehensive sexual health education in schools.
- Expand our democracy by making automatic voter registration a reality, ensuring voting rights for people on parole.

At NYCLU.org, you can find the full 2020 civil liberties agenda.

2020 is shaping up to be an enormous challenge. As we focus on our ambitious agenda for New York, we'll also have knots in our stomachs about the upcoming elections. But whatever happens, I find solace in the fact that you will be by our side as we push for lasting equality in New York.

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 300,000 supporters. Through impact litigation, legislative advocacy, organizing, and public education, the NYCLU fights for the dignity of all people.

NOTICE REGARDING BOARD ELECTION

The annual meeting of the members of the NYCLU will be held on Wednesday, June 24th, 2020 at the NYCLU offices at 125 Broad Street, 19th Floor, New York, NY, for the purposes of electing directors and receiving the annual report.

Visit [NYCLU.org/boardelections](https://nyclu.org/boardelections) for more information.

Real Accountability

Iman Abid's four-year fight for police accountability and transparency

When Iman joined the Genesee Valley Chapter of the NYCLU as a community organizer in 2016, her goal was simple: find a way to empower the most vulnerable communities in the region. Four years later—and now the Chapter Director—she has found that this is easier said than done.

In November, Iman got to see one of the many fruits of her labor when an overwhelming 75% of Rochester's voters approved a proposal to establish a civilian Police Accountability Board (PAB). The independence and power wielded by the Board is unprecedented; it is the first of its kind to have disciplinary power in New York state and one of only a handful in the country.

With their decision, Rochester's residents made clear that there's a conflict of interest when police departments are relied upon to discipline officers for misconduct. We've seen this conflict come into play time and time again: officers escape punishment, civilians run the risk of encountering repeat abusers, and community-police relations continue to deteriorate as the public is kept in the dark about most disciplinary decisions. In 2017, a group of PAB advocates released a report, entitled *The Case for an Independent Police Accountability System*, which found that only 2% of the 1,200 cases reviewed by the Civilian Review Board between 2002 and 2015 received any discipline and that the harshest penalty was a suspension of six months.

To address these issues, Rochester's new PAB has the authority to punish officers, subpoena the department and evaluate the department's practices. Furthermore, the Board's capacity to conduct its business will be boosted with an executive director and staff.

History typically isn't made overnight. The fight for meaningful oversight can be traced back to the 1960s when the Locust Club (a police union named after the wood from officers' nightsticks) sued the City of Rochester over the existence of its PAB, claiming unconstitutionality. Following the suit, the NYCLU's Genesee Valley Chapter submitted an *amicus* brief in defense of the PAB, arguing that it was simply a mechanism to investigate the complaints against police officers and to make disciplinary recommendations. The Board didn't infringe on the rights on any police officer, making it a constitutional entity.

However, the Locust Club won the initial suit and the PAB was only allowed to receive complaints. Despite two successful appeals by the City of Rochester (and the Supreme Court's rejection of the case), the PAB's popularity plummeted and shut down in 1970. In 1992, civilian oversight was resurrected in Rochester with the establishment of a Civilian Review Board. Again, the Board could accept complaints and make recommendations but held no disciplinary power.



Iman Abid at the NYCLU's Lobby Day in May 2019. Photo by Sy Abudu.

Today's fully-independent PAB in Rochester certainly can be attributed to the City's previous efforts to establish civilian oversight. But equally important is the relentless advocacy led by Iman, the NYCLU and community partners in the last four years. As a co-chair of Rochester's Coalition for Police Reform, Iman led bi-weekly meetings and made it a priority to centralize the voices of those most impacted by police misconduct. She's received hate mail from cops and has even been yelled at by the president of the Police Union. But "that all comes with the work we pursue," says Iman.

The coalition, as part of a broader Police Accountability Board Alliance consisting of like-minded organizations, faith leaders and other stakeholders, lobbied City Council, the Mayor and the Rochester Police Department to bring attention to this issue. They also held regular meetings with City Council to negotiate, draft and review a potential ordinance calling for a PAB referendum vote. Iman worked with community partners to organize these events while educating the public as to why the PAB was necessary and why one with disciplinary power was a feasible goal.

After Rochester's voters affirmed their support of a PAB, Iman was moved to tears: "This must be for all the families who have been impacted by police misconduct, and for those who got to taste a bit of justice in the approval of the referendum." This win in Rochester provides a blueprint for other municipalities across the country as the NYCLU and ACLU push for police transparency along with measures to discipline officers who abuse their power. Iman reflected on the pain that she witnessed while pushing for a real PAB over the years and dedicated the win to: "all the mothers I had conversations with who cried on my shoulder because an officer either killed their son or put them in jail without ever truly understanding why."

Late last year, the Locust Club filed yet another lawsuit to stop the formation of the PAB. While this represents another hurdle in our fight for real accountability, we are hopeful that history will be on our side this time around.

A Green Light for Farmworkers

Wins for immigrant communities despite fielding attacks from the Oval Office

Ever since he made his first run at the Oval Office back in 2015, Donald Trump has made it his business to trample on immigrants' rights at every turn. From the Muslim travel ban to Trump giving federal agencies free reign to dehumanize immigrants, New York has received significant national attention as home to more immigrants and undocumented people than almost any other state in the country. The NYCLU and ACLU have responded by dedicating significant resources to bolster our legal, legislative and public education campaigns in defense of their rights.

Despite the threats, June 2019 was a bright spot in New York. On the heels of our victory in court confirming that farmworkers, many of whom are immigrants, have the right to organize and collectively bargain, lawmakers passed the Fair Labor Practices Act. New York state law now ensures that farmworkers have the right to organize, a day of rest, the ability to earn overtime and more. A Jim-Crow era carveout had denied farmworkers the same basic protections as other workers since the 1930s, simply because the majority of



Photo by Sy Abudu

them were black. Fittingly, this vestige of Jim Crow was reversed on Juneteenth.

And thanks to the passage of the Green Light bill that same month, undocumented New Yorkers are now eligible to drive legally in New York. This reduces the risk of a traffic stop becoming a pretext for ICE to get involved or families to be separated. It will also make our roads safer and bring in tens of millions in new revenue. In the months following Green Light, Oregon and New Jersey joined New York as three of only 15 states in the country, in addition to Washington D.C. and Puerto Rico, that make driver's licenses available to all residents regardless of immigration status. In recent weeks, DMV offices across the state have had longer lines than usual as immigrants have begun to apply for licenses in the wake of the new law.

The NYCLU also continues to defend immigrants' rights on a federal level. In the Supreme Court, we won a lawsuit filed in partnership with the ACLU and the New York State Attorney General's office to stop the federal government from

adding a citizenship question to the 2020 Census. We successfully argued that the proposed question was designed to undercount, underrepresent and deny resources to immigrant communities.

However, our quest to protect and expand immigrants' rights isn't always well received. County clerks in Erie, Monroe and Rensselaer filed federal lawsuits in August 2019 challenging the Green Light bill's constitutionality, as it prohibits them from sharing immigration status information with federal authorities. We filed an *amicus* brief in defense of the Green Light bill against the Erie County clerk, whose complaint was eventually dismissed. Rensselaer's suit also was dismissed and we are monitoring the suit in Monroe county.

Green Light also caught Trump's ire. His administration retaliated by suspending Global Entry and other Trusted Traveler programs in early February. Within days, we filed a federal lawsuit against this blatant attempt to bully New York into abandoning protections for immigrants.

These are just a few examples of wins and advocacy on behalf of immigrant communities this year. Since the Muslim ban, the NYCLU has been actively involved in 14 lawsuits—including six class actions—on behalf of immigrants. We have also consulted on three other class action suits from across the country. As the President continues to demonize and deport immigrants, the NYCLU and ACLU will be there to counter the narrative and provide unwavering support.

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

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

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And Albany Listened

We've secured enormous victories that will improve the lives of countless New Yorkers for years to come.

New Yorkers turned out in record numbers last fall to elect a state government that would stand up to the Trump administration.

And Albany listened.

Along with many other accomplishments, lawmakers tackled the majority of the important civil liberties issues that the NYCLU called for to:

Make voting more accessible

Lawmakers have increased access to electronic poll books and the state's FY2020 budget provides funding for nine days of early voting. We are also supporting an initiative to pass a constitutional amendment to provide for same-day voter registration and "no excuse" absentee voting.

Safeguard reproductive rights

After years of advocacy by the NYCLU and our partners around the state, lawmakers finally passed both the Reproductive Health Act (RHA) and Comprehensive Contraception Coverage Act (CCCA). RHA codifies *Roe v. Wade* in New York law and removes barriers to the provision of abortion services by qualified health professionals while the CCCA requires insurance companies to cover a range of contraceptive options, including affordable access to emergency contraception.



An onlooker observes the Assembly Chamber as the Reproductive Health Act was up for a vote in January 2019. Photo by Sy Abudu.

Protect immigrant New Yorkers

As discussed in "A Green Light for Farmworkers," undocumented New Yorkers now qualify for a driver's license, helping to ensure a traffic stop doesn't lead to ICE involvement or family separation. After years of advocacy, farmworkers now have a statutory right to organize, a day of rest, the ability to earn overtime and more.

Make equal justice under the law a reality

State lawmakers enacted the Pre-Trial Justice Reform Act in April, which reforms our bail, criminal discovery and speedy trial laws. New York fell short of eliminating cash bail, but solid reforms make it less likely that race and wealth will influence a person's time spent in jail as the new legislation ends cash bail for most misdemeanors and non-violent felonies. The change to the criminal discovery rule allows New Yorkers to mount a stronger defense when accused of a crime. Before, prosecutors hid vital information from defendants (like police reports and witness statements) until the day of trial. The speedy trial reform will begin to hold prosecutors accountable and protect every defendant's right to a speedy trial. These changes should work in concert to ensure that New Yorkers experience a fairer justice system.

Fight hate and protect students

School districts and school resource officers are now required to enter a Memorandum of Understanding making it clear that educators are responsible for school discipline. This was an enormous win in NYCLU's decades-long fight to decriminalize the classroom and block the school to prison pipeline. After long overdue changes to New York's Human Rights Law, gender identity and expression are covered by state anti-discrimination law and millions of public school students are once again protected from discrimination.

The NYCLU played a large role in these victories. The wins reflected here represent years—even decades, in some cases—of NYCLU advocacy. 2019 saw the introduction of about 15,000 bills in Albany; we monitored thousands. We individually tracked and analyzed hundreds, we supported dozens. More than thirty of the measures we supported and testified on made it through to final passage.



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An Eventful Year

Our annual reception benefiting the ACLU and the NYCLU's LGBT Rights Project, on June 11th, was a smashing success. We raised almost \$200,000 from ticket sales and corporate sponsorships, including new sponsor Puma. The Standard Hotel provided its splashy Top of the Standard (a.k.a. "Boom Boom Room") and Angela Dimayuga, head chef at the Standard and a leading LGBTQ entrepreneur, hosted. The guests, including law firm summer associates and partners, enjoyed the program and a moving new video by the NYCLU about the history of Stonewall, as well as a DJ, specialty cocktails, 360-degree views and the rooftop at sunset. The program celebrated the 50th Anniversary of the Stonewall Uprising and the passing of the Gender Expression Non-Discrimination Act (GENDA), and honored Seth Rudetsky and James Wesley, co-founders of Concerts for America. Judy Kuhn made a special appearance, singing "Ring of Keys" from Fun Home with Seth on the piano.

The 17th Annual Broadway Stands up for Freedom, held at The Town Hall on October 28th, reflected the serious threats to our democracy, as well the resistance movement's vibrant energy and passion. Together, as artists and advocates, we celebrated through speech and song the values and bonds that keep us going. With the rights of women and those in the LGBTQ communities under attack, our theme—My Body, My Business—felt singularly powerful and timely. Hosted by Tony Award winner Laura Benanti, the cast featured Tony Award winner Kelli O'Hara (Kiss Me Kate) and Tony Award nominees Montego Glover (Memphis), Judy Kuhn (Fun Home), Phillipa Soo (Hamilton) and Eva Noblezada (Hadestown). Tony Award-winner Rachel Chavkin (Hadestown) directed. The Michael Friedman Freedom Award, named for the late composer and BSUFF contributor, went to Celia Keenan-Bolger (Tony Award Winner, To Kill A Mockingbird). We also honored the women-led content company Level Forward and Maxim Entertainment's Eva Price (who together have been the brains behind What the Constitution Means to Me and the Tony-winning revival of Oklahoma!).

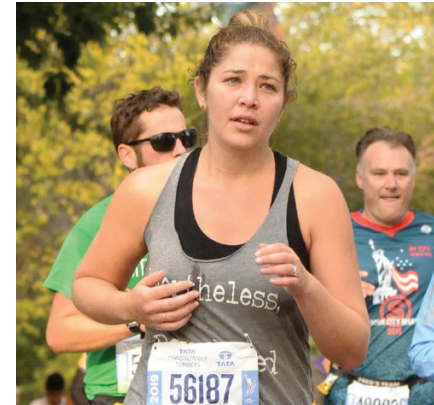
After months of training and fundraising, six dedicated people ran with Team ACLU New York in the TCS New York City Marathon on November 5th: Jorge Centurion, Adrianna Crowell, Julie Ebenstein, Jeff McMahon, Martha Polacek and Ellen Toobin. This was the NYCLU's second year as an official charity partner of the marathon. Adrianna said, "I feel wonderful knowing we brought an awareness to the world of the important work the ACLU is doing alongside a sizable donation." The 2020 TCS NYC Marathon will take place on November 1, 2020, and the NYCLU again will be a charity partner. Interested in running with us? Contact Caroline Cotter at ccotter@nyclu.org.



Seth Rudetsky and James Wesley accepting the Liberty Award. Photo by Donna Aceto.



Tony Award Nominee Montego Glover at BSUFF Concert. Photo by Donna Aceto.



Team ACLU of New York runner Ellen Toobin

2019 Event Sponsors

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SAVE THE DATE:

Monday, October 26, 2020

Broadway Stands up for Freedom
The Town Hall, NYC

Visit BroadwayStandsUp.com for more info