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NYCLU

ACLU of New York

NEW YORK CIVIL LIBERTIES UNION

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COVID-19 and the Rights of New Yorkers

**There are many ways to take part in
the ongoing battle for civil liberties:**

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- Become an online activist at nyclu.org/act
- Learn more about volunteering at nyclu.org/volunteer.
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Photo by: Jena Cumbo

A MESSAGE FROM EXECUTIVE DIRECTOR DONNA LIEBERMAN

COVID-19 and the Rights of New Yorkers

The NYCLU entered 2020 prepared for an uphill battle. We knew that we'd have to defend our wins from the previous year while pursuing ambitious progress in Albany. All while Trump has been on the offense.

After being acquitted in a sham impeachment trial, the President has been emboldened. He doubled down on his longstanding attack on our fundamental rights and began to take aim at states like New York for the progress we've made, especially with the steps we've taken to protect immigrants.

Then came COVID-19. Saying that it exacerbated the challenges we faced would be an understatement. Our lives, our economy and the ongoing fight for civil liberties have been disrupted by the far-reaching pandemic, and people of color, immigrant communities, and low-income New Yorkers have been hit particularly hard.

The timeline of our already urgent work moved up and we demanded that state officials take swift, bold action to protect those who are most at risk:

- We are pushing for the immediate release of a huge swath of immigrant detainees who were subject to ICE's secret "no release" policy in New York. We had already sued the government over their illegal rule and the virus is putting detainees directly in harm's way.
- We are urging Governor Cuomo to release as many people as possible from prisons and jails across the state while asking the courts to limit the influx of people.
- And considering the election year, we are working to keep officials from using the pandemic as a pretext to further threaten and undermine our democratic institutions.

We've done all this while resisting efforts to backtrack on our 2019 pretrial justice reform wins and fighting multiple lawsuits against the Trump administration on behalf of immigrants in New York.

This year has already thrown enough challenges at us to keep us busy for a lifetime. Yes, sometimes even I feel like Sisyphus pushing that enormous boulder we call democracy up the hill. But despite it all, I assure you that the NYCLU and ACLU will never stop fighting for our rights and dignity, and for those who are at greatest risk.

I'm incredibly proud of the NYCLU and ACLU team for rising to the occasion and I'm grateful to partner with you in times like these.

Stay safe and healthy. Seek joy and justice. Let's continue to make New York a safe haven for all.

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.

Fixing a Broken Election

An Update in our Case Against the East Ramapo Central School District

In late May, a federal court ruled that the East Ramapo Central School District's at-large method for school board elections violated the federal Voting Rights Act. In partnership with Latham & Watkins LLP, we challenged the at-large method as it gutted a once-thriving school district. Black and Latino voters, who tend to favor investment in public schools, have not seen their candidates of choice win a contested seat since 2007.

Board members were elected by all the voters of the school district, rather than voters from individual geographic areas. The white majority often voted as a cohesive bloc to drain

the public school budget and fund services that benefit private school students.

While the school board's misconduct is no secret to those in the East Ramapo area, our case illuminated some jarring evidence of the extent to which the white community went to maintain its power.

Through testimony and revelations from WhatsApp messages, the white community's slating process was revealed to be one orchestrated by well-known political "king maker" Rabbi Yehuda Oshry, who was held in contempt of court after failing to respond to a subpoena. Their slating process went as far as recruiting token minority candidates that "the [white] community could support."

Federal Judge Cathy Seibel expressed her frustration with the district's witnesses and their blatantly dishonest testimony.

Backtracking on Justice

Jails are Still Filling in The Midst of a Pandemic

Last year, the New York State Legislature passed reforms to improve bail, discovery and speedy trial laws. These changes officially went into effect in January 2020 and though they were far from perfect, they were an important step to reduce mass incarceration and shift to a more equitable justice system in New York.

However, the new laws came under immediate attack by law enforcement officials and prosecutors, who exploited tragedies to pressure Albany to reverse the reforms. In one instance, Nassau County Police Commissioner Patrick Ryder falsely blamed the murder of a criminal trial witness on the new discovery law. NYPD Commissioner Dermot Shea and Mayor de Blasio falsely blamed bail reform for elevated crime rates. And law enforcement officials across the state exploited crimes and tragedies with misleading claims that they would not have happened but for bail reform.

Although we've managed to stave off efforts to undermine the discovery reform by elevating early successes, rebutting misinformation and arming lawmakers with the facts, the fearmongering campaign around bail was unfortunately effective enough to convince lawmakers to make changes.

Though we were successful in convincing the Legislature to leave out some of the most regressive proposals, including a dangerousness standard for release, the revised bill expands bail to more than a dozen additional crimes. The original bail reforms of 2019 had the potential to reduce New York's jail population by 40%, but these rollbacks will certainly increase the number of people in jails—all the more concerning in the time of COVID-19. Jail cells will continue to fill with people too



poor to afford bail in an environment where basic precautions like social distancing are impossible.

As we press on, the NYCLU is focused on ways to eliminate mass incarceration in New York especially as COVID-19 threatens to overwhelm jails and prisons across the state.

After sending a letter to Governor Cuomo in March demanding that he release as many people as possible from jails and prisons across the state, we filed a federal case in April pushing for the freedom of as many as 1,000 people trapped in jails accused of minor parole violations. Tragically, two of our plaintiffs in the suit, Michael Tyson and Raymond Rivera, have already passed away from complications related to the virus as we pushed for their release.

COVID-19 has exposed the inhumanity and deadly risks of mass incarceration. It's more important than ever that New York takes immediate steps both to reduce the number of people entering prisons and jails across the state and to release as many people as possible.

FIXING A BROKEN ELECTION CONTINUED FROM PAGE 2

After hearing from East Ramapo's School Board President Harry Grossman, she said she was "offended" by his testimony and that he was not a credible witness.

After years of litigation and many more years of advocacy by the NAACP and public school community, the judge ordered the implementation of a ward system and enjoined the district from holding further elections until this system is in place.

But we cannot ignore the damage that's already been done. Between 2009 and 2014, the school board eliminated more than 445 professional positions in public schools, including more than 200 teachers. Black and Latinx students felt the brunt of these cuts as they led to packed classrooms and a substantial drop in both test scores and graduation rates.

This case could have enormous ramifications for school board elections across the state and prove a clear relationship between disenfranchisement and student outcomes.

It would be impossible for the NYCLU to be effective in its work without the generous gifts of our loyal members and donors. Click the link below to help us continue our defense of civil rights and civil liberties in the midst of great uncertainty. Come and be part of the civil liberties majority with a gift today!

CLICK HERE TO DONATE

No Release

Challenging the Government's Use of Rigged Algorithms and Biased Judges to Keep Immigrants in Detention

After winning a number of important victories for immigrant New Yorkers in 2019, the NYCLU entered this year ready for yet another round of challenges as we fight the Trump regime's anti-immigrant agenda.

One of those cases, *Velesaca v. Wolf et al*, came in late February when the NYCLU filed a lawsuit, with the Bronx Defenders, challenging ICE's secret "no release" policy after learning that ICE denied release to virtually everyone arrested by their NYC field office. We've since won a preliminary injunction in the suit as the spread of COVID-19 adds a dangerous layer to the government's already illegal practice.

ICE has used a Risk Classification Assessment Tool (RCA) since 2013 to help determine shortly after an arrest whether to release immigrant detainees on bond or to incarcerate them until their first court date. The RCA's recommendations are made by an algorithm that uses an individual's criminal history and other personal information to predict whether they are a flight risk or pose a danger to the public. In June 2018, media outlets began reporting that ICE had rigged its RCA algorithm so that the tool could no longer recommend release or bond. The reports noted that the number of individuals in ICE custody with no criminal history had tripled to 43,000—the highest that it has ever been.

In response to these reports, the NYCLU filed a Freedom of Information Act request—leading to a FOIA lawsuit after the government refused to comply—to gather concrete details about ICE's changes to the RCA. After analyzing ICE's data, the NYCLU found a disturbing trend: ICE's New York Field Office was only releasing about 3% of people it arrested, compared to nearly 50% prior to June 2017. The time between an individual's assessment shortly after an arrest and their first court date also ballooned from around 11 days to 80 days in a four-year span.

With the success of our preliminary injunction, ICE is required to revert to its pre-2017 practices. Though there is much still to be done to fight biased algorithms, this win provides a blueprint for advocates across the country. It could facilitate the release of hundreds of people currently in jail who were trapped unfairly by the no-release policy and put into harm's way with the threat of COVID-19 in detention centers.

In early March, the NYCLU filed another class action suit with Equal Justice Under the Law to challenge immigration courts in Batavia and Buffalo. Their unconstitutional denial of bond may be responsible for the jailing of potentially thousands of people. Our case challenges the court's practice of placing the burden on detainees to prove that they are not a flight or safety risk. For those who are able to come up with proof,



Close the Camps Rally at Middle Collegiate Church (July 2019).

the judges then determine bond amounts without considering one's ability to pay or release alternatives to bond.

The case also challenges the bond-hearing practices of two immigration judges in particular who denied bond to 95% of immigrants who came before them between March 2019 and February 2020, giving them the third and fourth lowest bond grant rates nationwide. Through our lawsuit, we hope to secure fair and legal hearings out of Batavia and Buffalo while ensuring that anyone who received a flawed hearing gets another chance.

The COVID-19 pandemic exacerbates the issues faced by immigrants and makes the fight for their rights that much more difficult. The NYCLU is committed to fighting until New York fulfills the promise of hope and dignity that so many people around the world look forward to when they arrive here.

SAVE
THE
DATE

Monday, October 26, 2020

**Broadway Stands Up
for Freedom**

The Town Hall, NYC

Visit BroadwayStandsUp.com
for more info.

Election 2020: Biographies of Candidates

NYCLU Board of Directors

WHO MAY VOTE

All current NYCLU members are eligible to vote. To be a member, you must have a New York state address and you must have 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, 2019 and no later than June 12, 2020, or you must be a lifetime member.

This year, due to the “New York State on PAUSE” stay-at-home order, our board elections will be conducted online. This will also make it easier for many members to vote. To view full candidate statements and to cast a ballot, visit [NYCLU.org/Boardelections](https://nyclu.org/Boardelections). You will need your membership ID to cast an online ballot. You should have received a postcard or an email with your membership ID on it.

If you prefer a paper ballot, you have two options. To print your own, visit [NYCLU.org/Boardelections](https://nyclu.org/Boardelections) to download the paper ballot and then mail it to us. To request one to be mailed to you, call 212.607.3338 or email gaossey@nyclu.org. Completed paper ballots must be received by the election date, June 22, 2020.

If you have any questions about your membership status or membership ID please call 212.607.3364 or email kkole@nyclu.org. There is still time to become a member or renew your membership: Go to 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 our 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 board plan for equity, inclusion and diversity; professional background and expertise; understanding of the NYCLU’s mission; and personal initiative on NYCLU priority issues. The Committee believes that our 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 Monday, June 22, 2020, for the purposes of electing directors and receiving the annual report. Details on the location will be available at [NYCLU.org/Boardelections](https://nyclu.org/Boardelections) after June 1. In accordance with the NYCLU bylaws, the NYCLU Nominating Committee nominated 15 people, the exact number of vacancies. Thirteen candidates will serve full three-year terms and the two candidates receiving the fewest votes will serve one-year terms to complete the terms of members who previously resigned.

Candidate Bios

Eva-Maria Anthony

A lot has changed in my four years on the NYCLU Board. The struggle to defend freedom as we know it has become ever more challenging and with no end in sight. The rights and liberties that the NYCLU has fought vigilantly to protect are under ceaseless attack. As such, I remain committed to serving on the NYCLU board as long as you will have me. I currently serve as Chair of the Audit and Overnight Committee and play an active role on the Finance Committee. I have also served previously on the Nominating committee.

Although I work in the private sector, my heart has always been in the fight for equality. I attended Brooklyn Law School, and after graduating, I joined the Board of the LGBT Bar Association of Greater New York and have also served on the LGBT Rights Committee at the New York City Bar.

Deborah N. Archer

It was a privilege to serve on the Board of the NYCLU. I stepped off of the Board because of NYCLU’s term rotation policy. I would welcome the opportunity to rejoin the Board and ask for your support.

As the child of Jamaican immigrants, I have experienced racial discrimination more times than I can count, and have faced the challenges of growing up poor in America. I bring this perspective to everything I do.

Currently, I am a professor at NYU Law School and Director of the Center on Race, Inequality, and the Law. I also serve on the Executive Committee of the ACLU Board and as one of the General Counsel to the Board. I am also the ACLU’s National Affiliate Equity Officer, working with affiliates to advance

the goal of creating a national organization that is as diverse as the people and communities we serve. Previously, I was a Karpatkin Fellow in the National Legal Department of the ACLU and an attorney with the NAACP Legal Defense Fund. During my previous service on the NYCLU Board, I was a member of the Executive Committee and chaired the Economic Justice Committee, guiding the adoption of NYCLU’s first economic justice policy.

I have consistently worked to advance the mission of the ACLU and NYCLU. I would love the opportunity to continue that work as a member of the NYCLU Board.

Mayo Bartlett

I am interested in serving on the NYCLU’s Board of Directors because I believe the organization serves an invaluable role in protecting and extending civil liberties for all, while amplifying the voices of those who are often not heard. I was greatly impressed by the effort set forth by the NYCLU concerning Stop and Frisk, and I have often cited that work while assisting not-for-profit organizations with criminal justice initiatives.

It is my sincere belief that the NYCLU is one of the most important institutions in our state. This has consistently proven to be true, particularly when it supports the rights of those who may even despise it. In this time of ever-increasing divisiveness, and disregard for principle and truth, I would be honored to dedicate my time to the NYCLU.

Wesley Caines

I am a Bronx native of Caribbean heritage and a graduate of Bard College and New York Theological Seminary. My life’s journey has given me

perspective on the importance of human dignity and community engagement.

As Chief of Staff at the Bronx Defenders, I spearhead the organization’s systemic reform efforts which includes directing the policy, impact litigation, strategic communications and community organizing teams. Prior to my current role, I was Director of Reentry & Community Engagement, roles which allowed me to work closely with directly impacted communities in understanding and developing strategies to overcome barriers that perpetually punish those ensnared in government systems.

I sit on the boards of the Correctional Association of New York, Brooklyn Community Bail Fund, and Network Support Services, Inc. My life’s goal is the empowerment of underserved and marginalized communities as they become creative self-advocates. It is these reasons that I am an ideal candidate for NYCLU board membership.

Renée Campbell

My interest in serving on the board of the NYCLU is simple: I have deep admiration for the organization and its agenda aligns not only with my interests, but my personal experience. Service on the board is an opportunity to bring my whole identity as a naturalized American, Black woman and mother to help guide and strengthen an organization working to improve this country and its systems. The lens I use to view the issues on the NYCLU agenda is deeply personal and underscored by a sense of urgency.

I served on the board of Manhattan Country School for nine years, assuming leadership roles in development and governance during a strategic

planning process that involved not only a transformative change for the school, but also its board. I am intimately familiar with the difficult choices leadership requires and the heavy responsibility directors have to promote relentless pursuit of the mission along with effective organizational management.

I firmly believe that organizations are strengthened when they reflect the perspectives of those they seek to serve and engage them in the work. The NYCLU is shaping the future of New York, and I hope to bring my resources to bear in support of that effort.

Brooke Ellison

For innumerable reasons, there is no time in my lifetime when our civil liberties have been more at peril, nor when we have such opportunity to do important and meaningful work. It has been a true privilege to serve as a Board Member of the New York Civil Liberties Union for the past three years, under what has been an immensely difficult time for our democracy and the people who live in it. I see these next three years as no change, with perhaps only new battles to fight. New battles to win. There is work to be done, and I feel fortunate to sit side-by-side those who are so eager to take it head on. There are lessons I have learned that I hope will help shoulder this responsibility. It is a continued privilege to serve as a Board Member and I am truly grateful for this opportunity.

Tracy Givens-Hunter

I believe in NYCLU's fight to protect every New York resident's civil liberties. My commitment to the NYCLU fight is proven by my actions. I am actively involved in NYCLU's efforts to lobby the NYS governor, senators and assembly to pass laws protecting and improving civil liberties laws; and I'm devoted to the fight for bail reform, voting rights, women's rights, ending solitary confinement, parole reform and police reform. I am also closely involved with my local Hudson Valley NYCLU chapter. I attend monthly meetings and help coordinate events to raise funds and recruit members. I am working closely with the chapter's efforts to have Hudson Valley cities and towns pass the Right to Know Act. My goal as a member of the NYCLU state board is to ensure the organization is successful in their efforts to be champions and leaders in protecting and moving forward NYS residents' civil liberties.

Julie Kowitz Margolies

The Bill of Rights protects the foundations of our human dignity. As after 9/11, the current pandemic crisis raises the specter of the government exploiting fear to undermine and erode our rights in ways that persist long after this crisis has passed. The NYCLU will be critical to ensuring our civil liberties are not compromised under the guise of public safety.

As an attorney and mediator, I have devoted my work to civil rights and liberties, including reproductive rights, employment, and the rights of incarcerated women. In my prior service on the NYCLU Board, I held several leadership roles, including chairing the Development and Nominating Committees, serving on the Executive Committee, and serving as Board Vice President. I hope to have the opportunity to bring my experience, institutional knowledge, and passion for civil liberties to the NYCLU Board again.

Arjun Patel

It is my privilege to seek re-election to the NYCLU Board. During my time, I've gained a deep appreciation for the critical work it takes to defend our civil liberties and redoubled my passion for the important subjects the NYCLU focuses on—voting rights, racial justice, among others.

As the son of immigrants who came to this country because of the availability of public services for my disabled brother, I'm deeply committed to the rights of all populations that are vulnerable and increasingly at-risk.

Currently a partner at PriceWaterhouseCoopers in the Advisory practice, I've spent my career working with clients to adapt to rapid change—like what the NYCLU faces today. I lead several diversity initiatives, serving as a Diversity Champion and advancing workplace fairness and gender equity awareness.

If elected, I will apply my skills to increase awareness, membership and fundraising among individuals in the private sector. I would be honored to have your support.

Insha Rahman

It has been an honor to serve on the NYCLU board for the past three years—a time of unprecedented challenge under the Trump administration and unparalleled opportunity as Albany turned “triple blue” in 2018. I have been proud to watch the organization grow in size, power, and ability and to see the truly transformational work happening.

In my next term, I would like to focus on supporting our existing chapters and to help them grow and build more power to support transformative change statewide. I would also like to continue to see the organization grow its work in the criminal justice and immigrant justice arenas.

As Director of Strategy & New Initiatives at the Vera Institute of Justice, as a former Bronx public defender and someone who has worked in criminal legal reform for almost two decades, I have seen firsthand the importance of NYCLU's work. I hope to play a small role in continuing to support our remarkable momentum.

Claudia Salomon

I am a partner in Latham & Watkins' Litigation Department and regularly serve as an arbitrator. I am lead counsel with NYCLU on two major voting rights cases, NAACP, Spring Valley Branch et al v East Ramapo Central School District, challenging the at-large method of electing the school board under the Voting Rights Act, and League of Women Voters of New York v NYS Board of Elections, challenging the constitutionality of the 25-day voter registration cut-off. Other recent pro bono matters include assisting the ACLU Immigration Rights Project, obtaining the release of my client sentenced to life without parole as a juvenile, and obtaining a green card for my client under the Violence Against Women Act. I previously served as the President of a PAC dedicated to electing pro-choice women. I would bring to the Board my strategic thinking, cross-cultural team building, organizational and leadership skills, and life-long commitment to civil liberties.

Daniel Stewart

The importance of the work of the NYCLU needs no expounding: we remain in crisis times, with every aspect and foundation of civil liberties under some

form of attack, and we require the full range of activities that embody the daily work of the NYCLU staff. With almost five years of service on the Board, I feel more committed and more able to support the Board's work: to respect the organization's traditions and fights hard won, while maintaining and enlarging the place of the NYCLU for a new time and for new challenges, is fundamental to my continuing contribution. With a global perspective born of international human rights law expertise and experience—including legal advising at the United Nations and founding a non-profit in this space—bringing both questions and some answers from across the globe will further strengthen the NYCLU. I am determined to continue these responsibilities forcefully.

Paul Washington

I am very proud to be re-nominated for NYCLU's Board. Fighting for basic human rights has always been a major concern of mine. To be able to put this impulse to use through such a truly great organization is an honor and a privilege. The work of NYCLU has without question made many New Yorkers' lives better, freer and even more meaningful. Without a diverse, committed and hardworking Board, these accomplishments and the many accomplishments yet to come could not happen. I hope to be able to continue my service to the NYCLU. Thank you.

Keisha A. Williams

I am an attorney and the deputy director of a not-for-profit law firm. My current work includes ensuring that low-income Western New Yorkers receive a full range of civil legal services. In my capacity as Deputy Director, I assist with the annual budget, grant writing and personnel management.

I am interested in serving on the New York Civil Liberties Union Board because it is a dynamic organization with a rich history of defending and working to expand the constitutional guarantees to persons like myself, who were not originally included in the “We, the people.” It is not lost on me that the freedom, rights, and liberties we often take for granted were gained through great effort and sacrifices.

As a woman of color and an immigrant living and working in upstate New York, I would add a unique perspective that may be beneficial to the NYCLU Board.

Ellen Yaroshefsky

I am pleased to continue serving on the NYCLU board and to work on a range of policies, programs and issues to address the profound challenges raised by the pandemic, the Trump administration and criminal justice in New York.

I am a long-time supporter of the amazing and varied work of the organization. I have been involved, directly and indirectly, with NYCLU staff in litigation in civil rights cases and in its educational work. I have worked closely with the NYCLU on school suspension issues, solitary confinement, stop and frisk, and more recently on bail issues and discovery. I also consult with the staff on various ethics issues.

On the NYCLU board, I have worked on its economic rights policy, a range of criminal justice and ethics-related issues and I look forward to continuing to assist in meeting new challenges.