



NYCLU NEWS

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The Salvation Army May Not Proselytize While Performing Government-Funded Social Services

Settlement Protects Religious Freedom in New York

In a settlement agreement by a federal judge in February, New York City, Long Island and New York State government agencies agreed to a monitoring system to ensure that The Salvation Army does not impose religion on recipients of its government-funded social services.

The agreement partially settled *Lown v. The Salvation Army*, a lawsuit the NYCLU filed in 2004 after the faith-based charity began requiring social workers and other employees in its government-funded social services programs to identify their church affiliation and to sign an endorsement of The Salvation Army's mission to "preach the Gospel of Jesus Christ."

The lawsuit challenged The Salvation Army's legal right to tailor its provision of government-funded social services to its religious principles. It was filed on behalf of 18 former and current employees of The Salvation Army, and names various state, city and county agencies as defendants.

"This agreement protects the religious freedom of all New Yorkers who rely on faith-based organizations for crucial government-funded social services," NYCLU Executive Director Donna Lieberman said. "Our taxpayer money shouldn't support religious indoctrination of anyone – particularly children. And no one should be subject

to proselytizing because they need foster care, adoption, child care or HIV services."

Under the two-year settlement agreement, every government agency named in the lawsuit has adopted auditing procedures or standards of conduct to ensure that The Salvation Army does not force people in need of government-funded services to engage in religious activities, such as worship or religious instruction. The procedures and standards will also ensure that recipients of social services are not discriminated against because of their religious beliefs.

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Major Reforms Won at Brooklyn Hospital Where Patient Died on Waiting Room Floor

The NYCLU achieved a major victory this winter that should secure the rights and well-being of psychiatric patients at one of New York City's largest public hospitals.

On Jan. 8, a federal judge signed a settlement agreement and court order that establishes a framework for systemic reform of the psychiatric facilities at Kings County Hospital Center in Brooklyn, where staff ignored a 49-year-old woman as she suffered and died on the emergency room floor in June 2008.

Under the terms of the settlement, approved in January by a federal judge, the NYCLU, Mental Hygiene Legal Services and Kirkland & Ellis LLP will partner with the U.S. Department of Justice to closely monitor the implementation of reforms at the hospital for the next five years. The court also approved a consent judgment involving the DOJ that complements the settlement.

The advocates filed a federal lawsuit against the hospital and the New York Health and Hospital Corporation (HHC) in May 2007 after investigators found unsanitary, inhumane and dangerous conditions in the public hospital's psychiatric ward. Shortly after the lawsuit was filed, the DOJ began its own investigation of the hospital's psychiatric ward.

"The systemic reform outlined in this settlement should end once and for all the culture of indifference that has plagued the hospital for years," NYCLU Executive Director Donna Lieberman said. "But this settlement is just a start. The real test is what happens over time. This settlement will allow us to monitor them and the hospital at every step to ensure that reforms are executed, conditions improve and patients receive the best possible care."

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"The systemic reform outlined in this settlement should end the culture of indifference that has plagued the hospital for years."



Photo by Angela Jones

D.Y., a 13-year-old eighth grader, was illegally arrested at her Bronx school. She is one of five plaintiffs in a landmark, class action lawsuit against the NYPD filed by the NYCLU, ACLU and Dorsey & Whitney LLP.

Lawsuit Challenges Excessive Force, Wrongful Arrests in New York City's Schools

D.Y., an eighth grader from the Bronx, feels unsafe at school. She's not bothered by bullies, at least not typical bullies. She's afraid of NYPD school safety officers – adults assigned to protect her.

"I shouldn't have to be scared of school," D.Y. said. "I'm afraid that school safety officers could attack me again for no reason. I just want the school year to be over so I can be a normal kid again."

D.Y. is a plaintiff in a landmark federal lawsuit the NYCLU, ACLU and law firm of Dorsey & Whitney LLP filed on Jan. 20 challenging the conduct and practices of police officers and school safety officers (SSOs) serving in the NYPD's School Safety Division. It was filed on behalf of five middle school and high school students who were physically abused and wrongfully arrested at school by NYPD personnel. The

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Words from NYCLU Executive Director Donna Lieberman

Progress on All Fronts, But More to Do

As you'll see in these pages, the NYCLU is on a great winning streak. In recent months, we've achieved important victories on a number of civil rights and civil liberties issues in New York State. Just since January, we have:

- Secured major reforms to the psychiatric facilities at Kings County Hospital Center – Brooklyn's largest public hospital – to ensure that patients receive the best possible care. (*Read more on page 1.*)
- Established a system for monitoring The Salvation Army to ensure that it does not impose religion on recipients of its government-funded social services in New York City, Long Island and statewide. *See page 1.*
- Celebrated the enactment of the Family Health Care Decisions Act, a law that empowers families and protects the right of all New Yorkers to make the health care decisions they want when a loved one becomes incapacitated. (*Read more on page 3.*)
- Worked with a Herkimer County school district and the U.S. Department of Justice on a series of reforms that will protect the district's students from bullying and harassment based on sexual orientation and gender expression. (*Read more on page 7.*)
- After years of work, our Reproductive Rights Project, along with our friends at the New York Coalition for School-Based Clinics, persuaded the New York City Department of Education to recognize the right of teenagers to access confidential reproductive health care.

These victories didn't happen overnight. We pursued them doggedly for years, and in the case of the Family Health Care Decisions Act, nearly two decades. There is a lot more to do, and, as always, we need your

support to do it.

We're advocating fiercely for several key civil rights bills pending in Albany.

The recent suicide of a Massachusetts high school student and the subsequent indictment of nine teenagers who allegedly relentlessly harassed her cast the issue of school bullying in the spotlight and underscored the sad fact that New York is among the few states without a comprehensive anti-bullying law.

The Dignity for All Students Act would change that. The bill, which has passed the Assembly multiple times only to stall in the Senate, would protect our children against harassment over race, color, national origin, ethnicity, religion, religious practice, disability, sexual orientation, gender or sex. It mandates training for educators and requires the reporting of harassment.

Transgender and gender non-conforming people are not afforded the same protections as other vulnerable groups under state human rights law. **The Gender Expression Non-Discrimination Act** would prohibit discrimination based upon gender expression and gender identity.

Our state's once-trailblazing abortion laws do not adequately protect women if the Supreme Court continues to erode the principles of *Roe v. Wade*. **The Reproductive Health Act** would ensure that abortion will remain legal in New York if *Roe* is overturned.

Federal law allows employees to take 12 weeks of unpaid family leave – but many New York families cannot afford to lose the pay. **The Paid Family Leave Act** would provide a weekly disability benefit when an employee takes time off to care for a newborn or seriously ill family member.

We're also standing up for New Yorkers' constitutional rights through landmark litigation in state and federal courts.

In March, we argued before the State Court of Appeals in *Hurrell-Harring et al. v. State of New York*, our lawsuit that charges the state with failing its constitutional duty to provide effective counsel to poor New Yorkers accused of crimes. We're hopeful that the state's highest court will reverse a lower court's decision to grant the state's motion to dismiss the case. Then we'll plow ahead in this important effort to reform a broken and unconstitutional system. (*Read more on page 3.*)

We joined our colleagues at the ACLU in April for oral arguments before the U.S. Court of Appeals for the Second Circuit in Manhattan in *Amnesty v. Blair*, our lawsuit challenging the FISA Amendments Act of 2008 – a law that gives the government virtually unchecked

authority to intercept Americans' international e-mails and telephone calls.

Also in April, we argued before the Second Circuit in our lawsuits concerning at the 2004 Republican National Convention. New York City is appealing a lower court's ruling ordering the NYPD to turnover thousands of pages of intelligence documents concerning its treatment of protesters at the RNC, including hundreds of field intelligence reports by undercover investigators who infiltrated protest groups.

As always, we're fighting multiple battles with the NYPD. In January, we filed a federal lawsuit with the ACLU challenging the NYPD's school safety practices in the city's public schools. Our lawsuit complements ongoing advocacy efforts to return authority over school safety where it belongs – in the hands of professional educators, not police personnel. (*Read more on page 1.*)

We made significant progress in our campaign against the NYPD's unconstitutional and racially biased stop-and-frisk practices. Our advocacy prompted New York City Council Speaker Christine Quinn and Councilmember Peter Vallone, Jr., chairman of the Public Safety Committee, wrote to Police Commissioner Ray Kelly demanding that the NYPD end its practice of storing the information of millions of innocent New Yorkers stopped and frisked by police officers in an electronic database.

Unfortunately, the NYPD stopped and frisked 505,000 innocent people last year – an all time high. Nine out of 10 of those stopped were black or Latino. We will work relentlessly to stop this unjust, illegal practice and hold the NYPD accountable for its racial profiling. (*Read more on page 3.*)

We're working statewide to end aggressive military recruitment in public schools. The No Child Left Behind Act, which granted the military extraordinary access to public schools for recruiting purposes, is being revised this year.

We're working with the ACLU on lobbying Congress for changes to the law that will better protect the privacy rights of students and families and ensure that military recruiters do not receive preferential access to students.

This is a daunting list, and it's by no means complete, but we view each of these issues as a potential victory. It may take years, or decades, but sooner or later, with your help, we'll get the job done.

Please join us in our fight for justice in New York State. To learn more about any of these issues or to get more involved, visit www.nyclu.org today.



NYCLU
NEW YORK CIVIL LIBERTIES UNION

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Systemic Reform Comes at Last to Brooklyn Hospital

From page 1

Conditions at the hospital drew national attention in July of 2008 after the NYCLU and its partners released security camera footage of Esmin Green, a Brooklyn woman, dying on the waiting room floor of the hospital's psychiatric emergency room. The footage, acquired through the lawsuit, showed hospital staff ignoring Green as she writhed on the floor. Green had been in the waiting room for more than 24 hours.

Following release of the video, a federal court ordered the city to initiate emergency reforms at the hospital, including requirements that every patient be checked every 15 minutes, that there be no more than 25 patients at any time in the psychiatric emergency ward, and that detailed records on the ward be turned over every week to the advocates involved in the lawsuit. The settlement and consent judgment represent much broader reforms.

The settlement agreement is part of the advocates' lawsuit while the consent judgment concerns a lawsuit the DOJ filed today against New York City. The advocates and DOJ collaborated in negotiating both documents.

Under the terms of the settlement and consent judgment, the hospital agreed to develop and implement a wide series of reforms to provide the best standard of care. The reforms include:

- Ensuring patients in the psychiatric emergency room receive timely assessments and care, and preventing overcrowding in the psychiatric emergency room.
- Preventing the use of restraints on patients except as a last resort when the patient is an immediate threat to himself or others, and reducing the use of emergency psychotropic medications.

"We now have a blueprint for improving the standard of care at the psychiatric facilities and protecting patients' rights."

- Instituting appropriate discharge planning to place patients into the least restrictive setting possible that provides the support they need. This will prevent patients continually cycling through the hospital.
- Compiling accurate data on the treatment, flow and disposition of patients in the psychiatric emergency room and inpatient units, which must be delivered to plaintiffs periodically.

"We now have a blueprint for improving the standard of care at the psychiatric facilities and protecting patients' rights," said Beth Haroules, NYCLU senior staff attorney. "While we're confident the hospital's staff is capable of implementing these reforms, it is our job over the next five years to make sure they do so."

A six-member team of outside experts provided by the advocates and DOJ will have access to the hospital's buildings and facilities, records, staff, contractors and patients. The experts will report to the advocates and DOJ every three months. Also, the hospital must provide the advocates with copies of incident reports twice a week, including incidents of patient or staff member violence, and acts or omissions by staff that put patients at risk of serious harm.

The monitoring can be extended beyond five years if the advocates and DOJ determine the hospital has not made sufficient progress.

State's Highest Court Hears NYCLU Public Defense Lawsuit

The NYCLU has taken its landmark lawsuit to reform the state's dysfunctional and unconstitutional public defense system to the state's highest court.

On March 23, Senior Staff Attorney Corey Stoughton argued before the State Court of Appeals in *Hurrell-Harring v. State of New York*, which charges the state with failing its constitutional duty to provide effective counsel to poor New Yorkers accused of crimes.

Stoughton, upstate litigation coordinator and lead counsel on the case, said defendants are being deprived of effective council every day in courtrooms throughout the state. As a result, they spend weeks or months in jail before trial, are forced to accept inappropriate guilty pleas or face exceptionally harsh sentences.

She asked the court to overrule a July 2009 decision by a sharply divided five-judge panel of the Appellate Division panel to dismiss the case. The majority, over a fierce dissent by two justices, maintained that the judicial branch cannot and should not hear or attempt to remedy allegations of systemic violations of the constitutional right to counsel.

"For decades, the State of New York has been on notice that its public defense system is in crisis and fails to meet basic constitutional responsibilities, yet our lawmakers have ignored the problem," Stoughton said, following the oral argument. "The courts have a time-honored responsibility to ensure that the other branches of government act in accordance with fundamental rights."

The NYCLU and law firm of Schulte Roth & Zabel filed the lawsuit in November 2007 on behalf of 20 criminal defendants in Onondaga, Ontario, Schuyler, Suffolk and Washington counties who have encountered a dysfunctional public defense system. It maintains that a lack of adequate funding, oversight and statewide standards is denying New Yorkers their right to competent and timely legal representation.

The lawsuit asks the court to declare New York's public defense system unconstitutional and order the state to assure that competent legal representation is provided to



Photo by Pete Kane

Dorothy Thomas, the girlfriend of plaintiff Ricky Lee Glover, joins NYCLU Executive Director Donna Lieberman on the steps of the State of New York Court of Appeals right after the NYCLU filed its lawsuit in 2007. Two-and-a-half years later, the NYCLU was back at the Court of Appeals to deliver arguments in the lawsuit.

"For decades, the State of New York has been on notice that its public defense system is in crisis and fails to meet basic constitutional responsibilities, yet our lawmakers have ignored the problem."

— Corey Stoughton, NYCLU Senior Staff Attorney



those accused of crimes who cannot afford to hire lawyers.

For more than 40 years, the inadequacy of the state's county-driven, largely county-funded scheme has been documented in dozens of reports by legal advocacy organizations, professional associations and government commissions. In June 2006, a commission appointed by former Chief Judge Judith S. Kaye concluded that the state's public defense system is "severely dysfunctional"

and "structurally incapable" of providing people effective legal representation.

In the days leading up to the oral argument, *The New York Times* published two articles about the lawsuit. The first provided an overview of the issues at hand. The second examined the issue through the story of Kimberly Hurrell-Harring, one of the plaintiffs, whose court-appointed attorney failed to adequately represent her in Washington County. 🗨️

Fight Against Police Database of Innocent NYC Residents Gains Traction

The NYCLU received the support of two New York City Council leaders in its effort to stop the NYPD's practice of keeping a database containing the personal information of law-abiding people who have been stopped and frisked by police.

In a March letter, City Council Speaker Christine Quinn and Councilmember Peter Vallone Jr., the chairman of the Public Safety Committee, urged Police Commissioner Ray Kelly to end the practice and clear the database of the names and information of anyone not convicted of a crime.

Echoing the NYCLU's arguments, the lawmakers argued that the database "raises significant privacy-right concerns." They called for "urgent action" on the matter.

"We applaud Speaker Quinn and Councilmember Vallone for speaking out on this issue," said NYCLU Executive Director Donna Lieberman. "Innocent New Yorkers who are the victims of unjustified police stops should not suffer the further harm of having their personal information kept in an NYPD database, which simply makes them targets for future investigations."

The NYCLU has for years objected to the Department's excessive use of street interrogations and has been fighting for details of the program to be released to the public for debate. In 2007, the NYCLU sued the NYPD for access to the complete stop-and-frisk database under the state's Freedom of Information Law. In May of 2008, the NYCLU won that case and received the database.

NYPD officers stopped and interrogated about 505,000 completely innocent New Yorkers in 2009, the most ever since the Department began collecting data on its troubling stop-and-frisk program. Nearly 9 out of 10 of those stopped and questioned by police last year were neither arrested nor issued a summons. And 9 out of 10 were black or Latino. 🗨️

Legislative Victory Protects Medical Privacy and Personal Autonomy

Family Health Care Decisions Act Was 17 Years in the Making and Offers a Humane Option to Those Caring for Incapacitated Loved Ones

The NYCLU had an important legislative victory on March 17 when Governor Paterson signed the Family Health Care Decisions Act – legislation that protects privacy and personal autonomy by ensuring that incapacitated individuals receive the medical treatment they would choose, even if incapable of expressing that choice.

"This new law provides a more rational and humane approach to providing medical care when a loved one becomes incapacitated," said NYCLU Legislative Director Robert Perry. "It empowers families and protects the right of all New Yorkers to make the health care decisions they want."

The act, first proposed more than 17 years ago, passed the State Assembly on Jan. 20 and the State Senate on Feb. 24.

Every year about 70,000 New Yorkers suffer a catastrophic health crisis and have no directive regarding their medical treatment. The Family Health Care Decisions Act amended public health law to allow a family member, domestic partner or close friend to make medical decisions in those cases, ensuring that medical decisions respect the wishes of the incapacitated person.

State law had made it very difficult to appoint a surrogate to an incapacitated person, resulting in patients being subjected to intrusive, painful and

futile medical treatment – even after family members requested that it be stopped. Even when an incapacitated person's wishes regarding treatment were previously memorialized or verbalized before multiple witnesses, long litigation was often necessary before a patient's wishes could be honored.

"Passage of this reform was the culmination of nearly two decades of hard work," said Galen Sherwin, director of the NYCLU's Reproductive Rights Project, which lobbied intensely for the legislation. "This law respects the constitutional liberty interest all persons have in their own health care decision-making. Its passage is a great victory for privacy and personal autonomy."

More than a decade ago, a New York State Task Force composed of nationally recognized, non-partisan experts – health care providers, patients' rights advocates, clergy, attorneys and bio-ethicists – issued recommendations to bring New York law on health care decision-making into line with the majority of states.

"No New Yorker should ever have to go through what Terri Schiavo and her family went through in Florida," said NYCLU Executive Director Donna Lieberman. "The Family Health Care Decisions Act ensures that friends and family can make important medical decisions when their loved ones cannot."

Previously, New York and Missouri were the only two states without laws or procedures governing health care and end-of-life decisions for individuals who lack decision-making capacity because of illness or injury. 🗨️

NYCLU Board of Directors



The annual meeting of the members of the New York Civil Liberties Union will be held on Wednesday, June 9, 2010 at 6 p.m. at the NYCLU offices: 125 Broad Street, 19th Fl., New York, New York, for the purposes of electing directors, receiving the annual report and transacting any other appropriate business.

This is a contested election. There are 15 candidates and 14 vacancies.

WHO MAY VOTE

All members whose names appear on the NYCLU membership rolls as of May 27, 2010 may vote. If you have a question about your voting status, please call 212.607.3364.

HOW TO VOTE

NYCLU members may vote either:

- 1) in person, at the annual meeting.
- 2) by proxy, using any one of the ballots that appear in the following places:
 - printed on page 5 of this newsletter.
 - by downloading a ballot at www.nyclu.org/boardelections. (All votes not cast in person must be cast on paper ballots; one CANNOT vote electronically).

IN ORDER TO VOTE BY PROXY

Complete the proxy ballot. Mail the ballot you have filled out to Vera Scanlon, Election Supervisor, New York Civil Liberties Union, 125 Broad Street, 19th floor, New York, NY 10004.

So that we may verify your membership, cut out the address label (listing your name and address) on page 1 of this newsletter and affix it to the outside of the envelope; or, write your name (or both names, if you have a joint membership) and your address legibly on the back of the envelope. You must affix this label, or write

your name(s) and address on the back of the envelope in order to provide verification of your membership so that your vote can be counted. (Note: To ensure a secret ballot, do not sign the ballot or put your mailing label inside the envelope.)

CANDIDATES

There are fifteen (15) candidates for fourteen (14) vacancies. Thirteen vacancies are for three-year terms; one vacancy is for a two-year term. The person elected with the lowest number of votes will receive the two-year term. In accordance with the NYCLU by-laws, exactly as many candidates as there are vacancies were nominated by the NYCLU Nominating Committee. Each candidate was asked to supply biographical data and a brief statement of views on NYCLU policies and issues. These 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.**

AM I A MEMBER?

The NYCLU has nearly 50,000 members statewide, plus many thousands of supporters. To be a current member, you must have made a non-tax-deductible contribution to the NYCLU— in addition to any tax-deductible donations to the NYCLU Foundation — since March 1, 2009, or you must 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.

Claudia Angelos

(Nominated by Nominating Committee)

NYU Law Professor, teaching civil rights clinics in partnership with the NYCLU. NYCLU board member since 1993; board president 2002-08; current NYCLU General Counsel and representative to the ACLU National Board; National ACLU Executive Committee.

I am deeply committed to sharing whatever useful experience and talent I might have to the NYCLU. Its vigilance in protecting and advancing civil rights and liberties is exceptional and needed now as much as ever; its statewide program is both foundational and innovative; and its staff is brilliant and dedicated. I take pride in our passionate and hard-working board, which has learned to work in common cause, with a good-humored love of lively disagreement. We are becoming younger and more diverse, but we have held onto our basic principles and the stalwart people who have lived our history and long defended our values. We are a united statewide organization.

I will support the NYCLU program by working every year with 24 talented law students who litigate cases on behalf of the NYCLU through NYU's clinical program. As our representative to the ACLU National Board and a member of its executive committee I will support the national organization and promote the values and interests of the New York affiliate. And I will continue to advise our board and staff as NYCLU's general counsel.

I believe in openness, community, and the value and pleasure of engaged debate. I am optimistic about the future of the NYCLU, which will both change and endure. I promise to stand with the membership, board and staff of the NYCLU in the cause of our most fundamental freedoms.

Barbara Bernstein

(Nominated by Nominating Committee)

For the past three years on the state board after 32 years as Nassau Chapter director (now on the Nassau board as well), I have applied my knowledge of NYCLU policy and procedures as a weekly volunteer with the Legal Intake Committee. This involves responding to requests from individuals with myriad problems, real or imagined. Even if we can't help them directly, we are the face of the CLU, which allows us to educate them about what we do and don't do and refer them to agencies that can help them. In any case, we de-mystify the CLU and they are very grateful for the personal response.

My other work has involved updating and reissuing the third edition of our handbook, "Understanding Civil Liberties: A Guide for the Perplexed," which I started as chapter director but has now been published by the state office with Nassau funds. Originally 40 pages, it has expanded to 60 pages covering topics from free speech to the war on terrorism. Available through the chapters and the state office, the booklet is also online at our website. Our two other booklets on student rights and workplace rights are still available.

I attend board meetings regularly and serve on the Education Committee, now focusing on charter schools, and I hope to revive the church/state committee.

Can anyone look at the right-wing hysterics who are trying to suspend the Bill of Rights and not predict the serious challenges to religious freedom in the coming months? More critical than ever that NYCLU sells its message.

Colin J. Donnaruma

(Nominated by Nominating Committee)

Attorney; Ph.D. Candidate University at Albany; NYCLU Board of Directors 2007 - Present, Chapters & Education Committees; NYCLU Capital Region Chapter Board of Directors and Legal Committee 2005 - Present.

I began my work with NYCLU interning in the Capital Region Chapter office as a teenager during my summer vacation. Today, as a young attorney and doctoral student, I remain staunchly committed to the work of the NYCLU. I am currently finishing my first term on the Board of Directors and I would welcome the opportunity to continue my work with a second term.

There are a number of critical civil liberties issues presently facing New Yorkers, in particular I have worked closely with students and youth to defend their freedom of speech, to support the rights of LGBT students, and to oppose the school to prison pipeline.

Second, I have fought, both as an attorney and an activist, to defend Muslim-Americans in my community from unlawful targeting and prosecution by the government. Third, I have written and organized extensively about the need for New York to update its antiquated abortion laws to ensure the reproductive rights of women.

Lastly, as a life-long resident of upstate New York, I am keenly aware of the unique issues facing smaller rural communities. Too often inadequacies in their legal systems lead to violations of civil liberties in communities with the fewest resources to respond to them. I believe that providing outreach and support to these areas is vital.

Thomas R. Frey

(Nominated by Nominating Committee)

Attorney, retired from Harris Beach, Rochester. Member of the NYCLU Board since 1999, President of the NYCLU Board since 2008, Chaired or Co-Chaired Nominating Committee five years, Member of Executive Director Search Committee, Member of the Statewide Presence Committee, Former member of various committees of the Board.

It has been my honor and pleasure to serve as the President of the NYCLU Board for the last two years and have the opportunity to see up close the extraordinary work the staff of the NYCLU has done in this trying period. There work protects all New Yorkers. I have also served on the Rochester School Board, in the New York State Assembly, and was Director of State Operations under Governor Hugh Carey. I was also a member of the New York State Board of Regents and was County Executive of Monroe County. I am a member of the Board of the Campaign for Fiscal Equity which brought the law suit which this year gained more State education aid to school districts with high needs. But the last few years has been a time of peril for the civil liberties of the citizens of this country, during which, it is not an exaggeration to say, those liberties have been more threatened

than at any time in our history. It is more important than ever that we support the efforts of the NYCLU to protect and expand the Bill of Rights for all Americans. It has been very gratifying to participate in these efforts and I look forward to participating in these efforts in the future.

Margaret Fung

(Nominated by Nominating Committee)

Attorney; Executive Director, Asian American Legal Defense and Education Fund (AALDEF); NYCLU staff, 1973-75; NYCLU Board, 1978-present; Board Committees: Executive, Finance, Long Range Planning, Director Search, Judicial Selection, Privacy, Audit and Oversight, Immigrant Rights; ACLU Nominating Committee, 2004.

In this post-September 11 era, we still face serious attacks on our civil liberties. Changes in leadership in Washington, D.C. and Albany have created some opportunities to reverse the erosion of civil liberties, but it is evident that NYCLU has much critical work ahead. NYCLU is most effective when it blends litigation with education and community organizing at the grassroots level. The issue of police accountability must remain a top priority, especially in view of stop and frisk abuses affecting communities of color. Immigrants are also targets of racial and ethnic profiling, and these practices must be challenged. To protect the right to vote, NYCLU must monitor the use of new voting machines in NYC in the 2010 elections. Language minority voters and voters with disabilities must not be disenfranchised, and New Yorkers need to be confident that their votes will be counted. NYCLU should promote a fair and transparent redistricting process, meaningful changes in judicial selection methods, and election reforms that promote greater civic participation. I would like to continue serving as a Board member in order to make NYCLU a stronger and more vibrant organization that actively promotes these objectives.

Nancy Hollander

(Nominated by Nominating Committee)

The NYCLU has always been important, but never more so than now as we witness continued assaults on civil liberties. Constant vigilance and aggressive protection of individual rights is imperative as those rights come under fire locally and nationally. Locally important issues include: indigent defense, criminalization of school infractions, racial profiling and immigrant rights. It is crucial that the NYCLU has the resources to provide legal, advocacy and educational services to those individuals and organizations in need. The NYCLU's continued work to protect civil rights is imperative to preserve those rights for future generations.

I have proudly served on the NYCLU Board and would like the opportunity to continue. As a non-lawyer I bring a different perspective to the board, reflecting my background in finance, education and psychology. Through my work with children and adolescents, in schools and mental health facilities, I have seen institutional and societal disregard for rights of this vulnerable group. I am currently a doctoral student in psychology, having earned a Masters degree in Education

and an MBA in finance.

If re-elected to the NYCLU Board, I would remain actively involved in policy issues and the on-going health and growth of the NYCLU. I take my role as a Board member seriously, including the financial, operational and policy responsibilities. I currently serve on the Education and Finance committees. I have co-chaired the development committee, and was a member of the Lasker Callaway, Harvey Milk and executive director search committees. I hope you will support my election.

Jonathan Horn

(Nominated by Nominating Committee)

Attorney; NYCLU Vice President 2009 – Present; NYCLU Secretary 2003 - 2005; Member of Executive Committee 2003 - Present; Member of Development Committee; Member of Statewide Presence Committee; Member of Board Retreat Committee; Delegate to ACLU Biennial Conference 2003 & 2005; NYCLU Board Member since 2001.

We say it on our website. The NYCLU’s mission is to “defend and promote the fundamental principles ... embodied in the Bill of Rights, the U.S. Constitution, and the New York Constitution.” We are one of a very few organizations devoted to this vital task and there is always much to do. I’m proud of the work being done by our staff and volunteers: speaking out against abusive police and governmental practices that target immigrant communities and people of color; responding when a school district fails to protect students from harassment based on sexual orientation or gender expression; filing suit when New York State fails to provide effective counsel to poor New Yorkers accused of crimes; and much, much more.

As Board Members, we must set the organization’s policy – and I believe the NYCLU is on the right course. But we must also take seriously our “governance” obligations -- to make certain that the NYCLU remains strong, well run and on a sound financial footing. We also have to roll up our sleeves and assist our staff in growing our legal, educational and community programs.

I have been privileged to serve on this Board since 2001. I have tried to honor that privilege by being a very active Board Member, by serving as a part of the Board’s leadership, by serving on numerous committees, and by helping to raise needed funds. I hope to continue that work during the years ahead.

Malcolm Lee

(Nominated by Nominating Committee)

My first name is Malcolm, named after the powerful orator and leader, Malcolm X. My middle name is Donald named after my uncle who served prison for revolutionary activity in the struggle for civil rights. My parents were deliberate in the naming of their children. They meant for me to be an advocate for the people by not only providing me with a formal education, but also making me aware of the real history of this country and the contributions of my ancestors. The statement “deeds not words” was made by my great-grandfather, William James Edwards. A contemporary of Booker T. Washington and graduate of Tuskegee Institute, my great-grandfather founded and built Snow Hill Institute so that descendants of American slaves could use the great equalizer of education to give them a real chance to make it in America. Education, arts and activism has always been part of my family’s legacy. And though my path has taken me into the realm of entertainment I feel very strongly that I contribute to that history of activism and equal rights. In my own way I’ve challenged the stereotypes of Black men, women and children that often contribute to civil and human right violations. My appointment to the NYCLU’s board will only further my contribution to a more perfect society and educate me to the unseen injustices that many people less fortunate than I continue to suffer. I am humbled by this opportunity and looking forward to working with the organization.

Lesly Lempert

(Nominated by Nominating Committee)

Consultant on human rights and civil liberties in Israel, Gaza and the West Bank to a wide range of organizations; was Executive Director of the American-Israeli Civil Liberties Coalitions for eight years; past president of the New York Civil Liberties Union; Chairperson of the Tompkins County office of the NYCLU; former member of the Texas Civil Liberties Board of Directors for six years; Chair of the Lasker/Callaway Committee; lectures on civil liberties at Cornell University and Ithaca College; wrote a series of articles on the subject of computer access and confidentiality of patient records; speaks frequently on the Patriot Act. Lesly is the institutional memory of the NYCLU.

The ACLU has long defended the traditional civil liberties issues of First Amendment, due process, free speech, freedom of expression and association and separation of church & state. In recent years, electronic methods for invading privacy have been added. With the passage of the Patriot Act the means for surveillance at many levels have been widely expanded resulting in the loss of personal privacy. I am particularly concerned about the vulnerability of our private lives associated with that issue.

E. Christopher Murray

(Nominated by Nominating Committee)

I would like to continue to serve on the Board of the NYCLU because this organization is critical to protecting the rights of New Yorkers.

As a member of the Board I have served on the Development and Audit Committees, helping to raise funds and fulfilling the fiduciary responsibilities to our donors and members. In addition, I was recently appointed to the committee that will examine the civil liberty issues raised by campaign finance reform efforts. I have also been a delegate representing the NYCLU at the bi-annual meeting of the ACLU.

In addition, being both the President of the Nassau Chapter and a Board Member I was a constructive force in implementing the NYCLU's Statewide Presence initiative and have work hard to coordinate the activities of my local chapter with the statewide organization. Our chapter worked well with the development office's ambassador program, as well as other fundraising initiative, including obtaining a \$100,000 foundation grant.

As a cooperating attorney I have been the lead counsel in a number of litigations in Nassau County. In fact, just this past January I submitted an amicus brief on behalf of the NYCLU concerning when attorney's fees can be assessed against a losing plaintiff in a 1983 civil rights action.

I have committed my time and energy to the NYCLU because I believe in its purpose. I would appreciate the privilege of continuing to serve on the Board and hope you will support my candidacy.

Amanda Oren

(Nominated by Nominating Committee)

During my first term, I was active on the chapter committee as well as the education committee. As chair of the education committee, I was able to see that several issues of concern were researched and extensively discussed by the committee. As a result, the board recently adopted the “high-stakes” testing policy that the education committee proposed.

As a member of the chapter committee, I have continued to work as a liaison between the state board and the local chapter in Rochester/Genesee Valley in order to continue this organization’s efforts to be an effective state-wide presence.

For the second time, I chaired the Liberty Conference organized by the Genesee Valley Chapter. This day-long event brought together 400 high school students at the University of Rochester to discuss, debate, and think about the implications of civil liberties – specifically privacy and First Amendment rights in regard to the internet.

I worked as an ambassador for the development department which required that I meet with donors and help engage the local Genesee Valley board as ambassadors.

As a public defender, I work daily to protect my client’s constitutional rights in the criminal system. If reelected for a second term, I will continue my work on behalf of this organization to protect all of our civil liberties.

I will continue to bring my energy, dedication and passion for the protection of civil liberties to my next term. I thank you for your consideration and hope to join you for three more productive years.

Tara Lai Quinlan

(Nominated by Nominating Committee)

Public Interest Attorney; Member, Development Committee, 2009-present

I joined the NYCLU Board of Directors in November 2009, and am thrilled to seek re-election. As a lifelong advocate for civil rights and civil liberties, serving on the NYCLU’s Board has been a natural fit for me. I find the role very engaging and extremely gratifying. I would like to continue to lend my support to the great work of the NYCLU by being re-elected as a Director.

As an Asian American woman, I have always been dedicated to promoting and enhancing the civil rights of communities of color in particular, and disadvantaged communities in general. I pursued a law de-

PROXY VOTING INSTRUCTIONS

COMPLETE THE PROXY BALLOT

Mail the ballot you have filled out to Vera Scanlon, Election Supervisor, New York Civil Liberties Union, 125 Broad Street, 19th Floor, New York, N.Y. 10004. So that we may verify your membership, cut out the address label (listing your name and address) on page 1 of this newsletter and affix it to the outside of the envelope; or, write your name (or both names, if you have a joint membership) and your address legibly on the back of the envelope. You must affix this label, or write your name(s) and address on the back of the envelope in order to provide verification of your membership so that your vote can be counted. (Note: To ensure a secret ballot, do not sign the ballot or put your mailing label inside the envelope.)

ABOUT THE BALLOT

There are fifteen (15) for fourteen (14) positions. NOTE: There are two columns of boxes. If you have a single membership, mark only boxes in the first column. If you have a joint membership (indicated by a mailing label on this newsletter with both names on it), you are entitled to two votes and can vote by marking boxes in both columns. To view lengthier candidate statements and to obtain contact information for individual candidates, please visit www.nyclu.org/boardelections.

PROXY BALLOT

**TO: Vera Scanlon, Election Supervisor
NYCLU • 125 Broad Street, 19th Floor,
New York, NY 10004**

You are hereby authorized as my proxy to cast my votes as indicated at the annual meeting of the New York Civil Liberties Union to be held on June 9, 2010 at 6 p.m. at the NYCLU offices, 125 Broad Street, 19th floor, New York City for the election of directors, with the same power I would possess if I were personally present.

Lesly Lempert	<input type="checkbox"/>	<input type="checkbox"/>
Ron Tabak	<input type="checkbox"/>	<input type="checkbox"/>
Amanda Oren	<input type="checkbox"/>	<input type="checkbox"/>
Thomas R. Frey	<input type="checkbox"/>	<input type="checkbox"/>
Tara Lai Quinlan	<input type="checkbox"/>	<input type="checkbox"/>
Nancy Hollander	<input type="checkbox"/>	<input type="checkbox"/>
Lara M. Rios	<input type="checkbox"/>	<input type="checkbox"/>
Ralph Valente	<input type="checkbox"/>	<input type="checkbox"/>
Claudia Angelos	<input type="checkbox"/>	<input type="checkbox"/>
E. Christopher Murray	<input type="checkbox"/>	<input type="checkbox"/>
Colin J. Donnaruma	<input type="checkbox"/>	<input type="checkbox"/>
Margaret Fung	<input type="checkbox"/>	<input type="checkbox"/>
Jonathan Horn	<input type="checkbox"/>	<input type="checkbox"/>
Barbara Bernstein	<input type="checkbox"/>	<input type="checkbox"/>
Malcolm Lee	<input type="checkbox"/>	<input type="checkbox"/>

gree to help fulfill this mission, and have been practicing public interest law since 2004.

Since September 11, 2001, I have volunteered hundreds of hours of my personal time to analyzing post-9/11 law enforcement racial profiling practices of people while working with the Northeastern University Law School’s Partnering for Prevention Initiative (PfP). PfP’s primary goal is to eliminate the ethnic and religious racial profiling currently used as a “tool” in counter-terrorism strategy. I continue to work to achieve this obtainable goal.

I currently serve on the NYCLU Board’s Development Committee. In this capacity, I help the NYCLU staff with fundraising and promoting the NYCLU’s work. I recently helped organize a terrific Spring Fundraiser. I plan to expand my work in this area if re-elected.

Thank you for your consideration.

Continued on page 6

Election 2010: Biographies and Statements of Candidates

From page 5

Lara M. Rios

(Nominated by Nominating Committee)

Attorney Cravath, Swaine & Moore LLP; NYCLU Board Member; NYCLU member

As a native New Yorker I've always believed that what happens in New York sets the tone for the rest of the nation. That is why the work of NYCLU is invaluable. During my tenure as a Board Member, I've seen the organization grow and I've been proud to support the organization in its efforts to curb excessive policing in schools, restore a strong public criminal defense program, advocate on the benefit of immigrant communities, and ensure equal rights for all families. As a Chapter Committee member, I have participated in many detailed discussions about the organization's efforts to develop a comprehensive program that reaches all corners of the state and can respond to the diverse civil liberties needs of our communities. I have been privileged to serve on this Board and I have tried to honor that privilege by being an active Board Member, helping to raise needed funds and membership -- all to help the NYCLU move forward. I hope to continue that work during the crucial years ahead. Thank you.

Ron Tabak

(Nominated by Nominating Committee)

NYCLU faces crucial challenges and opportunities, given the increasing "populist" attacks on civil liberties -- including pervasive attacks on the rights of Immigrants; a Supreme Court majority that is generally antagonistic to the NYCLU's views; a more conservative state judiciary; and a federal administration that has made fewer changes than expected to its predecessor's anti-civil liberties policies.

I have tried in various ways to help the NYCLU to deal with these situations, including service on the Executive Committee and as Secretary. As Board Governance Committee chair, I have continued to ensure that we comport with best practices and avoid the dysfunctions that have sometimes occurred in the ACLU board. As a member of the Statewide Presence Committee and now of the Chapters Committee, I have encouraged efforts to improve the NYCLU's ability to handle civil liberties matters throughout the state (including through pro bono counsel), to expand its grassroots activity statewide, and to enhance its visible presence in Albany.

My civil liberties involvement includes being President of New York Lawyers Against the Death Penalty, Secretary of LatinoJustice PRLDEF, leader of the ABA Individual Rights Section's death penalty committee and past City Bar Association Civil Rights Committee Chair. As my law firm's pro bono coordinator, I on many occasions have found pro bono lawyers for NYCLU.

It would be a privilege to be re-elected to the NYCLU board.

Ralph Valente

(Nominated by the Central New York Chapter)

I am a life long New Yorker. I grew up in the Upper Hudson Valley, spent 26 years living in NYC, and have been living in Central New York for nearly five years. I am committed to fighting for equal rights for all New Yorkers regardless of their age, gender, gender identity, religion, sexual orientation, ability, or racial and ethnic identity.

Being openly gay in NYC is "easy," or at least easier. But Manhattan is like a cocoon, insulated from many things that exist elsewhere. Central New York is that elsewhere. In spirit and form, CNY is very much like the rest of the country. I'm continually amazed at the number of individuals here still struggling to confront their homosexuality, transgender orientation, and all the attendant issues with "coming-out," fearful of the ramifications of fully expressing themselves. Here, many public school teachers, government workers, and others remain deeply closeted. And those that come out can often face the loss of jobs and public ridicule. This is very much not NYC. Upstate New York faces a different set of challenges from Downstate; challenges that the NYCLU must address. The unique needs of Upstate New York demand that there be strong, committed advocates for Upstate on the NYCLU Board. I can be one of those people.

I am honored to be a nominee for the NYCLU Board, and will do my best to help our organization continue its important work. Thank you for your consideration.

NYCLU, ACLU Sue NYPD Over Excessive Force, Wrongful Arrests in NYC Schools

From page 1



Photo by
Alberto
Morales

NYCLU Legal Director Arthur Eisenberg stands with some of the plaintiffs and NYCLU, ACLU and Dorsey & Whitney attorneys at a January press conference announcing the filing of the lawsuit.

plaintiffs seek system-wide reform in New York City's middle schools and high schools.

Last fall, D.Y. was roughed up and unlawfully arrested at school by SSOs following a confrontation in front of her school initiated by two adult strangers who had threatened her.

An SSO instructed D.Y. to enter the school with the strangers. Frightened, D.Y. said that she preferred to wait outside for her mother who was coming to pick her up. The SSO grabbed D.Y. by the arm, handcuffed her and pinned her to the ground. D.Y. sat handcuffed at a desk until her mother managed to find her. No charges were filed against her.

"Excessive policing is stripping thousands of New York City students of their dignity and disrupting their ability to learn," said NYCLU Executive Director Donna Lieberman. "We all want safe schools for our children, but the current misguided system promotes neither safety nor learning. Despite mounting evidence of systemic misconduct by police personnel in the schools, the NYPD refuses to even acknowledge any problems with its school policing practices. We are confident that the courts will compel much-needed reform."

The lawsuit maintains that inadequately trained and poorly supervised NYPD personnel engage in aggressive behavior toward students when no criminal activity is taking place and when there is no threat to health and safety. The police confront and arrest students over minor disciplinary infractions such as talking back, being late for class or having a cell phone in school. The lawsuit documents numerous incidents in which students engaged in non-criminal conduct were handcuffed, arrested and physically assaulted by police personnel at school.

"If you treat children like criminals, they will fulfill those expectations," said Catherine Y. Kim, staff attorney with the ACLU Racial Justice Program. "Aggressive policing in public schools undermines efforts to create a

nurturing and supportive environment for children."

Since the NYPD took control of public school safety in New York City in 1998, more than 5,000 SSOs, civilian NYPD employees, and another 200 armed police officers have been assigned to the city's public schools. This massive presence makes the NYPD's School Safety Division the nation's fifth largest police force -- larger than the entire police forces in cities such as Washington D.C., Detroit, Boston, Baltimore, Dallas, San Diego or Las Vegas.

SSOs wear NYPD uniforms and possess the authority to stop, frisk, question, search and arrest students. While NYPD police officers must complete a six-month training course before being deployed, SSOs receive only 14 weeks of training before being assigned to schools. School administrators have no supervisory authority over the SSOs who patrol their schools.

From 2002 to June 2007, the NYPD Internal Affairs Bureau received 2,670 complaints against members of NYPD's School Safety Division -- about 500 complaints annually -- even though no effective or publicized mechanism exists for lodging complaints against SSOs.

The lawsuit, filed in the U.S. District Court for the Eastern District of New York, seeks the following:

- A return of disciplinary decisions traditionally dealt with by school administrators to New York City's school administrators.
- Mandatory training of SSOs regarding conduct relating to arrests, searches and the use of force.
- A transparent and meaningful mechanism for students and parents to file complaints against members of the NYPD's School Safety Division.
- Revision of the policies and procedures regarding discipline of members of the NYPD's School Safety Division who are found to have committed abuses, including their removal from having future contact with youth where appropriate.

The Salvation Army May Not Proselytize While Providing Government-Funded Social Services

From page 1

"One of the underpinnings of social work is that you start where the client is," said Anne Lown, the former associate executive director of The Salvation Army who worked there for 24 years. "If you're preaching an agency's religion to the client, you're not starting where the client is and you're not respecting the client."

The government agencies that have adopted audit procedures or standards of conduct are: New York City Administration for Children Services (ACS), New York City Division of Juvenile Justice, New York State Office of Mental Retardation and Developmental Disabilities, New York State Department of Health, Nassau County Department of Social Services and Suffolk County Department of Social Services.

ACS, which funds a wide variety of social services in New York City, has determined to apply its auditing protocols to all of its contracting agencies.

"With this settlement, government is watching out," said NYCLU co-counsel Deborah Karpatkin. "It will not fund religious organizations to proselytize to recipients of government-funded social services. It will not allow these government-funded services to be tailored to the precepts of the religious organization."

As part of the settlement, the NYCLU will receive regular reports from the government agencies on

The Salvation Army's compliance with the agreement. A federal court will maintain jurisdiction over the agreement for two years to ensure that it is enforced.

"This auditing model establishes a template that government agencies across the country can apply to faith-based organizations contracted to perform government services," said NYCLU Senior Staff Attorney Beth Haroules.

In 2005, a federal judge recognized that city and state agencies cannot allow religious organizations to use government funds to proselytize or to impose religious messages on those who rely on them for social services. The settlement with the government agencies emerges out of that ruling.

In the same ruling, the judge dismissed claims that The Salvation Army and government agencies had engaged in impermissible employment discrimination by requiring employees in the government-funded programs to disclose their religious beliefs and practices and to pursue the organization's evangelical Christian mission. That ruling still can be appealed. Also, the 2005 decision did not dismiss the claims of the two employees who claimed constructive discharge for protesting The Salvation Army's introduction of religion into the workplace, and the litigation of those claims against the charity is continuing.

Herkimer County Settlement Will Help Protect LGBT Youth from Bullying

Department of Justice Joined in NYCLU Effort, Sending Schools Strong Message That They Must Protect All Kids

As the result of an NYCLU lawsuit, a Herkimer County school district will implement a series of reforms to protect students from bullying and harassment based on sexual orientation and gender expression.

The NYCLU sued the Mohawk Central School District in August on behalf of a student who was repeatedly harassed, threatened and physically assaulted at school for being gay and not conforming to gender stereotypes.

The civil rights lawsuit, filed in federal court, maintained that district officials were aware of the bullying and did nothing to stop it. The school district denied the allegations in the complaint.

According to a settlement approved by a federal judge on March 29, the school district agreed to undertake several measures to prevent and address harassment based on sex, gender identity, gender expression and sexual orientation.



"This settlement affirms that school districts nationwide have the responsibility to protect children from bullying and harassment based on sexual orientation and gender non-conformity," said NYCLU Executive Director Donna Lieberman. "No child should live in fear of going to school."

The lawsuit drew the attention of the U.S. Department of Justice (DOJ), which filed a motion to intervene in the case on behalf of the student. Under the settlement, the DOJ has agreed not to pursue the matter further in court.

"The school district has made a commitment to protect all students from bullying and harassment," said NYCLU Senior Staff Attorney Corey Stoughton, lead counsel on the case. "We look forward to working with district officials and the Department of Justice on implementing these important reforms, and hope that they will inspire other school systems to confront bullying of lesbian, gay, bisexual, transgender, and gender non-conforming students."

The student, J.L., was entering the ninth grade at Gregory B. Jarvis Junior/Senior High School when the lawsuit was filed earlier this school year. He has since transferred to a high school in another district.

Beginning in the seventh grade and continuing through J.L.'s eighth grade year, numerous students relentlessly harassed J.L. because he is gay, dyes his hair, wears eye makeup and speaks in a high-pitched voice. He endured a range of slurs on a daily basis, occasionally with teachers present.

Aside from the continuous verbal assault, J.L. also experienced physical intimidation and violence at school. Students threw food at him in the cafeteria; pushed him down the stairs; knocked books from his hands; destroyed or defaced his belongings, including his clothing, cell phone and iPod; and threatened to beat, stab and kill him.

As part of the settlement, the school district agreed to reforms that should protect all students in Mohawk schools:

- The school district has enlisted the support of the Anti-Defamation League and will begin training staff on appropriate ways to address issues of harassment;
- It will review its policies and procedures governing harassment based on sex, gender identity, gender expression and sexual orientation;
- And it will report to the New York Civil Liberties Union, who represented the student in the lawsuit, as well as the Department of Justice on these efforts as well as its ongoing response to complaints of discrimination and harassment.

In addition to Stoughton, NYCLU attorneys on the case are Matthew Faiella and Naomi R. Shatz.

NYCLU... YOU

Attorney, Mother, Fundraiser: NYCLU Board Member Starts Exciting New Donor Program



Photo by Angela Jones

NYCLU board member Julie Kowitz Margolies with her 22-month-old daughter, Imogen. A civil rights attorney, Margolies works closely with NYCLU's development staff on fundraising.

When Julie Kowitz Margolies left her job as an advocate for incarcerated women to start a family, she was determined to remain engaged in the fight for civil rights and liberties.

Seven years and three children later, Margolies is a leader on the NYCLU Board of Directors. As a member of the board's Executive Committee and chair of the Development Committee, she plays an important role in guiding the organization into the future.

"I'm lucky to have the opportunity to be a leader in the organization and also have time to raise my kids," Margolies said. "I need to be engaged on issues that are important to me."

Margolies, a civil rights attorney, joined the board in 2000 after being nominated by three of her former professors at Brooklyn Law School, including current ACLU President Susan Herman.

At the time, Margolies directed the Correctional Association of New York's Women in Prison Project, which addresses the effects of the state's criminal justice policies on women and their children. In that role, she worked with the NYCLU on various issues, including fighting for Rockefeller Drug Law reform.

She left the Correctional Association in 2003 to start a family with her husband, Alex, who works in the financial sector.

"You can't be the director of the Women in Prison project part time," she said. "You have to be in a

place in your life when you can be totally involved in it."

These days, much of Margolies' time is devoted to her children: Leo, 6; Truman, 4; and Imogen, 22 months. Her living room in Manhattan features a wooden play stove, and crates of toy train tracks and building blocks.

Her work with the NYCLU provides an opportunity to use skills and knowledge she developed over her career as civil rights advocate.

"At some point, when my kids are older, I going to return to work," she said. "This keeps me stimulated. It helps me keep in touch."

Her experience overseeing fundraising for the Women in Prison Project informs her work on the board's Development Committee. In 2005, she worked with fellow board member Jonathan Horn to establish the NYCLU's major donor program, which has become an essential component of the organization's fundraising strategy.

"That's one accomplishment I am pretty proud of," she said. "The development staff has taken the program into the stratosphere."

Margolies works with development staff to identify and cultivate major donors. She often accompanies staff members at meetings with potential donors.

"It's important to take time to reach out to people," she said. "And when times are tough, they'll still think about you, and maybe you're the one who gets an extra donation." 🐾

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Rights for All with Immigration Reform

NYCLU Report Documents Immigration Detainee Grievances at Varick Federal Detention Center in Manhattan

Last summer, an immigrant detained at the Varick Federal Detention Center in Manhattan pleaded with the facility's medical staff to address his badly infected teeth and severe digestive problems.

"I am in so much pain that I want to hit my head against the wall and cry," he wrote in a grievance describing his inability to receive medical care.

The man was forced to wait 10 months with an abscessed tooth for a dental appointment. By the time the detainee had a dental exam, the infection had spread to seven teeth, which the dentist recommended be pulled.

"Nobody should be treated inhumanely or denied basic medical care while in U.S. custody."

His is among several disturbing stories documented in *Voices from Varick: Detainee Grievances at New York City's Only Federal Immigration Detention Facility*, a white paper the NYCLU released in February to provide a snapshot of the inhumane and illegal conditions plaguing the federal immigration detention system. It analyzed a year's worth of grievances filed by detainees at the Varick facility, which was the only federal detention facility in New York City until it closed this year.

"The white paper provides a voice to people who are victims of the federal government's failure to adequately manage the nation's immigration detention system," said NYCLU Advocacy Director Udi Ofer. "Nobody should be treated inhumanely or denied basic medical care while in U.S. custody. The Obama administration must address this problem by issuing enforceable regulations to ensure that immigrants in detention are treated humanely."

The white paper was issued after the federal government announced plans to close Varick and transfer its roughly 300 detainees to the Hudson County Correction Center, a county jail in Kearney, New Jersey. It is based on records obtained through a Freedom of Information Act request filed in August 2009. The federal government turned over 210 grievances filed by Varick detainees from August 2008 to August 2009.

The white paper drew the attention of the *The New York Times*, which ran a detailed story about its findings.

Inadequate medical care was the most common complaint, representing 34 percent of the grievances. Grievances alleging abusive treatment by staff were the second most common, accounting for 25 percent.

"Closing Varick won't solve the problems documented in our white paper, because inhumane conditions exist in immigration detention facilities throughout the nation," said NYCLU Executive Director Donna Lieberman. "We hope that federal immigration officials will heed the voices of the Varick detainees and improve conditions of confinement for the hundreds of thousands of men, women and children in immigration detention in the United States." 🗣️



Photos by Ari Rosmarin and Angela Jones

NYCLU members and supporters from across the state joined more than 200,000 people in the nation's capital at a March rally for comprehensive immigration reform.

Statewide Effort Brings Comprehensive Immigration Reform to the Forefront

Tens of thousands of immigrants and advocates packed the National Mall in Washington D.C. on Sunday, March 21 to rally for comprehensive immigration reform. The NYCLU was there in force, sending busloads of people from across the state to urge President Obama and congressional leaders to support reform that protects everyone's rights and liberties.

Buses from upstate hit the road as early as 2 a.m. The early start was a small price for the opportunity to show lawmakers that they must act swiftly to fix the nation's broken immigration system.

"It was an inspiring day," said Mario Hernandez, organizer for the Western Regional Office. "Our message was loud and clear: We can no longer afford to ignore our broken immigration system. We hope President Obama was listening."

The successful bus trip to Washington is indicative of the NYCLU's statewide campaign for comprehensive immigration reform. For the past several months, our chapters, working closely with the central office, have organized activist task forces of local volunteers dedicated to promoting reform within their communities. Their hard work is making the NYCLU a prominent voice for reform throughout New York State.

We argue that workable comprehensive immigration reform must:

- Provide a realistic pathway to citizenship.
- Restore due process, judicial review and basic fairness to the immigration system.
- Reject a national worker ID card.
- Treat immigrants in detention centers humanely.
- End local law enforcement of federal immigration laws.

The chapters and regional offices have been in overdrive delivering our message on reform. They have organized phone-banking sessions to encourage local NYCLU members to contact their federal lawmakers; made lobby visits to educate their congressional representatives on our position; and established strong relationships with other local immigrants' rights groups.

"Our volunteers have shown a tremendous

amount of dedication," said Linda Berns, director of the Lower Hudson Valley Chapter. "They've gone out of their way to help me with this campaign, and I think we've helped local congressmen understand that they must approach reform issues from a civil liberties perspective."

In February, several chapters participated in the "Road Trip for our Future," a five-day caravan across

Join the movement for comprehensive immigration reform that respects all New Yorkers' rights and liberties. Visit www.nyclu.org/ImmigrationReform.

New York State featuring a series of local rallies for immigration reform. They have hosted public forums and panel discussions to educate the public on the need to fix the immigration system. Barrie Gewanter, director of the Central New York Chapter, published an op-ed column in the *Utica Observer-Dispatch* arguing persuasively for reform. The column was co-signed by three Utica residents, all members of the chapter's activist task force.

On Long Island, our Nassau and Suffolk County chapters are working with local partners to advocate for reform and oppose local ordinances that discriminate against immigrants.

As part of the statewide campaign, the NYCLU has created a special web page, www.nyclu.org/immigrationreform, featuring an interactive map that allows visitors to hear from New Yorkers across the state who support reform. The web page also provides information about our key issues and gives visitors several ways to get involved, from sending a fax to their representatives to recruiting their friends through the social networking sites Facebook and Twitter.

In March, Senators Charles Schumer (D-N.Y.) and Lindsey Graham (R-S.C.) released an outline of their bill to overhaul the immigration system. The senators met with President Obama about the plan, which includes a proposal to establish a national biometric worker ID card.

Under the plan, every person seeking to work in the United States, immigrants and citizens alike, would have to obtain a government ID card containing his or her photograph and embedded with biometric information, such as his or her fingerprints.

"We commend Senator Schumer for his leadership on this important issue, and we appreciate his commitment to provide a pathway to citizenship for millions of people living and working in this country," said Ari Rosmarin, NYCLU statewide advocacy coordinator. "But his plan for a national worker ID card would violate core American values of privacy and liberty and kill reform. We're working hard to persuade him to reconsider this proposal."

President Obama has declared his "unwavering" commitment to comprehensive immigration reform. But history demonstrates that real change depends on people, not politicians. Thanks to the dedication of our volunteers and staff statewide, the NYCLU is in a strong position to influence Senator Schumer and the entire debate on immigration reform. 🗣️



NYCLU
NEW YORK CIVIL LIBERTIES UNION

YES, I will be there for the NYCLU!

In the coming year we will fight to:

- Bring accountability to police in schools
- Advocate for fair marriage laws that protect all families
- Guarantee women's reproductive freedom
- End racially biased policing practices

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