

A NEW DAY IN NEW YORK

NEW YORK CIVIL LIBERTIES UNION
2019 ANNUAL REPORT



The New York Civil Liberties Union's mission is to defend and promote the fundamental principles and values embodied in the Bill of Rights, the U.S. Constitution, and the New York Constitution, including freedom of speech and religion, and the right to privacy, equality, and due process of law for all New Yorkers. In pursuit of these principles, we fight for the dignity of all people, with particular attention to the pervasive and persistent harms of racism.

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Photo by: Jena Cumbo

The spread of COVID-19 has deeply impacted the lives of all New Yorkers. The virus has fully exposed the weaknesses in our systems, offering a unique understanding of America’s deeply unequal society.

With businesses closed, millions of New Yorkers are left without a way to make a living. Some 1.3 million New Yorkers lack access to paid family leave, meaning many grocers, delivery drivers, and other essential workers cannot afford not to go to work. School closures have disrupted education for millions. People incarcerated in our prisons, jails, and immigrant detention centers are especially at risk. Even before protests

decrying police brutality broke out across the nation, the NYPD’s enforcement of social distancing was disturbing, with documented stark racial disparities and needless use of force. And with data showing Black and Latinx New Yorkers dying at twice the rate of their white neighbors, COVID-19 provides more concrete evidence that structural racism is real and lethal.

The pandemic has also made remarkably clear the imperative of the New York Civil Liberties Union’s work. Without action, these inequalities will only be further engrained. In the face of this protracted crisis, we are demanding solutions to bring immediate relief to the most vulnerable New Yorkers — from releasing people from jails and prisons, to providing equal rights and adequate protections for workers; from ensuring quality, accessible food, healthcare, and other resources, to demanding equal access to education.

This work is made possible by a year of transformative change for New York, one that will help us cement civil liberties as the foundation of our long-term recovery.

The civil liberties majority came together in 2019 to demand that our core values and principles — equality, liberty, and due process — be more fully and consistently realized in the lives of all New Yorkers. In our *First 100 Days* guide, the NYCLU amplified this call for change by identifying key legislative

initiatives for 2019; some proposals had stalled in Albany for years, while newer reforms urged elected officials to protect immigrants and children.

Lawmakers listened. Our first functional progressive majority in the legislature in decades delivered on nearly three-quarters of the important civil liberties issues we raised, from reproductive rights to voting reforms, from safeguards for immigrant communities to protections for trans and gender-nonconforming New Yorkers. Throughout this report, you’ll get a firsthand look at how some of these incredible wins — many of them decades in the making — were secured. (And you’ll find links with updated information from 2020.)

In addition to our historic successes, the NYCLU began a comprehensive restructuring process, making room for new departments and an expanded staff. This reorganization is diversifying our leadership, boosting innovation in our core programs, and streamlining our work with NYCLU chapters and partners throughout the state. Ultimately, we are better positioned to nimbly pursue our mission and advance progress under these 2019-20 strategic priorities:

- Protect and strengthen democracy
- Protect and promote equality
- Struggle for justice
- Protect privacy and autonomy

These priorities guided our agenda throughout 2019, and the NYCLU stands ready to protect our rights and wellbeing as the full social, economic, and political impacts of the pandemic become clear. The progress we made in 2019 stands as a true testament to the perseverance of our civil liberties majority. Together, we brought about a new day in New York, one that — even in the face of these unprecedented challenges — will allow us to achieve true justice and equality for all those who call the Empire State home.

Sincerely,

Donna Lieberman

P.S. We have a survey for our supporters – we’d love to hear from you! Visit bit.ly/NYCLU2019 to take our short survey.

A GROUNDBREAKING YEAR IN REVIEW

The NYCLU's *First 100 Days* guide called upon New York's state and local elected officials — both seasoned lawmakers and the new voices joining their ranks — to keep civil rights and civil liberties at the heart of their decisions. 2019 saw the introduction of approximately 15,000 bills in Albany; together with our partners, we monitored thousands and individually analyzed hundreds. The result was stunning: with passage of over 30 NYCLU-supported measures, we secured victories on nearly every item on our agenda. Our most notable legislative wins, along with some incredible legal victories, from the year include:



January's legislative session set off this historic year:

The **Gender Expression Non-Discrimination Act (GENDA)** protects gender identity and expression under the state human rights law.

A package of **voting rights laws** establishes nine days of early voting and kicked off the constitutional amendment process to establish same-day voter registration and “no excuse” absentee voting.

The **Reproductive Health Act (RHA)** moves regulation of abortions from the criminal code into public health law, decriminalizes abortion after 24 weeks, and ensures all licensed medical professionals qualified to provide abortion can do so.

The **Comprehensive Contraception Coverage Act (CCCA)** requires insurance companies to cover a range of birth control options, including affordable access to emergency contraception.

And on **police transparency**, the New York Supreme Court rejected the NYPD's claim that a blanket “national security” exemption allowed them to deny our Freedom of Information request about surveillance of Black Lives Matter activists.



In March, lawmakers passed major protections for New Yorkers as part of the state's budget:

Historic bail reform ends the practice of keeping behind bars thousands of New Yorkers, who have not been convicted of a crime, simply because they couldn't afford to post bail.

Criminal discovery reform ensures prosecutors can't hide vital evidence — including police reports, witness statements, and findings that might prove innocence — from defendants ahead of trial or a plea deal.

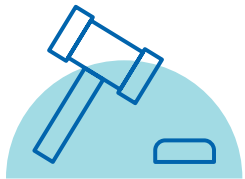
Speedy trial reform closes a loophole that allowed prosecutors to keep defendants awaiting trial for years, with some held in jail longer than the maximum sentences of their alleged crimes.

A **Human Rights Law** amendment ensures public schools are covered by anti-discrimination protections and reports of bullying, harassment, and other discrimination can be investigated.

The **New York Education Law** makes schools safer by requiring every school district with law enforcement or security to adopt a written agreement defining the role of police in schools.



Rally organized by NYC Black Lives Matter at School to deliver BLM national demands to Chancellor Richard Caranza. NYCLU Teen Activist, Alliyah Logan spoke at the rally.



In June, we won strong protections for immigrant New Yorkers throughout the state and for students in New York City:

The **Green Light Bill** makes all New Yorkers eligible for driver's licenses, helping to protect immigrants from detention or deportation for traffic violations.

The **Farmworker Fair Labor Practices Act** extends state labor protections to farmworkers, granting them fundamental workplace protections like collective bargaining rights.

We won our **2020 Census** case at the U.S. Supreme Court, blocking the Trump administration's plan to add a citizenship question in order to intentionally discriminate against immigrants.

We helped broker a significant agreement with New York City's Department of Education and the NYPD, helping to dismantle the **School-to-Prison Pipeline** by limiting the NYPD's role in schools, curbing lengthy suspensions, and dedicating millions toward student wellbeing.



None of this progress would have been made without the support of New Yorkers across the state. In the past year, the civil liberties majority came together with us to:

SEEK JUSTICE We filed **27** lawsuits and amicus briefs, won **16** ongoing cases and reviewed **1,200** legal requests for referral or further investigation.

STAND UNITED We brought together **140,000** members and donors with almost **8,000** volunteers across **62** counties.

TAKE ACTION We rallied **285,000** e-activists and almost **100,000** social media followers to take action through digital advocacy and engaged over **7,600** volunteers with **40** opportunities to get involved.



**Protect & Strengthen
Democracy**

MONUMENTAL GAINS FOR NEW YORK STUDENTS

In schools across the state, students are treated like suspects in their own classrooms. Police patrol the halls, many operating with little or no accountability for their actions. Research demonstrates that when police are in schools, more children get arrested. It is imperative that we create a healthy and safe public school system for New York's children.

In January, the NYCLU launched our Education Policy Center, formed to advance a civil liberties platform in schools and other institutions that serve young people, and to ensure public schools in New York fulfill their potential as incubators of democratic ideals. It is directed by Johanna Miller, formerly advocacy director of the NYCLU. Johanna is a nationally recognized public policy expert on issues including police reform, education, and privacy and technology.

The Education Policy Center has already secured landmark wins in its short existence: In May, legislators passed a law requiring school districts and school resource officers in New York state to develop a joint “Memorandum of Understanding” (MOU) detailing the role that the police play in schools. This will ensure limitations on the role of police in schools so that only educators are responsible for school discipline. This win is especially remarkable in our current cultural moment, as school shootings put pressure on districts to purchase weapons, grant law enforcement access to student records, and spend limited education dollars on high-tech surveillance.

Immediately after this law’s passage, we helped secure a landmark agreement between New York City’s Department of Education and the NYPD. Limiting the role of police in schools and sharply curtailing the length of suspensions, the agreement also ensures millions of dollars in funding for real alternatives to reduce suspensions and policing in schools. While the NYPD still has control over school safety, this agreement is a sea change for the nation’s largest school district. The era in which even the youngest children were routinely arrested for breaking any rule — having a cell phone, bringing a banned sugary drink to school, or refusing to remove a baseball cap — has ended.

The state’s MOU requirement represents a crucial step in dismantling the school-to-prison pipeline. Based on our experience working directly with students, the NYCLU created a model MOU centered on protecting and promoting student rights and creating a supportive school climate. Our policies aim to help school districts craft guidelines for common misbehavior and unexpected or emergency situations, so educators can take care of all their students in any given circumstance.

“This is a huge moment to turn back the really destructive presence of police in schools,” said Johanna. “We’re now working on what those school policies actually say. Is a seven-year-old punching another seven-year-old assault, or is there a different way to say that? We’re pushing school districts to adopt policies that are the most protective of young people.”

In addition to this historic win, we made significant progress on other issues in 2019. We submitted testimony outlining our recommendations to increase integration in New York City schools in a joint City Council committee hearing, supported efforts to address racial and economic equity issues in the City’s elite public high schools and gifted programs, advocated for increased transparency around police presence in schools using the release of the ACLU’s *Cops and No Counselors* report, and hosted a series of town halls across the state focusing on metal detectors and other elements that fuel the school-to-prison pipeline. We are also deepening our youth engagement to help elevate even more young voices in the civil liberties majority, rapidly expanding our youth organizing work to engage middle school and college students.

In 2020, we continue to advocate for progressive policies and programs that will transform New York’s system into a model for the nation, including school desegregation, prohibition of biometric surveillance technology, and required comprehensive sexuality education. Progress on these issues will ensure every child has access to a safe, empowering and quality education.

Photo: Students line up at the Bayard Rustin Educational Complex in Chelsea, waiting to go through an unannounced metal detector screening before school while an NYPD officer looks on. The school accepts students who are struggling to get by in other schools, including students who have been incarcerated. More than 90 percent are Black or Latinx. Across the city’s public schools, more than 100,000 young people are subjected to these screenings every day of their high school careers.



Check out annualreport.nyclu.org for a Q&A with Johanna Miller and details about our efforts to protect equal access to education in the wake of COVID-19.

Protect & Strengthen Democracy

AN EARLY, EASY WAY TO VOTE

While the Trump regime and states across the country continue campaigns to undermine Americans' most fundamental right, New York is expanding it, making voting easier and more efficient for all who are eligible to cast a ballot.

On the first day of the January 2019 legislative session, after years of advocacy from the NYCLU, our ally organization partners, and the civil liberties majority, lawmakers passed reforms to update our state's antiquated voting laws, setting the tone for other voting rights gains throughout the year and helping modernize our system. Among our gains:

- We now have **nine days of early voting**, making participation in elections more convenient for voters who have work, family obligations, health issues, transportation barriers, and other obstacles that keep them from the polls.
- We now have **increased access to electronic poll books**, reducing wait times and easing logistical burdens for poll workers. Paper poll books required a substantial amount of time and money to print, and they are often riddled with errors that left eligible voters off the rolls.
- We took steps toward **automatic voter registration**, as 16- and 17-year-olds are now able to pre-register to vote and will be automatically registered on their 18th birthdays. The NYCLU continues to advocate that lawmakers enact opt-out automatic voter registration through state agencies like the Department of Motor Vehicles and the Department of Health — an effective way to boost our dismal registration rate.
- Lawmakers also gave first passage to two constitutional amendments: **same-day voter registration** and **"no-excuse" absentee voting**. These measures would allow New Yorkers to register to vote and cast a ballot on



For decades, getting an "I Voted" sticker has been a challenge in New York, where voters faced unnecessary barriers to voting, like a needlessly early registration cutoff, limited ways to vote prior to an election, long lines at polls, and inaccurate paper poll books. The end result: New York has some of the country's lowest voter registration and turnout rates. Thanks to NYCLU's ongoing advocacy, that is about to change.

the same day, as well as allow registered voters to receive an absentee ballot without providing a reason. Both measures must pass another legislative session before they are put before voters to accept or reject.

November's general election offered an opportunity to test the new early voting system ahead of a national election, and there's work to be done: NYC's Board of Elections system favored white voters by providing too few polling locations in majority-minority boroughs and mandating that voters cast ballots early only at specific polling locations. For example, Rensselaer County's failure to open an early voting site in Troy, the county's largest city, likely discouraged early voting. We continue public education campaigns to ensure voters across the state know their rights when voting early and on election day.



Ahead of the 2020 elections and in light of COVID-19, the NYCLU is advocating for full access to vote-by-mail and continues to pressure counties to implement early voting equitably. Find out more at nyclu.org/voting.

Protect & Promote Equality

A SAFE HAVEN IN THE MAKING

The Trump administration's relentless attacks on immigrants in the United States — starting with the Muslim travel ban in his first week in office — has become a flashpoint in New York. With more immigrants and undocumented individuals living in our state than almost any other in the nation, it is critical that the NYCLU stands up against the Trump regime's crackdown on some of our most vulnerable communities.

Our work is leading the way forward for immigrants' rights, both here at home and across the country. We earned two significant legislative victories at the state level in 2019, further enshrining immigrants' rights in the Empire State:

Lawmakers passed the **Fair Labor Practices Act**, a win that comes after years of legal battles, organizing, and lobbying by farmworkers and allies from across the state, recognizing farmworkers' state constitutional right to organize. As a primarily immigrant group, farmworkers are especially vulnerable to wage theft, sexual assault, and often dangerous working conditions.

"Without farmworkers and our labor, New Yorkers wouldn't have fruits or vegetables to put on their dinner table," said Crispin Hernandez, lead plaintiff in our lawsuit. He was fired from an upstate dairy farm for speaking with coworkers and a human rights organizer. "We all deserve a safe and healthy place to work, but we face injustices and terrible conditions every day. We deserve to be treated like human beings."

Passed on Juneteenth, the law also makes clear that farmworkers have the right to a day of rest, the ability to earn overtime, and more, putting an end to a Jim Crow-era carveout in the state's labor laws that has denied farmworkers the same basic protections as other workers for nearly a century.

We were influential in passing the **Green Light Law**, helping New York join 14 other states that extend eligibility for driver's licenses to undocumented residents — critical when driving is necessary for school, work, and doctors' appointments. The law also enhances public safety: police can focus on enforcing road safety, not federal immigration laws,

and other states report a reduction in hit-and-runs and increased revenue.

The law expands acceptable forms of identification on a driver's license application to include valid foreign documents, but applicants must still pass written and road tests and obtain insurance. And the law is designed to protect New Yorkers' confidentiality, requiring that the DMV won't disclose records or information to any agency that primarily enforces immigration law without a court order or judicial warrant.

In July, county clerks from Erie, Monroe and Rensselaer filed federal lawsuits challenging the law, claiming that their compliance would violate a number of federal statutes, including one that prohibits state and local governments from limiting immigration-related information sharing with federal authorities. In a court brief, we noted that every lower court to recently consider this issue has found that federal statute unconstitutional. Federal judges dismissed the cases.

Green Light also caught Trump's ire. His administration retaliated by suspending Global Entry and other Trusted Traveler programs for New Yorkers in early February 2020. Within days, we filed a federal lawsuit against this blatant attempt to bully the state into abandoning protections for immigrants.

Photo: The NYCLU was joined by advocates in Albany to advocate for passage of the Fair Labor Practices Act. Check out more about our work on immigrants' rights at annualreport.nyclu.org. You'll find details about our 2020 Census win against the Trump regime, our defense of innocent teenagers swept up in Trump's MS-13 crackdown, and a preemptive lawsuit we filed with the ACLU of Southern California to protect refugee families and children from deportation without a day in court.



Struggle for Justice

A MORE JUST NEW YORK

The presumption of innocence until proven guilty is a cornerstone of our justice system. But each year, accused people sit behind bars — away from friends, family, school, and work — simply because they can't afford bail. Slow and backlogged courts drag out the time between allegation and a trial date, sometimes for years, and unfair evidence-sharing rules prevent defendants from effectively preparing and making informed decisions about their cases.

These injustices impact tens of thousands of New Yorkers. The NYCLU has long called for reforms to our pretrial system, and in 2016, we became an active partner in JustLeadershipUSA's #FREEnewyork campaign. Uniting a coalition of more than 130 civil rights organizations, #FREEnewyork allowed us to marshal resources and strategies needed to bring the cruelty of our pretrial system to light for the public and policymakers.



We helped pen multiple letters to the governor about the reforms, released reports designed to educate the public and policymakers about the need for reforms, and in February, coordinated a day of action in Albany to meet with the press and elected officials with activists, advocates and volunteers.

In addition, we anchored #FREEnewyork's legislative committee, leading its advocacy for bail, discovery, and speedy trial reform for the 2019 legislative session. In this role, we offered legal guidance to lawmakers drafting reform language, and we worked with a broad coalition of longstanding partners to ensure a wide range of voices were represented in these conversations. As part of the state's FY2020 budget, lawmakers enacted the Pretrial Justice Reform Act, providing the following sweeping reforms to our criminal pretrial system:

- **Bail reform** ends cash bail for most misdemeanors and non-violent felonies, making it less likely that race and wealth will influence a person's time spent in jail. This should mean that thousands of New Yorkers accused of crimes will not have to spend time in jail because they can't pay bail.
- **Discovery reform** allows New Yorkers to mount a stronger defense when accused of a crime. Before, prosecutors hid vital information from defendants until the day of trial. Now New York's system is one of the fairest in the country, requiring prosecutors to share evidence with defendants soon after their arrest. This will give people the information they need to decide how and whether to fight their cases.

Photo: Advocates fill the stairs of the Capitol Building in Albany to call for criminal justice reform.

- **Speedy trial reform** closes a loophole that allowed prosecutors to deny people's constitutional right to a speedy trial. Previously, prosecutors were able to stop the clock on the time it took for a trial to begin simply by stating they were "ready" for trial, which often kept defendants awaiting their day in court for months or even years. In some cases, New Yorkers awaited trial longer than they would have served for their alleged crime's maximum sentence.

These are historic victories, and our opposition is already hard at work trying to erode them: In November, the New York State Sheriffs Association, the State Associations of District Attorneys, and chiefs of police held press conferences across the state attacking these reforms and calling on the legislature to delay their implementation. Some released op-eds claiming that money bail keeps the country safe — a reprehensible falsehood that ties a person's liberty to the size of their bank account.

This fearmongering campaign led by New York law enforcement officials was unfortunately effective enough to convince lawmakers to make changes in April 2020. Though we were successful in convincing the Legislature to leave out some of the most regressive proposals, the revised bill added more than a dozen crimes to the list of charges that allow someone to be jailed before trial. We continue to fight for criminal justice reforms, even more critical in the wake of COVID-19.



Read more about our work on behalf of incarcerated New Yorkers at nyclu.org.

Protect Privacy & Autonomy

SAFEGUARDING OUR REPRODUCTIVE RIGHTS

Assaults on reproductive rights at federal level and in states around the country are unrelenting. President Trump has appointed anti-abortion judges and gave the Supreme Court an anti-Roe majority. His administration has tried to roll back contraceptive coverage requirements at the federal level, and it established a domestic “gag rule” that denies crucial federal funding to health clinics that provide abortion care or refer patients to abortion providers. This regressive agenda has allies in many states; since 2011, anti-abortion politicians have passed over 400 restrictions, creating a web of barriers to safe and affordable abortion care.

In the face of this ruthless attack, New Yorkers came together and demanded our elected officials stand up for reproductive rights.

In January, just minutes after its passage from the state legislature, Governor Cuomo signed the Reproductive Health Act into law. This monumental win comes after years of advocacy by the NYCLU and our partners around the state. In addition, the Comprehensive Contraception Coverage Act was

enacted that day. Together, these laws further cement New York’s reputation as a safe haven for reproductive rights in crucial ways:

- The **Reproductive Health Act** moved regulation of abortion from the criminal homicide code into the public health law and allows people to get the care they need throughout pregnancy without leaving the state. It also protects the health professionals who provide this vital care by ensuring people can receive an abortion from various types of qualified medical professionals — including nurse practitioners, physicians’ assistants, and licensed midwives.
- The **Comprehensive Contraception Coverage Act** addresses gaps in contraceptive coverage for New Yorkers, requiring insurers to cover any contraception that a health care provider recommends without a co-payment. The law also improves access to affordable and timely emergency contraception, while granting New Yorkers access to a year’s supply of contraception at one time, reducing the likelihood of an unintended pregnancy.

Advocates have been working for over a decade to pass these bills, and our campaign brought the stories of patients who were denied abortion care in New York directly to lawmakers. With the installation of a new Senate majority — one finally willing to take up this issue and run with it — we were able to work with our advocacy partners and other allies to seize the momentum. The NYCLU filled a critical role as



legal experts, offering thoughtful analysis and support that kept the strongest protections in the bills intact.

“We were able to move these bills forward because New Yorkers demanded a state that supports access to robust reproductive healthcare,” said Katharine Bodde, NYCLU’s senior policy counsel specializing in gender equality and reproductive rights issues. “Part of that is certainly due to our statewide influence. The NYCLU chapters are out in their communities providing information and organizing people to bring their voices on these issues to their representatives.”

The backlash has been extreme. Trump condemned the Reproductive Health Act in his 2019 State of



Advocates and activists await the New York State Legislature's vote on the historic Reproductive Health Act and Comprehensive Contraception Coverage Act on January 22, the 46th anniversary of the Supreme Court's decision in *Roe v. Wade*. New York's old abortion law — drafted three years earlier in 1970 and left unchanged — criminalized abortion after 24 weeks, with no exceptions.

the Union address. Opposition forces are using our success as a wedge issue ahead of the 2020 national elections, and challenges to regulations that require private insurers to cover medically necessary abortions are on the rise.

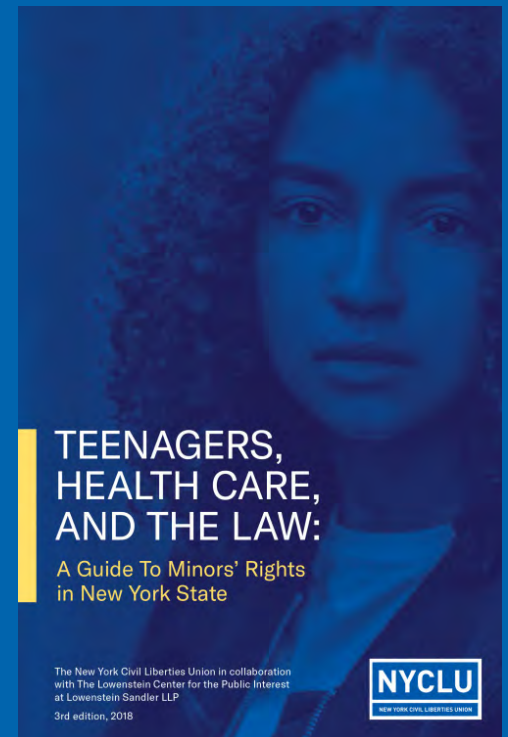
The NYCLU stands ready to protect these gains on behalf of New Yorkers and those who live outside our state and need a safe haven to receive care. When 45 percent of pregnancies in the United States are unintended, the Reproductive Health Act and the Comprehensive Contraception Coverage Act ensure that people can better plan their families and their futures.

A DEEPER COMMITMENT TO EMPOWERING YOUNG NEW YORKERS

Adolescents often do not get the healthcare they need. Major barriers include a fear that healthcare providers will disclose confidential information about sensitive issues to their parents or guardians and a lack of comprehensive sexual health education in schools. The NYCLU advocates for inclusive, medically accurate health education and empowers young people with knowledge about their rights.

For instance, in 2019 the NYCLU released a revised version of our *Teenagers, Health Care, and the Law* guide about minors' rights to confidentiality. This resource is for teenagers, parents and the professionals — social workers, counselors, teachers, and medical providers — who work with young people. Aliyah Ansari, the NYCLU's Teen Health Strategist, is using the publication to develop adolescent health workshops to present around the state, and she is working with students in our Teen Activist Project (TAP) to develop a youth-friendly version.

"There's a lot of pushback on young people taking charge of their own healthcare, but teaching them about their rights shows them how to be independent and take care of themselves," said Aliyah, who has seen firsthand how this independence also helps youth become leaders. "Peer education programs make it okay to talk about difficult things, particularly when you're talking about health and sexual health."



To hear more from Katharine and Aliyah about where they're taking their work in 2020 — including their advocacy for statewide comprehensive sex ed — check out their Q&A interviews on annualreport.nyclu.org.



In 2019, TAP students led a series of townhalls across the state together with young people, educators, policy experts and elected officials to discuss the impact that over-policing has on New York's public school students.



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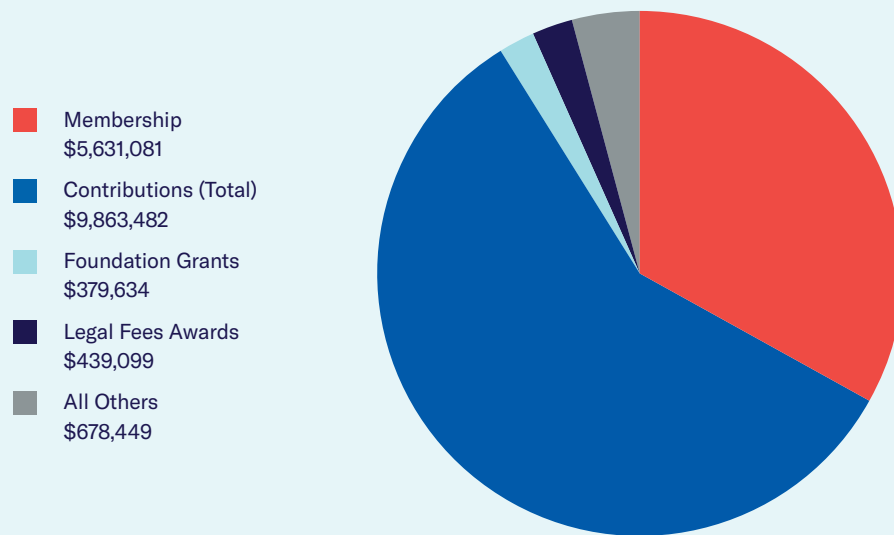
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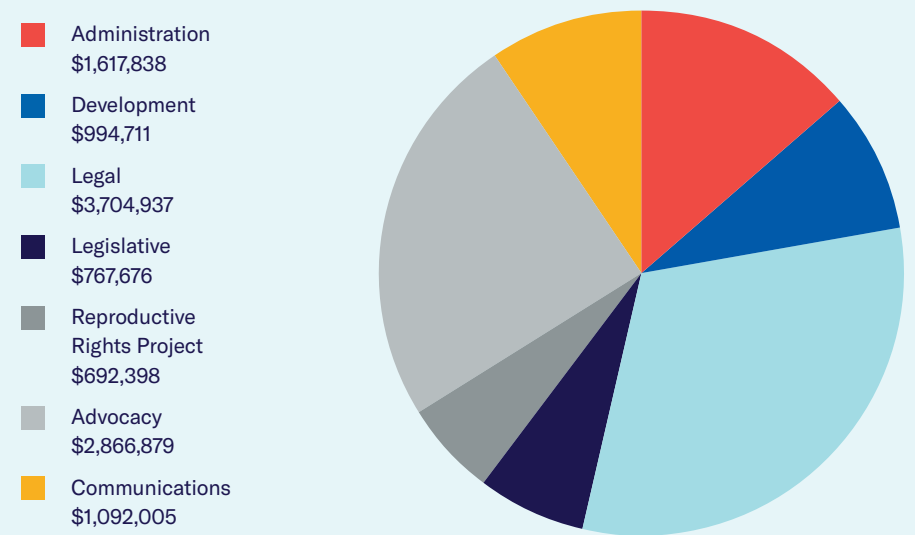
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The NYCLU and ACLU received an unprecedented number of donations after the 2016 election and the Trump administration’s first Muslim ban. These donations and new memberships represent the hope and trust that supporters have put in us to lead the resistance against efforts to undermine our rights and civil liberties.

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EXPENSES



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Sign up for the NYCLU e-alert list to find out about urgent actions, sign petitions, contact your representatives, attend protests and “get on the bus” to lobby your legislators. You can also volunteer with us or coordinate a DIY-fundraiser, or share your passion for making a more just New York by following us on social media.

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NYCLU

Read more about our work in 2019
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