

NEW YORK CIVIL LIBERTIES UNION
ANNUAL REPORT 2020

CHAPTERS & REGIONAL OFFICES

Headquarters & New York City Regional Office

125 Broad Street, 19th Floor
New York, NY 10004
212 607 3300

Capital Region Chapter

41 State Street, Suite 612
Albany, NY 12207
518 436 8594

Central New York Chapter

499 South Warren Street
Suite 430
Syracuse, NY 13202
315 471 2821

Genesee Valley Chapter

121 North Fitzhugh Street
Rochester, NY 14614
585 454 4334

Hudson Valley Chapter

297 Knollwood Road, Suite 217
White Plains, NY 10607
914 997 7479

Nassau County Chapter

nassau@nyclu.org

Suffolk County Chapter

Touro Law Center
225 Eastview Drive, PA 221
Central Islip, NY 11722
631 650 2301

Western Regional Office

661 Main Street
Buffalo, NY 14203
716 852 4033

MESSAGE FROM THE EXECUTIVE DIRECTOR



Photo by Jena Cumbo

The year 2020 was a dark time for our country, our state, and our people. The global pandemic, the killings of Black people by police, and the white supremacist campaign to hijack the Presidential election posed existential threats our democracy. And the threats continue. But these monumental challenges reinforce the importance of ACLU and NYCLU. And the work of the ACLU and NYCLU demonstrates that when we stand up with and for “we the people”, democracy wins.

Despite the dangerous persistence of anti-democratic forces and a rampaging pandemic that is dealing a disproportionate blow to Black, Latinx and indigenous communities, we’ve made groundbreaking progress on issues vital to New Yorkers and laid the foundation for many more successes in the coming years. There is a tremendous amount of work to do to repair the damage to our social fabric, and our institutions and communities deserve nothing less than a renewed, unwavering commitment to build a better tomorrow for everyone. As we move into the post-Trump era, we must remember that white supremacy remains a major systemic threat to everything we stand for. New York has an historic opportunity to lead the country in a shared vision of justice and equality.

Throughout this report, you’ll see firsthand our legal and legislative successes from the past year, meet some of our remarkable partners and staff, and get a taste of our plans for 2021.

In 2020, we achieved greater police accountability and transparency with the repeal of Civil Rights Law 50-a and our publication of decades of NYPD officer complaint records. During the uprisings against racial injustice, we kept protestors informed of their rights and trained scores of monitors to observe direct actions around the state. We won a year’s long voting rights lawsuit that ends a Jim Crow era at-large voting scheme that allowed the white community in East Ramapo to hijack the school board and funnel taxpayer funds into lily-white private schools at the expense of Black and Latinx public school children. With the ACLU, we successfully fought to keep the Census free of a citizenship question that would have disenfranchised millions of immigrants. We pushed the legislature to allow 16- and 17-year-olds to pre-register to vote so that they’ll be automatically registered on their 18th birthdays. We contributed to a Supreme Court ruling that makes it illegal to fire anyone because of their gender identity or sexual orientation. We fought for the emergency release of the most

vulnerable in prisons and jails amid the deadly spread of COVID-19. We achieved a temporary ban on the use of facial recognition and other biometric surveillance technologies in schools and, working together with community groups, we succeeded in removing police officers from Rochester classrooms.

Many of these victories have statewide, even national, implications. And we are positioned to expand our strategic priorities—strengthening democracy, promoting equality, pursuing justice and protecting privacy and autonomy—by focusing on the following in the coming year:

- Restore a robust federal Voting Rights Act while working to end the long wait times, inaccessible poll sites, restrictions on absentee voting, arbitrary deadlines, and gerrymandering that perpetuate unequal representation and rampant voter suppression.
- Enshrine in our state constitution the fundamental principle that women, BIPOC and LGBTQ people, immigrants, and others have true equality.
- Safeguard access to abortion care in the face of the threat of a conservative Supreme Court overturning *Roe v. Wade*.
- Dismantle ICE, the private immigration detention industry, and the cruel deportation machine that brutalize our immigrant population—and cut off local police support of inhumane ICE operations.
- Ensure that all Dreamers and asylum seekers receive a fair day in court.
- End racist police practices, remove law enforcement from areas where they don’t belong, and shift police funding to reinvest in our communities.

The struggle is ongoing, and we must remain vigilant. But real change is possible as we marshal the momentum of increased public activism and a more progressive legislature to expose abuses and eradicate systemic injustice. Our efforts to ensure that every New Yorker has access to fair elections and the right to peaceful assembly are unceasing, and we will continue to fight for criminal justice reform and an end to racist policing. Together, we have weathered a turbulent storm and arisen stronger in our pursuit of a more equitable society in which every New Yorker has access to the same security, opportunity, and freedom.

Sincerely,

A handwritten signature in black ink that reads "Donna Lieberman". The signature is written in a cursive, flowing style.

Donna Lieberman

A RESILIENT YEAR IN REVIEW

If ever there were a test of the NYCLU's resilience, 2020 was it. In the face of an increasingly lawless federal administration and a once-a-century health crisis, we secured legislative and legal victories on a number of fronts. Working with partners old and new, we were able to achieve lasting civil rights and civil liberties protections for New Yorkers in the areas of voting rights, immigration, racial justice, police transparency, student privacy, and more.

Some of our most significant victories include:



Lawmakers passed major police accountability reforms:

The **Police Statistics and Transparency (STAT) Act** requires the collection and reporting of a broad range of demographic data on low-level enforcement as well as in all cases where someone dies while in police custody.

The **repeal of Section 50-A** of the State's civil rights law ends the ability of police departments to keep disciplinary records hidden from the public and increases accountability for misconduct. We made public a database of NYPD officer complaint records going back to the 1980s.

The **Public Oversight of Surveillance Technology (POST) Act** improves the transparency, oversight, and accountability of the NYPD's use of surveillance technologies.

And Poughkeepsie, Albany, and Kingston passed versions of the **Right to Know Act**, which requires police officers to identify themselves, state the reason for a stop, and provide information on the complaint process at the end of encounters.



We helped expand voting rights and voter participation for new yorkers across the state:

We won our case against East Ramapo Central School District, forcing a shift in how **school board elections** are structured to re-enfranchise Black and Latinx voters and students.

We drafted a bill that **amended election law** to allow qualified voters to request an absentee ballot by electronic mail and to ensure that all absentee ballots postmarked by Election Day are counted.

We pushed the legislature to allow 16- and 17-year-olds to **pre-register to vote** and to be automatically registered on their 18th birthdays.

And after years of pressure, Governor Cuomo signed **automatic voter registration** into law, a measure that could lead to a million new registered voters in the state.



We achieved stronger protections for new york students and immigrants:

We pushed for passage of a bill that imposes a temporary moratorium on the use of facial recognition and other **biometric identification technology in schools** until its impact can be fully studied.

In collaboration with community groups, we succeeded in **removing police officers** from schools in Rochester.

In another step toward dismantling the **School-to-Prison Pipeline**, New York City revised its Discipline Code to sharply curtail the length of suspensions in public schools while allocating funding for restorative alternatives to discipline.

Our class action lawsuit resulted in a preliminary injunction that halts Immigration and Customs Enforcement's unofficial, unethical **"no-release policy,"** leading to the release of many more detained immigrants awaiting court dates.

A federal ruling requires ICE to present detained immigrants before a judge within 10 days of arrest, ending the practice of **holding detainees indefinitely** in violation of their due process rights.



All of this progress is a result of the sustained, growing support of new yorkers from every part of the state:

Seek Justice: We filed 31 lawsuits and amicus briefs, won 14 ongoing cases and reviewed 1,164 legal requests for referral or further investigation.

Stand United: We brought together 125,000 members and donors with 9,400 volunteers across New York's 62 counties.

Take Action: We rallied 310,000 e-activists, nearly 120,000 social media followers, and 9,400 volunteers to get involved through more than 60 opportunities, from protest monitoring and get-out-the-vote phone banking to digital activism around immigrants' rights, school integration, bail reform, and prison release efforts during COVID.

PROTECT & STRENGTHEN DEMOCRACY



Safeguarding and Expanding the Vote

Read more about our many
voting protection efforts
and how you can get involved.



Democracy was on the line like never before this past election year, and we brought an all-hands-on-deck approach to safeguarding and expanding the fundamental right to vote for all New Yorkers.

In the face of unprecedented attacks on voting access and integrity before, during, and after the election—and a pandemic that created additional barriers to a safe and secure vote—we used a variety of legal and legislative means, as well as education and grassroots advocacy, to fight for greater accessibility, accountability, and security.

Beyond that, we continued to push for an improved voting infrastructure that will extend well into the future and amplify turnout by eradicating voter intimidation, gerrymandering, and other barriers to the ballot. Despite recent progress, New York's election laws are antiquated, cumbersome, and inequitable, and voter registration in the state remains one of the lowest ranked in the country. Without a free and fair vote, the fight for civil rights and civil liberties would be impossible.

Throughout 2020, we pressured local and state elections officials and lawmakers to repeal outdated registration deadlines, implement an online voter registration system, increase poll sites, and train and retain more high-quality poll workers. We led a digital organizing campaign in the lead-up to the November election that activated thousands of volunteers to drive turnout, and we pressed the legislature to allow COVID concerns to justify absentee ballots with prepaid postage, adequate tracking, and notification of correctable errors. We secured a huge victory in December when Governor Cuomo signed automatic voter registration into law, which could lead to a million new registered voters in the state.

Amid these widespread efforts, we were involved in three pivotal voting lawsuits during the intense period right before and after the November 3 election:

- On October 28, we **sued the Rockland County Board of Elections** over long lines and inadequate disability accommodations at the county's four early voting sites. The following day, we reached a settlement with the Board of Education that extended early voting by five hours at all polling places over the final weekend before election day.
- On November 1, we joined the ACLU's Voting Rights Project and the ACLU of Texas in **filing a motion** to intervene in a spurious lawsuit that sought to throw out nearly 127,000 early ballots validly cast via drive-thru voting in Harris County, Texas. The court quickly dismissed the complaint and denied the plaintiffs' request for a preliminary injunction, ending the effort to disenfranchise Texas voters and showcasing how the NYCLU's work has impact in other parts of the country.
- On November 24, amid the Trump campaign's antidemocratic multi-state effort to throw out huge swaths of valid ballots, we **filed a motion to intervene** in a bad-faith lawsuit that challenged absentee and affidavit votes already validated in the race for state senator from the 42nd district. Ultimately, the margin of victory in the race was greater than the number of disputed ballots.

In trying to build a better, fairer elections system, the NYCLU supports the [New York Voting Rights Act](#), which would address voting problems that include poll location closures, insufficient data collection, racial gerrymandering, and inadequate assistance for language-minority voters.

Fighting for the Rights and Safety of Immigrants

Read more about our unwavering efforts to protect the rights of New York's vulnerable immigrant population.



New York's impressive diversity, built on one of the largest immigrant populations in the nation, is key to its identity.

Yet with the double assault of the Trump Administration's relentless anti-immigrant policies and the COVID-19 pandemic, New York immigrants and asylum seekers have never been more at risk.

Throughout 2020, we fought to defend the rights of immigrants within New York state and around the country, achieving a number of victories and rolling back odious practices that trapped detainees in a cruel and capricious system. Underscoring the urgency of our legal efforts was the reality that detention centers are hotbeds of COVID transmission, making even a brief period of incarceration especially treacherous. Our many emergency legal actions led to the release of vulnerable people across the state.

Highlights from the past year include:

- In March, we filed a class action lawsuit with Equal Justice Under the Law that challenged the unfair bond-hearing practices of immigration courts and individual judges in Batavia and Buffalo that disadvantage detainees. And in May, we partnered with Prisoners Legal Services of New York to file a federal class action lawsuit against Immigration and Customs Enforcement officials at the Buffalo Federal Detention Facility in Batavia demanding that medically at-risk detainees either receive treatment and protection in compliance with the CDC's COVID-related guidelines or be released.
- Also in March, a federal judge issued a preliminary injunction to halt ICE's unethical and illegal "no-release policy" as a result of a class action lawsuit brought by the NYCLU and the Bronx Defenders. Via a Freedom of Information Act

lawsuit, we had learned that ICE's New York field office manipulated its risk assessment algorithm so that releases of arrested immigrants plummeted from 47 percent pre-June 2017 to three percent throughout the Trump Administration. After these rigged assessments, detainees were being held for excessive lengths of time before their court dates, a potentially lethal situation in the context of COVID. This court victory required ICE to revert to its previous practices, though as of December we were still fighting for court enforcement of the changes since ICE was defying the order.

- Over the summer, the NYCLU filed suit challenging the Trump Administration's "Migrant Protection Protocols," which consistently put asylum seekers at the southern border at risk by allowing Customs and Border Protection to return them to Mexico while they waited months for their claims to be processed.
- In November, a federal judge ruled that ICE must present detained immigrants before a judge within 10 days of arrest, ending the practice of holding them for weeks and even months without allowing them to contest their detention in a grave violation of their due process rights. The ruling was the result of a 2018 NYCLU-backed class action lawsuit brought on behalf of the one-to-two thousand immigrant New Yorkers detained by ICE's New York field office every year. This sets a humane new standard by which immigrants—many of them long-term U.S. residents with children—have access to quick hearings and legal counsel.

In addition to litigation, the NYCLU is working with several partners to drive a legislative and grassroots advocacy campaign to pass the [New York for All Act](#), which would ensure that local law enforcement resources cannot be used to support vicious ICE practices that harm immigrant families.



PROTECT & PROMOTE EQUALITY

SEEKING ASYLUM IS NOT A CRIME

SAD.
VERY BAD!

NO
DETENTIONS
NO
DEPORTATIONS
NO
WALL

MIGRATION
IS A
HUMAN RIGHT

OBSTRUCTION
OF JUSTICE
IS A CRIME

NO HUMAN BEING
IS ILLEGAL
ABOLISH ICE

Photo by Donna Aceto

STRUGGLE FOR JUSTICE



Photo by Donna Aceto

Protecting the Right to Assembly and Dissent

Read more about our efforts to fight unlawful surveillance of protestors, monitor police engagement at demonstrations, and educate New Yorkers about their right to lawful assembly.



New Yorkers' right to peaceably assemble is constitutionally sacrosanct.

Yet this fundamental freedom came under pernicious attack this year during public uprisings in the wake of the killings of George Floyd, Breonna Taylor, and other unarmed Black Americans by law enforcement. With the explicit approval of state and NYPD leadership, police brazenly and repeatedly assaulted protestors with pepper spray, rubber bullets, vehicles, batons, and mass arrests, further underlining the need for mass action to force meaningful, permanent change.

Throughout the year, we worked to safeguard the right to dissent: we educated supporters about civil rights issues and protesting rights, and created opportunities for public demonstration across the state. We used both litigation and policy advocacy to pressure law enforcement and local governments to respect New Yorkers' freedom of expression and refrain from further violating civil liberties at demonstrations.

At the same time, we achieved a number of major gains in the movement for greater police transparency and accountability. The repeal of Section 50-a of the state's Civil Rights Law—a legislative success long pushed by the NYCLU—ends the ability of police departments to keep disciplinary records hidden from the public. As a result of the repeal, we were able to make public in a [searchable database](#) more than 35 years of Civilian Complaint Review Board records of NYPD officer misconduct. These victories have moved New York closer to the deep structural reforms necessary to fundamentally change the role of law enforcement in the state.

In response to pandemic-related executive orders that banned protest assembly while allowing other types of small nonessential gatherings, we filed suit against Governor Andrew Cuomo in May, prompting him to

reverse course. When uprisings intensified, we pressured New York City Mayor Bill de Blasio to de-escalate the NYPD's aggression, and we denounced curfews put in place in Albany, Buffalo, Rochester, and Syracuse that would mostly target Black and Brown demonstrators for detainment. In early June, along with partners such as the Thurgood Marshall Civil Rights Center and the Center for Constitutional Rights, we forced the mayor to end New York City's oppressive curfew under threat of legal action and further mass protest.

In October, we partnered with the Legal Aid Society to file suit against Mayor de Blasio, Police Commissioner Dermot Shea, Chief of Department Terence Monahan, the City of New York, and several individual officers for their roles in the gross mistreatment of demonstrators during one 30-day period in the spring of 2020. The unlawful cruelty on display, which included kettling and pepper-spraying large groups of protestors, is antithetical to a democratic society, and the widespread arrests put detainees in danger of contracting COVID-19 while packed in jail. These policies and practices are immoral and unconstitutional, and we will continue to watchdog authorities for their abuse.

The First Amendment right to freedom of expression in all forms must be protected at all costs. Resistance to both white supremacy and anti-Black racism is fundamental to a just society, and the voices of those most affected must be raised and encouraged without penalty. We will continue to demand not only justice for those brutalized by police but also policies that provide for greater safety at future gatherings, while making sure that law enforcement officers face true accountability for any violation of New Yorkers' essential rights.

The NYCLU published a [comprehensive guide to participating in peaceful protest activity in New York City, with additional advisories for maintaining safety during the pandemic.](#)

Keeping Schools Free of Invasive Surveillance

The movement toward facial recognition technology and biometric surveillance is an increasing threat to New Yorkers' civil rights and liberties.

Students, who are already subject to invasive security measures at school, from metal detectors to physical searches, are also at risk from the negative impact of the surveillance state. The addition of facial recognition technology criminalizes the learning environment by turning every student into a suspect and reinforcing racially biased punishments with potential long-term consequences.

These experimental technologies are error-prone and ineffective, and there is far too little oversight. They are notoriously rife with false positives, especially among women, young people, and Black and Brown people, who are then at risk of traumatic interactions with law enforcement if an armed response is mistakenly triggered. This unethical monitoring of young New Yorkers is an oppressive invasion of their privacy, and it feeds the school-to-prison pipeline as students are inappropriately exposed to the criminal justice system.

The NYCLU has prioritized this issue ever since the Lockport City School District spent \$1.4 million in state funds acquired via the Smart Schools Bond Act to purchase facial and object recognition technology in 2018. The software scans faces to see if they match a “Hot List” of flagged people not permitted on campus, and it allows for the storage of data that could be vulnerable to hackers and potentially shared with law enforcement or ICE. It misidentifies Black people—Black women, in particular—at a higher rate and has been shown to mistake objects like broom handles for guns.

Read our statement about this legislation and learn more about our other efforts to protect the lives and privacy of students.



The district turned on its system in early 2020 after the New York State Education Department sanctioned it and despite concerns about data collection and sharing. The NYCLU sent a letter to the NYSED in early 2020 arguing against its use because it violated student data protection laws, and we've repeatedly asked the Smart Schools Review Board to stop approving these proposals. In April, the NYSED changed its policy to no longer allow SSBA funding to be used for surveillance tools, and we filed a lawsuit against the department in June to force Lockport to deactivate its facial recognition system.

Education departments now spend several billion dollars a year on security systems, and Big Tech is primed to further exploit the fears of parents and administrators. Despite serious concerns, the Lockport initiative threatens to spread across the state—nearly a dozen other school districts are already seeking state money for similar equipment, which makes schools scarier, not safer. This type of tech has no place in classrooms, hallways, and quads. Safety in schools cannot be bought by surveillance. The NYCLU stands prepared to forcefully push back against these draconian measures on behalf of New York students, parents, and school staff so that we can maintain a school environment focused on learning.

Additionally, the state legislature passed an NYCLU-backed bill in July that imposes a two-year moratorium on biometric identification technologies in schools until its use and impact can be fully studied.



...seum
Celebrates
Our First
Amendment
Freedom

EMERGENCY EXIT

**NO ONE
IS ABOVE
THE LAW**

PROTECT PRIVACY & AUTONOMY

ALEXANDRIA CITY PUB

Photo by Donna Aceto

Improving Voter Representation Across New York

AN INTERVIEW WITH
OLIVIA CASTOR, STUDENT ACTIVIST

The NYCLU's voting rights campaign calls for equal voting rights from the federal level down to the community level. In 2017, we brought suit on behalf of the Spring Valley Branch of the NAACP to challenge the way school board elections were held in East Ramapo Central School District—a system that had resulted in white residents controlling all nine seats on the board for more than a dozen years. In May 2020, a federal court ruled in our favor that the district's at-large voting method violated Section 2 of the federal Voting Rights Act by disenfranchising Black and Latinx voters from having the chance to elect candidates who would represent their interests on the school board. In January 2021, the Second Circuit affirmed the ruling, clearing the way for a special election using a new ward system. The precedent-setting decision could improve opportunities and outcomes for students of color all across New York as it has become increasingly clear that diminished voter participation in school board elections has a direct impact on how student resources are allocated.

Spring Valley High School alum Olivia Castor, who was an NYCLU witness at the trial, testified to the gross discrepancies and failures engendered by budget cuts that stripped the public schools in East Ramapo—which are 96 percent students of color—of hundreds of teachers, counselors, social workers, and programs. Frustrated by the decline in student performance and graduation rates, Olivia engaged in dozens of direct actions—from protests to walkouts—while attending Spring Valley. A Harvard graduate, she is now finishing up her second year at Harvard Law School.

We spoke with Olivia about her experiences, the impact the ruling is likely to have, and how her activism has shifted since studying the law.



NYCLU: What types of things were you seeing and experiencing in the school as a result of such severe underfunding?

Olivia Castor: One example is facilities. The water fountains would be broken, and instead of repairing them they would just cover them with black plastic bags. There would be huge garbage bags in the hallways and classrooms to catch the rain from the leaking roofs. There would be mold in some of the locker rooms and bathrooms. To do asbestos testing, they would peel up the tile floors in the classrooms and there would be broken tiles in the corners.

They cut a lot of teams and extracurriculars. They cut the girls soccer team at Spring Valley, so I had to play on the combined team. When I would get shuttled to Ramapo for practice, stall doors would be off the hinges in the girl's bathroom. We didn't have enough uniforms to go around, so we'd have old uniforms or have to swap out jerseys.

They cut one of the family planning classes, they cut home economics—stuff that people needed to learn basic skills for after you graduated. They also cut a lot of the AP and honors classes. They were cutting so many classes students would end up having three study halls or two lunches a day, a bunch of dead periods where we just weren't doing anything.

Looking back, how did that impact you and your friends' learning?

OC: We didn't have enough textbooks to go around, so we were not given the tools we needed to learn the subject matter properly. And then when you're talking about other schools in Rockland County or New York State, we just weren't competing at the same level because we didn't have the same wide range of courses, we didn't have the same wide range of extracurriculars, sports and clubs. When I got to Harvard, I'd hear about all these classes other students had taken, all the other things they had gotten to do in their school.

They were like, “Yeah, I met with my college prep guidance counselor.” That was not a thing that we had. We weren’t getting the attention that we needed.

It was tough. Professionally we’d be behind, in terms of access to colleges or whatever it is we planned for after graduation we’d be behind, and then just the rigor of the learning because a lot of the classes were under-sourced and understaffed. It’s those things that cause you to be so many steps behind your peers, and it’s because of the way our school district was underfunded.

What kinds of activism did you engage in during those years?

OC: My junior and senior years, we had tons of protests outside of the school board meetings. It got to the point where every school board meeting we’d have a rally. And we made regular trips up to Albany to meet with our elected officials and try to meet with the Commissioner of Education and other people who might have been able to help us out. And then we had petitions. The biggest one was the walkout, because that was coordinated with [the other district high school,] Ramapo. We asked all the students to wear black because it was a funeral service for our school district—we were no longer getting the quality education we deserve. We were basically saying, we may as well not even come to school because we’re not learning, we’re not given enough support, we’re not given resources, we have nothing.

What drove you to get involved at such a young age?

OC: My parents are Haitian immigrants, and they were always big on making sure your voice is respected. My parents were at all of the rallies, my dad left work to come to the walkout. They understood the importance of fighting for what you deserve. They always stood right behind me and encouraged me and my sisters to push for what we want.

Why was it important to you to support the NAACP/NYCLU lawsuit publicly as a witness?

OC: When I graduated from Spring Valley and got into Harvard, people, including school board members, would point to me and say, “Oh, look at Olivia, she’s exceptional, she made it all the way to Harvard.” I had a lot of support on the way, and I’m not any smarter than a lot of my classmates. There are tons of students from East Ramapo who if they had similar support and opportunities could have done better than I did. It’s about all of the other students who could have been in this place and should have been in this place if they had received the quality education they deserved. So that’s why it’s so important for me to continue to be involved, because the work isn’t done once one person goes out and accomplishes this really cool thing. There are a lot of other people you have to keep fighting for.

Is the ruling likely to change things in the district or in other parts of the state?

OC: It depends on how we’re thinking about change. When I was testifying at trial and when the ruling came out, there were so many people on my social media engaging with a legal opinion and looking into ward systems and thinking about how it was organized. There were so many students and young adults who were sharing the news and having robust conversations about what does building and harnessing local power mean, and how can it translate to actual substantive change. So on one level the change is happening.

The other part is realizing that although the legal system is very broken, there are ways it can work out and have the answers we need. Particularly this summer when we were looking at nationwide attention on the movement for Black lives, folks were on one hand saying, oh the system is broken, but on the other hand seeing that in some ways you can use it to accomplish incremental things. And that’s the kind of honest dialogue you need when you’re talking about these complicated issues.

How has your approach to activism shifted in recent years since studying the law? And what issues most interest you now?

OC: In high school I thought that our elected officials could change everything, and we just had to get them to listen. I’m realizing now that that is a very one-dimensional view of change-making. There are different power structures at play, and you might not be able to accomplish what you want just by pushing your elected officials because they might not have the power to do what you’re asking. So these past few years, participating in and studying other movements has helped me see that you need a multidimensional, multifaceted approach. You need to be attacking from multiple sides to get the change that you want.

One of the great frustrations I have with law school is this framing of the law as perfect—that the only issues that arise are when people are interpreting it—and failing to realize that the law itself can be very flawed. I’ve really enjoyed pushing my professors and classmates to see that what they’re talking about in the classroom isn’t how it plays out in real life, that there are very real flaws and limitations to the theoretical things that they’re talking about. But also making the law more accessible. A lot of people just do not know how the legal system works and what their rights are. You can talk about immigration, you can talk about criminal justice reform, you can talk about housing, but in all of those spaces it comes down to what do people know and how can we demystify these processes and systems.

(This interview has been edited for length and clarity.)

Reshaping Remote Learning for New York Students

AN INTERVIEW WITH
**KELLEN ZENG, ORGANIZER FOR
THE NYCLU'S TEEN ACTIVIST PROJECT**

The NYCLU's Teen Activist Project is an Education Policy Center initiative that engages students at New York City public schools to become peer educators and organizers on issues most relevant to young people—including comprehensive sex education, school integration, student privacy, and ending the school-to-prison pipeline. Students receive issue and skills trainings while learning about legislative advocacy and strategic planning as they start their journey as the next generation of activists. In the more than 20 years since its launch, the TAP program has become a model for other organizations looking to harness the passion and power of youth advocates determined to have an impact.

Staten Island Technical High School senior Kellen Zeng joined TAP in 2019 as a way to get hands-on experience with a variety of issues, work on her public speaking skills, and network with other likeminded youth organizers. The 17-year-old Brooklyn native spent much of 2020 trying to navigate the challenges of remote learning, which has had a negative impact on many New York students, especially those in underfunded districts.

We spoke with Kellen about how New York City could better support students and why activism is important to her.



NYCLU: What's been your experience of remote learning?

Kellen Zeng: My experience is better than most students' in New York City, especially those without technology, devices, tablets, and wifi, and students who aren't having their Individualized Educational Plans (IEPs) met. I attend a specialized high school and have access to technology—I have my iPad, I have stable wifi, the basic needs one needs to access remote learning.

Even with these things, it's obviously still really hard. Even before the pandemic there was an unbelievably high amount of pressure put on students to perform well. Now during the pandemic, we still have that expectation placed on us but without any consideration of the circumstances. My academic performance has taken a dip. There's not as much face time with teachers, there's a lack of connection between me and the person who's supposed to be teaching me. They don't even know who I am. All they can see is whether or not I've submitted an assignment. And I don't have the opportunity to explain myself or my circumstances unless I go out of my way to leave a comment on Google classroom or email, the only form of interaction that is available. It feels like students needs aren't being met during this time.

Are schools being especially strict about attendance and keeping cameras on? And are you seeing racial bias in disciplinary issues?

KZ: Yes. Something I've noticed across the city through the succession of schools I've gone to is how uneven disciplinary action is. In both my middle school and my high school, a lot of students walk around knowing they could get away with anything because these schools want to keep their graduation rates high. A student could be threatened with suspension but never actually be suspended, or if they are it's an in-school suspension that lasts a couple days.

In many other schools in New York City that are disproportionately policed, they have metal detectors, they have little-to-no guidance counselors, they have a lack of resources and funding. The students in those schools, instead of being sent to their guidance counselors they're automatically given a suspension, and they don't receive the educational materials they need.

And now, students who don't have their cameras on or aren't submitting their work on time are being kicked out of their Zoom classes. There's no precedent that has been set. That's largely because remote learning has been something that the city has put on the back burner, like a side thought, because their priority is getting back to in-person.

Do you or your classmates have privacy concerns?

KZ: I guess there has been some level of privacy concerns. Whether or not you turn on your camera will determine your engagement grade. About 20 percent of my grade is based off what they call Habits of Success. If you don't turn on your camera, a teacher automatically assumes you're not present, you're not engaged. In other schools, it's a requirement. The NYCLU has been adamant about allowing students to not have their cameras on during class, because they may be at home and not want to show their living situation.

What could the city do to improve remote learning?

KZ: They have to prioritize it. We've been learning remotely since March. They had the whole summer to get all the students without tablets, devices, and wifi the technology they need for their classes. But there are still students who don't have that. They could have spent the whole summer coming up with a plan for students with IEPs, and now we're back in school again and students with IEPs are still not having their needs met. The city spent a lot of time planning what in-person is going to look like when there are students struggling right now with remote learning. Going back to school may not happen for a while. All we can do is focus on right now.

What drives you to be an activist? And what issues are you most passionate about?

KZ: I come from a place of privilege, so what drives my activism is making sure that I use my platform and networks to spread awareness about the issues and amplify the voices of those who are most affected.

One of the big things is school integration. New York City has created an environment in which students are pitted against each other. Where students in specialized high schools who come from places of privilege think that students in other schools are "not as smart" or "not as

deserving," when the reality is that they haven't had access to the resources the city should have been providing them.

Other issues that I'm passionate about are the school-to-prison pipeline, school integration, comprehensive sex education, biometric surveillance technology, and environmental justice.

What's been especially inspiring to you this past year?

KZ: There's a lot you can say about 2020. Seeing all the protests and marches, watching the advocacy really have an impact on how the elections turned out, voting numbers are higher than ever—all of these things are super inspiring. On a smaller scale, some of the most inspiring people I've ever met have been through TAP. TAP has done a really good job of taking in students like me who had zero-to-no experience and turning them into young people who have such endless possibilities and potential to do so many great things. TAP really gave us the resources and the guidance. It's super inspiring to see the seniors before me graduate and go on to do great things. Just taking a look at the people around me is enough to be inspired by.

(This interview has been edited for length and clarity.)

Demanding Racial Justice for All New Yorkers

AN INTERVIEW WITH
**YUSUF ABDUL-QADIR, SENIOR STRATEGIST
FOR RACIAL JUSTICE AT THE NYCLU**

In November, the NYCLU welcomed Yusuf Abdul-Qadir as our inaugural Senior Strategist for Racial Justice. Former director of the Central New York chapter, Yusuf has since 2015 led police reform efforts in the region, co-led the NYCLU's Privacy and Technology and Racial Justice Working Groups, and collaborated with advocates statewide on criminal legal reform.

Throughout 2020, Yusuf worked to educate and activate local Syracuse communities around police accountability issues and infrastructure decision-making, such as the debate over plans to deal with the crumbling Interstate 81 overpass that has segregated the city for 60 years. His fiery appearance at a police reform town hall with the mayor in July went viral, showcasing how people can use their voices to demand change from local leadership. A Bronx native and graduate of Syracuse University's Maxwell School of Citizenship and Public Affairs, Yusuf is one of the leaders of the People's Agenda for Policing. He has been a United Nations advisor, and as an adjunct faculty member at Syracuse University he teaches a graduate-level course on privacy, freedom of expression

We spoke with Yusuf about the potential for reforms in New York to have a national impact and his plans for driving the NYCLU's racial justice efforts in the coming years.



Photo by Sy Klipsch-Abudu

NYCLU: What does it mean for the NYCLU to now have a position devoted to racial justice strategy?

Yusuf Abdul-Qadir: Racial injustice isn't new. It's an ongoing recognition of the ways that our society has been organized and structured to facilitate disproportional outcomes for Black and Brown communities. With recognition of the deaths of Ahmaud Arbery and Breonna Taylor and George Floyd, there's this reckoning that we have not fulfilled the mandate of a more perfect union, that in fact there's a need for a third reconstruction.

So as an organization, this position shows our commitment to racial justice issues. It shows that if we don't take a racial justice lens to all of our work we will continue to play Whac-A-Mole—we will solve a problem, but it'll evolve and recreate itself in a new image in another space. We can't talk about the criminal legal system without talking about racial justice. We can't think about policing without talking about how the institution emerged out of slavery. We can't talk about the issues in education equity or the ways that technology is used to surveil and monitor and target Black and Brown communities. All those exist because our country was designed and still manifests around white supremacy. And this position, as ambitious as it is, is to help the organization strategize ways to advance a racial justice agenda. I'm honored to be the inaugural person taking on this mandate.

How does your chapter's work around I-81 in Syracuse fit with the NYCLU's fight for civil liberties?

YAQ: It's an important piece of work because it not only addresses the fact that communities in Syracuse are hyper-segregated and the highway is a facilitator for that, it also begins to tell the history of the ways that federal housing policy and urban renewal, and redlining previous to that, have developed the geography of segregation in Onondaga County, and in

communities and counties across the state. That in fact Black wealth was destroyed.

This project has helped illuminate the many ways that something as simple as a piece of infrastructure can radically affect Black and Brown communities' lives. And in Syracuse, the communities that are having the highest exposures of COVID are also the communities that exist within food deserts, are also the communities that live in concentrated poverty, are also the communities that live in environmentally racist neighborhoods, are also the communities that abut and were affected by redlining policies, are also the communities that live along the corridor of Interstate 81. So it really helps to demonstrate the way that our history of racism in this country has manifested itself in ways that affect us explicitly and clearly today.

Your appearance at the town hall in July got wide airplay. Among other things, it showed how impactful it can be to show up and speak up at local hearings. What is important for people to know about working in the local trenches on these issues?

YAQ: What most people don't know is that meeting only existed because we called for it. We said we're not going to have a private meeting with the Syracuse city administration, we're going to have it in a public setting, in the common council chambers, and record it so everyone in the community can see and understand what happens in those rooms. We wanted to assert what democracy looks like. The 20 organizations that were involved in the effort and the power we built collectively was centered around acknowledging that we the people ought to be at the center of the solutions for the harms that are inflicted upon us. And we need to give language to what is not happening. Because when you leave it to the mayor, the mayor is going to present this idea that he is a reformer, he's bringing these issues across the finish line. But the devil is in the data and the details, and it reflects something starkly different than what he proposes and espouses.

Do you believe that police reform in New York has the potential to ripple outward?

YAQ: In many respects, as goes New York so goes the rest of the country. New York was the purveyor of stop-and-frisk and broken windows policing, and it precipitated around the country as a kind of status quo. But it's really important when we're talking about sea-changing reform efforts that we don't just center it on how issues affect communities in New York City but also communities in places like Syracuse or Rochester or Buffalo or Nassau County and Suffolk County. Rochester is one of the first cities in the country to remove police from schools. The organizers in Rochester pushed to create a Police Advisory Board, the only [civilian-controlled] police accountability board in the state. The Right to Know Act [a police transparency law that

requires police officers to identify themselves, name the reason for a stop or encounter, and provide information on the complaint process at the end of encounters that do not result in an arrest or summons] is now in five different jurisdictions across the state.

The point I'm trying to make is that it's important for us to learn lessons from New York City, but New York City is always going to be a kind of unicorn. But Syracuse is like other cities around the country, and Buffalo, and Rochester, and because the NYCLU has a large statewide infrastructure, other municipalities are leading the work in mid-size cities that is having precipitous implications around the state and around the country.

What issues and policies are your immediate focus in this new role?

YAQ: First, climate and environmental justice. That's about making sure that we are not just defending people's constitutional rights to protest the development of a pipeline through their community but also thinking about the ways that communities, especially Black and Brown communities, are harmed. You can't express your constitutional rights if your access to basic essentials for living, like clean air and clean water, is harmed.

Another area is Indigenous justice. It's disturbing that in our curricula and our civil rights discourse we erase Indigenous communities as if they're not present and surviving. In New York state, we do not acknowledge and appreciate both the historical and the current contributions of our Native peoples. So as an organization whose job it is to defend the civil liberties and civil rights of everyone, how we think about tribal and sovereign nations is a new area we're going to engage in.

What neatly dovetails with that is our conversation around economic justice, but especially around reparations, and the need to have truth and reconciliation about how we find ourselves where we are today. Educating the public on the way white supremacy has expressed itself socially, the way it's baked into the law. New York's engagement in the slave trade is so endemic to its role as the global financial capital we cannot extricate the way that white supremacy has impacted its powerhouse status. As a state, we have a responsibility to talk about that history as we think about how we repair that harm.

(This interview has been edited for length and clarity.)

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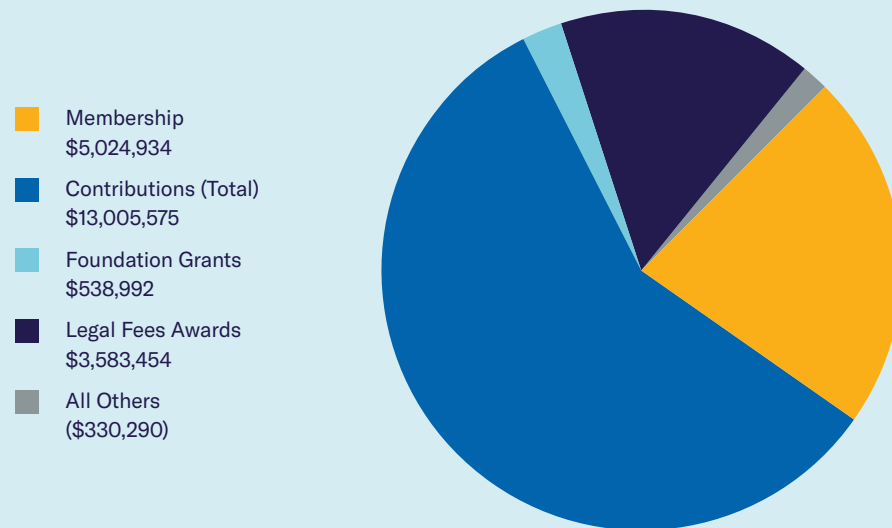
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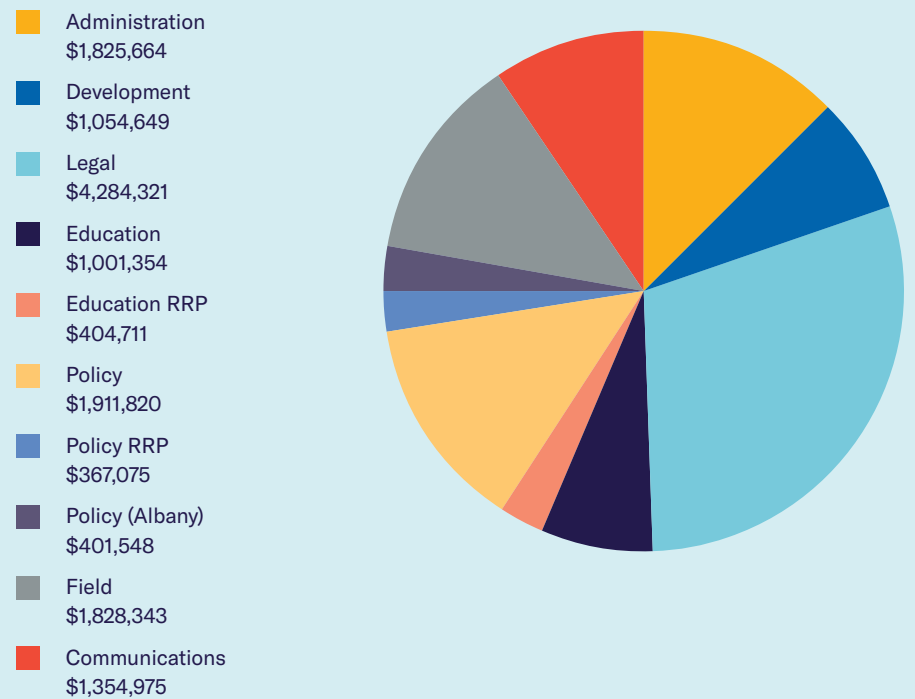
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