



UNITED IN RESISTANCE

NEW YORK CIVIL LIBERTIES UNION
2017 ANNUAL REPORT

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MESSAGE FROM THE EXECUTIVE DIRECTOR

Donald Trump has shaken American values at their core. He's supported white supremacists. Mocked Muslims and people with disabilities. Undermined the media. Threatened people of color. Bragged about assaulting women. The words he used on the campaign trail are now backed by his actions in the Oval Office. It's clear his aim is to divide us.

Instead, he's united us.

Tens of thousands of New Yorkers have teamed up with the New York Civil Liberties Union since Trump's election. Many followed individual paths to join together for this singular fight—people defending immigrants' rights, or reforming the criminal justice system, or expanding protections for the LGBTQ community. People safeguarding women's rights and reproductive freedom, or advocating for free speech and digital privacy, or demanding equity for communities of color.

Together with the NYCLU, these passionate activists united across these issues, demanding protection of New York's values, institutions and people. As one movement, we marched, called, emailed, signed, donated, volunteered and traveled to Albany, galvanizing a massive resistance to Trump in his home state. We pushed an agenda that will keep New York a civil liberties model for the nation.

Take these examples: Trump wants to derail criminal justice reform, but the NYCLU achieved a 24 percent drop in solitary confinement and stopped a Syracuse jail from locking kids in solitary. Trump vilified immigrants, but we helped put an immediate block on his Muslim Ban in court and aided two stranded Iranian students trying to return to school in New York. This summer, Trump said police should be "rough" with suspects, but we sued when the Syracuse police placed a 15-year-old in a deadly chokehold.

In the following pages, you'll read more about our work to preserve our most fundamental freedoms, positioned under our three ambitious initiatives: Protect Democracy, Defend Justice and Fight the Hate. You'll see how our persistence in the face of adversity turned the tide for indigent criminal defense statewide, how we're fighting for immigrant kids targeted by law enforcement as gang members and how our opposition to New York's constitutional convention was influential in protecting our laws from back-room deals.



This work represents an unrelenting defense of the promise of this nation. The peril under Donald Trump's administration is unprecedented. But together with our network of grassroots organizations and motivated activists across the state, we will not give up the fight for civil liberties and social justice in New York.

Social justice isn't just about protecting equal rights. The NYCLU believes that a truly just society is one in which each and every New Yorker has access to the rights that allow them to express themselves freely, to meet their needs and to live their lives fully.

Cementing access to these liberties—the rights that many take for granted, the rights that many more still long to enjoy—is the vision at the very heart of our work. It brings together our supporters, our partners and our individual interests. It raises our voice in the face of hateful, divisive rhetoric, policies and actions. It unites us as a single, powerful civil liberties majority.

Never in our history have we backed down from a challenge. And as we continue to carry the banner of freedom into the fight to come, we are proud to remain united in resistance.

Sincerely,

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

Donna Lieberman

2017 BY THE NUMBERS

MOBILIZE

Since our founding in 1951, the New York Civil Liberties Union has been dedicated to defending civil liberties and civil rights. As the New York affiliate of the American Civil Liberties Union (ACLU), we are a not-for-profit, nonpartisan organization with nine offices and hundreds of thousands of supporters across the state. Our mission—to defend and promote the fundamental principles and values embodied in the Bill of Rights, the U.S. Constitution and the New York Constitution—is urgently needed in today’s political landscape.

As part of the ACLU’s national network, the gains we make in New York have a national impact. We are united in resistance not just for the benefit of the Empire State, but also for the country. Without the diverse individuals and groups standing with us—our staff, volunteers, donors, members, partners and clients—the NYCLU would not have as large an impact as we do.

And because of the swell in the number of people joining our ranks, people who are passionate, talented, and committed to holding the line for freedom, that impact will only grow. Here’s a look at the gains our Civil Liberties Majority made in 2017.

UNITED NEW YORK FREEDOM FIGHTERS

170,000 members in 2017
vs. **68,000** in 2016

260,000 e-alert subscribers
post-election vs. **91,000**
pre-election

45 e-alerts sent in 2017

90,000 social media followers
in 2017 vs. **51,000** in 2016

100 volunteers pre-election;
10,000 volunteers (end of 2017)

16 new staff joined the NYCLU;
84 staffers in total

UNITED IN ACTION

25 volunteer orientations hosted

75 opportunities for volunteers
to take action

\$600,000 raised in **68**
DIY fundraisers in 2017

Top NYCLU Workshops of 2017:

- **Protest Monitoring**
5,000 participants
- **Know Your Rights with Immigration**
4,000 participants
- **Lobbying 101**
1,500 participants
- **Know Your Rights with Police**
1,000 participants
- **Know Your Rights for Students**
500 participants

NYCLU

UNITED AT THE COURTHOUSE

6 major cases won or settled:

- Reduced number of people held in solitary confinement by **24%**
- Won parole hearings for **39** asylum-seekers in Batavia
- Prevented discrimination in Broadway Triangle affordable housing plans
- Protected First Amendment rights of Oyster Bay’s day laborers
- Won victory for Buffalo LGBTQ students
- Helped release immigrant teens held in indefinite, needless detention

5 new major lawsuits or filings

56 ACLU-led legal actions
against Trump

- Co-wrote ACLU *amicus* brief for SCOTUS partisan gerrymandering case
- Worked with the ACLU and ACLU of Northern California on teen immigrant detention case

UNITED AT CITY HALL AND THE STATEHOUSE

14 NYCLU-backed bills passed
the State Legislature: **13** enacted
vs. **1** vetoed

23 police departments complied
with our Police Report Card
project record requests

- **1** immediately cooperated
- **22** cooperated under legal pressure from our appeals or lawsuits

Over 2,000 postcards on police
practices delivered to Mayor
de Blasio via #ListeningNYC

50,000 signed our coalition’s
Senate petitions demanding a
vote to safeguard reproductive
health care

THE CIVIL LIBERTIES MAJORITY FROM THE GROUND UP

Since the election of Donald Trump, the NYCLU has received unprecedented interest from volunteers. Indeed, our volunteer numbers have skyrocketed. Before the election, we had a core of less than 100. By the end of 2017, we had 10,000 volunteers. We are grateful for this incredible support and more motivated than ever to fight for freedom, justice and equality.

For our newcomers, we have hosted open houses, volunteer trainings and activist workshops on a range of civil liberties and civil rights issues. Our sessions are interactive, giving participants the opportunity to share experiences, voice concerns and ask questions. We've also teamed up with the ACLU's People Power, a major new grassroots mobilization effort. Through People Power, our members can join other supporters throughout the country to defend sanctuary cities, resist deportation raids, oppose the Muslim Ban, maintain Planned Parenthood funding and amplify other grassroots actions.

We're helping the Civil Liberties Majority become ambassadors online, organizers in their communities, DIY fundraisers and legal monitors at protests. Together, we are building a groundswell of activists, ready to mobilize to protect our most fundamental freedoms and expand access to civil liberties for each and every New Yorker.

Here are a few highlights of this advocacy in action from 2017.



EMERGENCY DAY OF ACTION

Coming together to demand change.

On March 13, nearly 1,500 New Yorkers rallied with us outside the Capitol in Albany for our Emergency Day of Action. Under the banner "Justice Does Not Compromise," we came together to demand that lawmakers defend reproductive health care, protect transgender students, provide effective legal representation for all, preserve digital privacy and require police transparency.

Our Civil Liberties Majority was already a powerful force in early 2017. In what became the largest statewide gathering in the NYCLU's history, our supporters were trained and ready to meet with more than 200 elected officials and staff. We also drew prominent and diverse speakers, including Gwen Carr, mother of Eric Garner, who was killed by an NYPD officer; Erika Christensen and Garin Marshall, who shared their personal hardship caused by New York's outdated abortion law; National Institute for Reproductive Rights President Andrea Miller; New York State Defenders Association Executive Director Jonathan Gradess; Elvis Miguel and Marlon Rajan, gender non-conforming public high school students; poet Jacqueline Real; and Darren Mack, who was formerly incarcerated.

The Day of Action is a critical component of the NYCLU's organizing work, allowing us to come together in Albany and online to set the tone for the coming year, loudly calling upon our state legislators to expand access to civil liberties for all New Yorkers.

#LISTENINGNYC

**Some neighborhoods are patrolled.
Others are profiled.**

A campaign created to enable conversations about policing practices among New Yorkers, #ListeningNYC inspired people of all viewpoints to drive action for the policing we want. Through a series of public pop-up events in parks, on city streets and at other venues across the city, #ListeningNYC encouraged open dialogue about policing among all New York City neighbors.

The campaign is a follow-up to #CitizenQuota, our unprecedented 2016 survey of more than 1,000 residents from Brownsville, Brooklyn, East Harlem, and Morrisania in the Bronx—the city's most heavily policed communities—about their experiences with the NYPD.

#ListeningNYC conversations were stimulating and revealing, with people from all over the city discussing the meaning of "safety." Participants stepped into The Listening Room to share their thoughts and experiences, prompted by conversation cards and coupled with audio stations so people could hear recorded stories from other New Yorkers and police officers.

One person was motivated to participate in the Listening Room because she works in education and believes that police shouldn't be in New York schools. She and thousands like her filled out postcards with their views and top concerns. In the end, we delivered over 2,000 postcards from New Yorkers demanding a better, safer city to Mayor Bill de Blasio.

DEMANDING REPRODUCTIVE HEALTH CARE ACCESS

Politicians should stop playing doctor.

New York's abortion law has been unconstitutional for over four decades. Unchanged since before *Roe v. Wade*, the law criminalizes abortion after 24 weeks unless it is urgently needed to save a woman's life, with no exceptions to protect a woman's health or if a fetus is not viable.

Together with our coalition partners, the NYCLU delivered more than 50,000 signed petitions to Senate leadership from New Yorkers demanding an immediate floor vote on the Reproductive Health Act and the Comprehensive Contraception Coverage Act, two pieces of legislation protecting access to abortion and affordable contraception.

In addition, we helped rally affected New Yorkers at the Capitol, many donning hospital gowns to signify the absurdity of legislators making medical decisions for women. Demonstrators gathered outside Senate Chambers to express alarm at the gaps in state law and the federal threat to reproductive rights, insisting that New York step up to lead the nation.

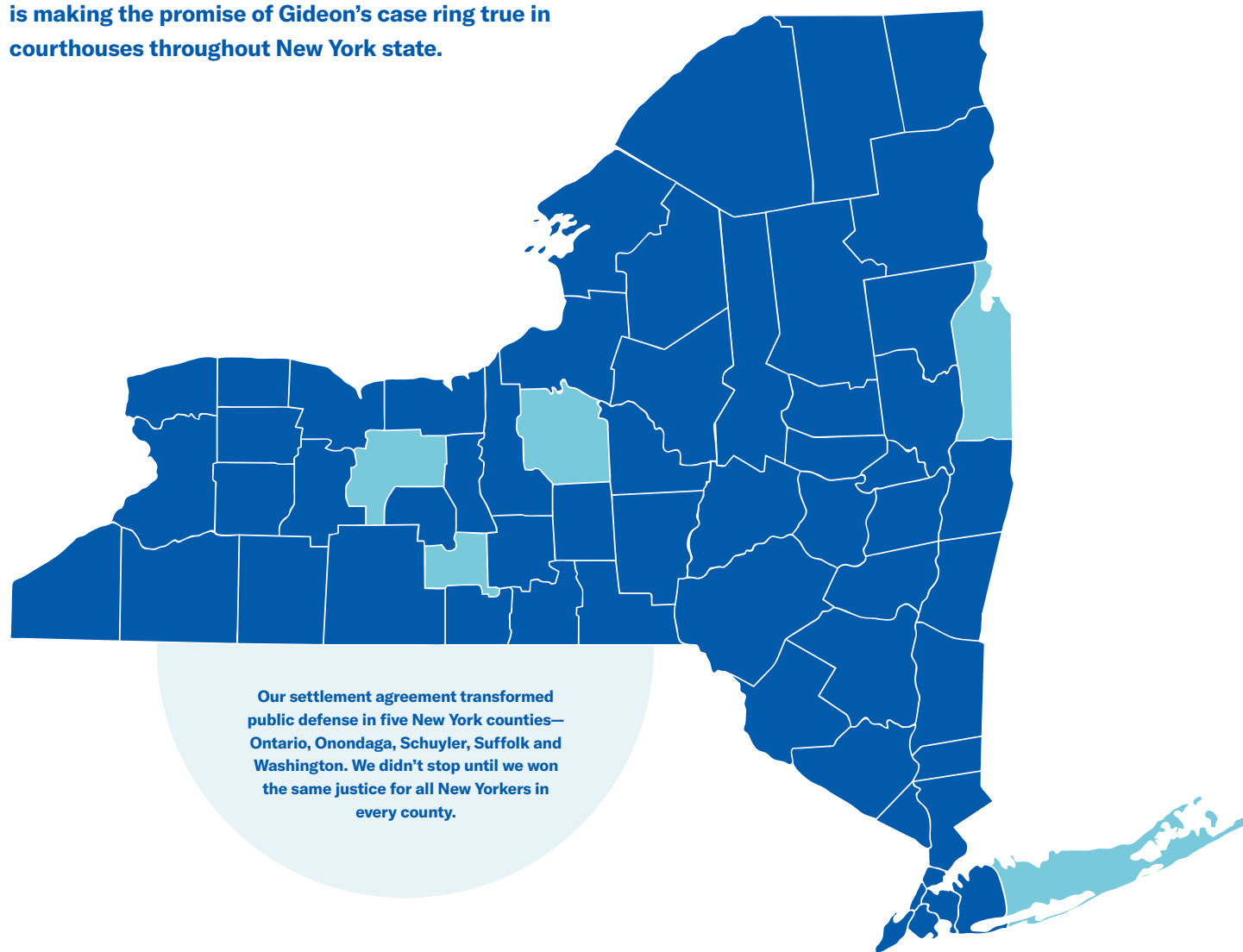
The NYCLU also launched a multimedia campaign called The Facts Machine, featuring a 1970's-era fax machine that blasted out over social media facts about the state's inadequate abortion law for 1,970 minutes ahead of the legislative session's end. Our followers then texted the machine to bombard the Governor and the Senate Majority Leader with faxes demanding the passage of the Reproductive Health Act.

THE OTHER 57

Our ten-year campaign to uphold every New Yorker's right to counsel

In 1963, Clarence Earl Gideon won a landmark decision from the U.S. Supreme Court in his lawsuit *Gideon v. Wainwright*. It was unanimous: to ensure a person's right to a fair trial and due process, legal representation must be provided to all criminal defendants, regardless of their ability to pay. The win spurred the formation of public defense systems across the country—systems that are now largely starved of adequate resources.

Nearly 55 years later, a NYCLU 2017 legislative victory is making the promise of Gideon's case ring true in courthouses throughout New York state.



Our settlement agreement transformed public defense in five New York counties—Ontario, Onondaga, Schuyler, Suffolk and Washington. We didn't stop until we won the same justice for all New Yorkers in every county.

HURRELL-HARRING ET AL. V. STATE OF NEW YORK

Our journey started in 2007 with our class-action lawsuit charging the state with failing its constitutional duty to provide a lawyer to criminal defendants who could not afford a private attorney. Each of our plaintiffs' experiences illuminated the undeniable failures of our public defense system: Judges often arraigned individuals in the absence of legal counsel. Public defenders carried over 400 felony cases annually—three times the recommended limit. Public defense offices, which were run by individual counties with little state oversight, did not have the money to conduct investigations, file pre-trial motions or hire expert witnesses.

Under this system, there was no way for New York to deliver meaningful, effective justice for indigent defendants.

An intensive public education campaign backed up our court case. We released a report documenting the failings of the state's public defense system and telling the stories of its casualties. We published op-ed articles and worked with editorial boards of newspapers across the state. And we created the seven-foot tall Wheel of Justice, used at public demonstrations to show the extent of our rigged system.

New Yorkers rallied with us. NYCLU supporters sent tens of thousands of emails calling on Governor Cuomo and State Attorney General Eric Schneiderman to settle the case. Fifteen counties demanded that the state take over administration of indigent defense. The U.S. Justice Department even filed a "statement of interest" with the court, the first time that the DOJ weighed in on public defense in a state court proceeding since *Gideon*.

The pressure worked. In 2014, the day before the trial was to start, we announced a historic settlement with the state. Under the agreement, New York adopted major reforms to ensure no one appeared for arraignment without a lawyer present, establish reasonable caps on attorneys' caseloads and provide public defense offices the required resources.

But our fight was not over. The settlement covered only the five counties named in the suit—Ontario, Onondaga, Schuyler, Suffolk and Washington. We immediately set to work bringing justice to the other 57 counties in New York, where public defense conditions were often just as shocking, if not worse.



The NYCLU's communications team barnstormed the state during our ten-year campaign. One aspect was our seven-foot Wheel of Justice, set up in parks and outside courts and government offices. Complete with 16 panels, each telling the story of a different injustice, the wheel made unmistakably visible the failings of the public defense system.

THE JUSTICE EQUALITY ACT

With momentum for statewide reform building, we pivoted our attention from the courthouse to the statehouse.

For our first annual Lobby Day, held soon after our settlement agreement, we bussed hundreds of advocates to lobby their legislators for public defense reform. Their voices were joined with our coalition of statewide public defense organizations, activists in the decarceration movement and civil rights and social justice organizations. NYCLU chapter directors and their board members enlisted the support of local lawmakers, including officials in upstate counties looking to balance their budgets.

Early in 2015, Assembly Member Patricia Fahy introduced legislation that would obligate the state to fund public defense services in all counties. The New York State Association of Counties applauded the bill, throwing its support behind our cause. John DeFrancisco, the Senate Deputy Majority Leader, then introduced the Fahy bill. Never before had a Republican sponsored major criminal justice legislation supported by the NYCLU.

We were heard. In the closing days of the 2016 legislative session, lawmakers passed the bill without a single "no" vote.

Yet the governor's office was notably silent. Six months later, on New Year's Eve, Cuomo vetoed the bill.

We geared up for another round.



In 2014, the NYCLU partnered with The Illuminator to literally project our demands onto public landmarks and government offices, showing solidarity with people whose lives have been disrupted, or even destroyed, by the state's broken criminal justice system.



Each era finds an improvement in law for the benefit of mankind.

— CLARENCE EARL GIDEON

A KEY PIECE OF THE BUDGET

The NYCLU used every play in the book for this final push. We rolled the Wheel of Justice to the Capitol. Our supporters responded to our e-alerts by sending thousands more emails to the governor and again travelled with us to rally in Albany. In a meeting with the governor's counsel, NYCLU senior staff shamed him and the governor for the New Year's Eve veto.

This pressure worked again. Tucked away in a 370-page bill adopted as part of the 2017 budget were several pages mandating that the state provide all 62 counties the funding needed to meet the public defense standards laid out in our *Hurrell-Harring* settlement.

This monumental win may not have been flashy, but it demonstrates the power of New Yorkers coming together and of sustained and strategic advocacy. This win makes New York a national leader in guaranteeing the right to legal counsel for all criminal defendants.

THE FIGHT FOR THE RIGHT TO KNOW ACT

Making New York City a national leader in transforming the culture of policing

Over the past year, New York City officials have touted our role as a “sanctuary city” in opposition to President Trump’s anti-immigrant, racist agenda. Yet sanctuary doesn’t exist when communities are targeted by discriminatory—and in the case of New Yorkers like Eric Garner, Ramarley Graham and Akai Gurley: lethal—NYPD policies and practices, which are a pipeline to the federal immigration enforcement system.

For years, the NYCLU has fought against discriminatory and dangerous police practices. And our gains have been backed by the power of a united community.

With the city’s leading police reform advocates, we formed the Communities United for Police Reform Coalition in 2011. Together, we have helped amplify the voices of more than 200 organizations and thousands of New Yorkers demanding better police practices, including many of the families of New Yorkers killed by the NYPD, faith leaders, local and national LGBTQ organizations and over 130 feminist leaders.

A key focus of the coalition has been the Right to Know Act, which is essential to build trust between police and the communities they serve. Through demonstrations with thousands of supporters, intensive media outreach and ongoing lobbying of councilmembers over the past four years, we helped New Yorkers finally realize their demand for a vote on the legislation.

The legislation, which passed in December 2017, is comprised of two bills: one that requires police to get consent to conduct a search and another that would have required officers to identify themselves, provide an explanation for a stop and, if the stop didn’t result in an arrest or summons, offer a business card at the end of the encounter.

While the NYCLU applauds the passage of the consent-to-search bill, we withdrew our support of the identification bill, which was watered down at the last minute to include a loophole that exempts low-level police encounters, the most common type.

Councilmember Antonio Reynoso was a co-sponsor of the original bill. Reynoso knows firsthand the impact of discriminatory policing: Once while walking down the street, he and his three cousins were stopped and frisked by police, who gave no reason for the search.

“No one spoke,” Reynoso said of the disquieted walk after the police left. “Everyone lost a little bit of themselves at that moment.”

This is commonplace for thousands of New Yorkers. Despite the setback in the Right to Know Act, the ever-growing movement behind the legislation’s passage is an influential force. The dedicated, dogged action by grassroots advocates and individual activists will continue to generate significant gains on meaningful police reform.



THE SCHOOL-TO-DEPORTATION PIPELINE

Protecting the children caught in Trump's anti-immigrant machine

Kids will be kids. They give each other “the finger.” They wear black t-shirts and Chicago Bulls jerseys. They play soccer. They post pictures of their home country’s flag on Facebook.

But in Suffolk County, these innocuous activities lead to labeling kids as gang members. The justifications are flimsy at best: The hand gestures looked like gang signs, black is a gang color, and the horns on the Bulls t-shirt are a gang symbol. The other soccer players were previously suspended for alleged gang association. The flag was El Salvador’s.

In the wake of a quadruple homicide in Central Islip on Long Island in April, the Trump administration launched “Operation Matador,” authorizing a crackdown on the MS-13 street gang, a deadly organization believed to be responsible for the four murders and at least two others. MS-13, which was formed in Los Angeles in the 1980s by immigrants fleeing El Salvador’s civil war, is known for its brutal violence, including machete attacks and home invasions.

While it’s critical that a community living in fear sees results, the surveillance in some Suffolk County schools has left many students fearful of both the gang and the government.

WEAK ALLEGATIONS, BLATANT ABUSE

When children enter the U.S. without their parents or papers, they aren’t immediately deported. Because of a consent decree signed in 1997 and a federal law enacted in 2008, these children can stay with relatives while undergoing a lengthy immigration vetting process, and they have a right to contest any detention.

Suffolk County police are flagrantly ignoring these policies. The Police Commissioner admitted that when officers can’t make criminal arrests, they work with U.S. Immigration and Customs Enforcement (ICE) to target supposed gang members for violation of civil immigration laws. This means that kids who the police department knows it does not have the evidence to criminally prosecute are nonetheless snatched up by ICE and shipped to jail-like facilities.

One such teen, Hector*, fled gang violence in his homeland and arrived in the U.S. alone at 14. The Office of Refugee Resettlement (ORR) released him to his relative in Long Island. Two Suffolk County detectives stopped Hector, now 16, and his girlfriend at school in April. They checked Hector for gang tattoos. He had none. They flashed gang signs at him. He knew none. The detectives let them go.

Three months later, ICE arrested Hector and sent him to a detention facility over a thousand miles away. He was not allowed to contest his detention. His immigration lawyer and his family didn’t even know where he was. They were eventually told by ORR that Hector was being held somewhere in Texas, and though ORR didn’t think Hector was a gang member, the Suffolk detectives did.

This isn’t an isolated incident. At least nine Suffolk County students have been sent to U.S. immigration detention facilities after being falsely labeled as gang members. But the teenagers—none of whom have ever faced criminal charges related to gangs and some of whom escaped to the U.S. from gang violence—deny being involved with gangs of any kind.

The suspicion stems from somewhere. While school discipline records are protected by federal privacy law, a Suffolk County police officer is posted in most public schools.

FIGHTING AGAINST FEAR

Together with LatinoJustice PRLDEF, we filed requests with South Country Central School District and the Suffolk County Police Department seeking the criteria for the suspensions of immigrant students for questionable gang affiliations, what information is shared with police and what police may relay to ICE.

This was just days after we warned ORR that placing minors in restrictive detention without cause violates federal law.

We also assisted the ACLU and the ACLU of Northern California with a class-action lawsuit that recently won a federal court ruling preventing the government from detaining juveniles without justification. We provided crucial facts about the impact of the detention-fueled “war on MS-13” on local schools and students. We also identified experts and

witnesses to testify about the police’s gang profiling practices. Finally, we filed a lawsuit on behalf of a 15-year-old Long Island boy who had been in immigration custody since he was 11, even after a judge had ordered his release.

In response to our coordinated efforts, the court put in place procedures to prevent detentions without justification, including a provision that a hearing must occur before the minor is sent to a faraway facility.

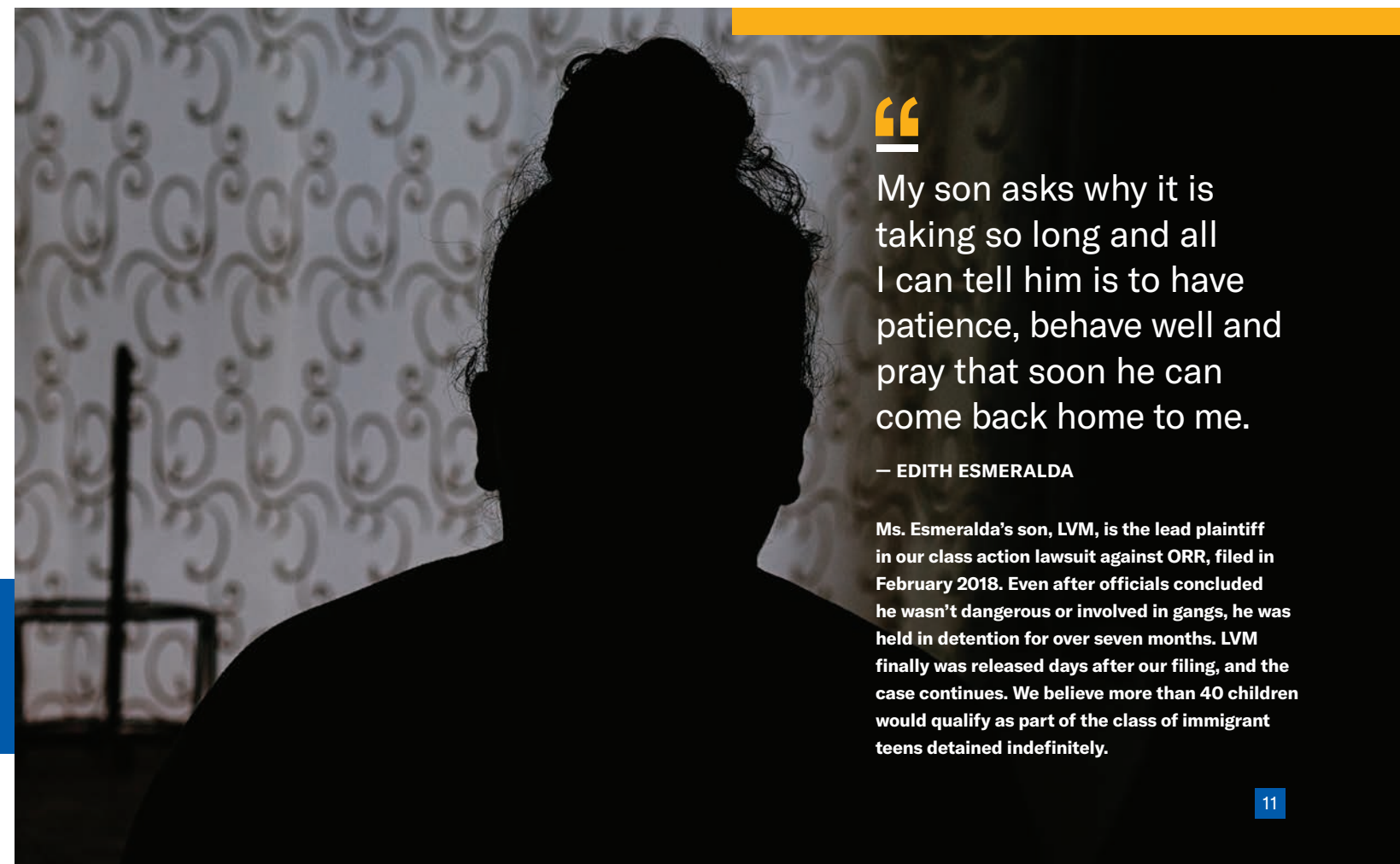
For one Brentwood, New York, teenager this win meant a return to home from detention. F.E.* was caught scribbling “503,” the calling code for El Salvador, in his notebook and allegedly hanging out with the “wrong people” at his Suffolk County high school. Police branded him a gang member and ICE detained him across the country for five months, without notifying his family or giving him a hearing. Many of the minors in our case, like F.E., are from Suffolk County.

We will continue to investigate the crackdown in Suffolk County and fight to bring wrongly detained immigrant teens home.

* Names have been changed or abbreviated to protect the individuals’ identities.



The most well-known MS-13 gang sign is similar to the “devil horns” symbol, which has meaning in several religions and cultures around the world. In North America, the sign was brought into the mainstream by heavy metal rock bands and fans. It is now even immortalized as an emoji, further highlighting the absurdity of detaining children based on a harmless gesture.



“

My son asks why it is taking so long and all I can tell him is to have patience, behave well and pray that soon he can come back home to me.

— EDITH ESMERALDA

Ms. Esmeralda’s son, LVM, is the lead plaintiff in our class action lawsuit against ORR, filed in February 2018. Even after officials concluded he wasn’t dangerous or involved in gangs, he was held in detention for over seven months. LVM finally was released days after our filing, and the case continues. We believe more than 40 children would qualify as part of the class of immigrant teens detained indefinitely.

UNJUST DETENTION

The last line of defense for asylum-seekers at Batavia

It's impossible to prepare for an asylum hearing when you're behind bars. And so federal policy directs that asylum-seekers be released while awaiting their hearings, as long as they aren't dangerous or flight risks. But under Trump, this parole has virtually halted.

Hanad Abdi is one such asylum-seeker, who came to the U.S. from war-torn Somalia. Hanad's mother passed away in childbirth, leaving him to help care for his four younger siblings. After a longstanding clan dispute over Hanad's family farmland turned lethal, Hanad came home from school to discover he had to bury his father. Hanad was then captured and beaten by plainclothes police officers hired by his father's murderer. After he escaped, they assaulted his aunt and threatened to kill Hanad.

Hanad fled. First he traveled to Mogadishu, then Ethiopia. From there, he flew to Brazil. Hanad was then passed from smuggler to smuggler in a dangerous overland journey, crossing Peru, Ecuador, Colombia, Panama, Costa Rica, Nicaragua, Honduras, Guatemala and Mexico.

After requesting asylum at the U.S. border, he spent the next ten months trying to make sense of ICE's repeated denials of his request for parole.

Unable to connect with family or friends in Somalia to find out the fate of his aunt and siblings, let alone to help him collect information crucial to his asylum case, Hanad's health began to deteriorate. Already suffering debilitating anxiety and depression, his conditions were only exacerbated

by his lengthy detention. While at Batavia, he said he often had nightmares and woke up screaming.

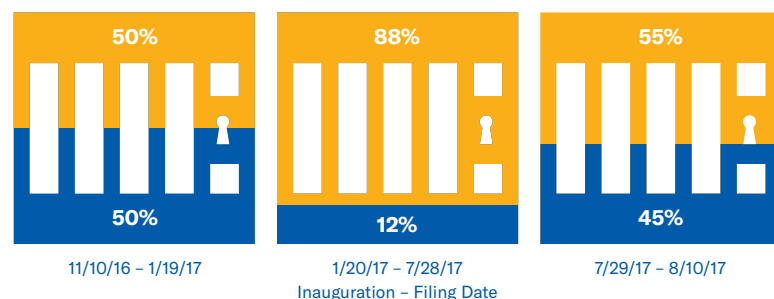
Even with the help of an immigration attorney, Hanad's third appeal for parole was denied. His deportation officer told him that "everything changed" in January and parole has "all stopped" under the Trump administration.

This summer, the NYCLU began to receive reports that asylum-seekers like Hanad were being indefinitely detained at the Buffalo Federal Detention Facility in Batavia, New York. Together with the International Refugee Assistance Project (IRAP), we sued on behalf of a single asylum-seeker. When the government quickly released him, we expanded our lawsuit to include a class of more than 30 asylum-seekers held unlawfully at Batavia. Hanad was our lead plaintiff.

Three weeks after we filed our lawsuit, Hanad was released. And in mid-November, a federal District Court Judge granted our request for a preliminary injunction. She ordered the government to immediately redo the parole process for our clients and to start bond hearings for asylum-seekers held for more than six months.

This is a tremendous win for asylum-seekers at Batavia. But Batavia isn't an outlier. A recent report by Human Rights First documents the rare paroles of asylum-seekers across the country. We will continue to fight for these men and women, confident that a win in New York can help to bring justice nationwide.

Parole Decisions Pre-Inauguration to Post-Filing



Data obtained by the NYCLU shows that after President Trump's inauguration in late January, parole at Batavia plummeted from 50 percent to just above 10 percent.

● Parole Denied
● Parole Granted

GAPS IN INCLUSIVE EDUCATION

Our fight to protect LGBTQ students in schools

Early in his term, President Trump revoked federal guidelines protecting transgender students' right to use public school restrooms that match their gender identity, leaving states and local school districts responsible for crafting their own policies, or to discriminate at will. Transgender students, already vulnerable to harassment, are left hanging in the balance.

The NYCLU fights for transgender students in New York. We continue to advocate for the Gender Identity and Expression Non-Discrimination Act (GENDA), which will explicitly prohibit anti-trans discrimination, and for legislators to fix the loophole in the state Human Rights Law that makes it harder for students to challenge illegal discrimination.

In New York City, we won an enormous victory this year: the Department of Education (DOE) issued some of the strongest, clearest guidance in the country on transgender students' rights in schools, guaranteeing access to the appropriate facilities and to participation in activities.

These guidelines are a tremendous gain, but there's still work to be done.

Youth participants in our Teen Activist Project (TAP) and Youth Organizing Institute distributed anonymous surveys throughout New York City high schools. Respondents answered questions about sexuality education and their familiarity with the Dignity for All Students Act (DASA), a state law designed to help make schools safe for all children.

The results are alarming. Most high school students didn't receive sexuality education until their senior year, despite a requirement that it also be taught in middle school, and only 36 percent reported learning about LGBTQ issues and relationships. A majority was also unaware of a mandate that schools have a DASA coordinator to respond to identity-based bullying. Even more worrisome: when we called schools to check the names of their coordinators, some didn't know who it was. One coordinator didn't even know that they were assigned the role.

Issues like these highlight the importance of our work throughout the state. In September, we announced a settlement agreement in a suit filed against the Buffalo City School District for the open, systematic discrimination against LGBTQ students at McKinley High School. For years, the problem was pervasive: Loudspeaker announcements warned that students weren't allowed to bring a same-sex date to prom. At dances, the principal separated same-sex couples and threatened them with punishment.

In response, dozens of students banded together to create a Gay-Straight Alliance. Each attempt was denied—until we stepped in.

We hope other localities across the state will follow the NYC DOE's progressive lead. Until then, our wins on behalf of LGBTQ students should serve as a warning to other districts.



(left) "I'm really looking forward to a new, more stable and supportive school environment where we can feel comfortable," said Byshop Elliott, the plaintiff in our case against Buffalo City School District and a senior at McKinley. "This just shows that, if you set your mind to it, all things are possible."

(right) The NYCLU and the ACLU jointly served as a grand marshal in the New York City LGBT Pride March on June 25. "The threat to LGBTQ rights under the Trump regime gives Pride an especially profound meaning this year," said Donna Lieberman, NYCLU Executive Director. "LGBTQ New Yorkers have a proud legacy of resistance stretching back even before the Stonewall riots, and the NYCLU stands firmly with the LGBTQ community against the threats we face today. We are honored to serve as a grand marshal for today's march and are committed to serving the cause as long as it takes."

THE POWER OF THE BALLOT

Ensuring New Yorkers' access to our most fundamental right

The NYCLU has been a leader in the fight to actualize and protect the right to vote for every citizen in New York state.

This election year, we launched a public education campaign to safeguard New Yorkers' voting access and ability to report violations. And we issued voter guides on the city council and district attorney races in New York City to arm voters with questions they could ask candidates, ensuring New Yorkers' votes were meaningful and informed.

We also worked to unite New Yorkers against the state constitutional convention, a political process that would have risked state protections that are often stronger than those under federal law: free expression, separation of church and state, the rights of criminal defendants—and more.

Proposed by requirement every 20 years, a constitutional convention is an open-ended process to amend the state constitution. Past conventions have opened the door to codify celebrated rights and regulations, such as those that mandate free public schools, require state programs to provide for people in need, and ban discrimination based on race, color or creed.

But convention amendments do not always fall on the right side of history. Conventions have also rejected attempts to abolish slavery, weakened protections that led to rampant government corruption, and denied women the right to vote.

We are thrilled that New Yorkers came together to vote down the constitutional convention. A convention today could be subject to backroom deals coordinated by wealthy, influential special-interest groups. And given the threat posed by Washington and the Trump administration, New Yorkers cannot afford to treat civil liberties and constitutional rights as political bargaining chips.

Both sides of the debate acknowledged serious flaws in New York's democracy, including the pervasive partisan gerrymandering that dilutes the voting power of black and Latino communities. Look at Rochester, where black and Latino voters living side-by-side are divided among three Senate districts. On Long Island, we find similar schemes.



"This is a very diverse community, whose students deserve a good education. But we don't have an adequate number of public school advocates on the board, and we are not able to elect them because of the current system," said Willie Trotman, President of the Spring Valley NAACP chapter, a plaintiff in our lawsuit.

We are actively fighting back at every level. For instance, in November, we filed *NAACP Spring Valley v. East Ramapo Central School District*, which challenges the at-large method of electing members of the East Ramapo Central School District Board of Education. Board members are elected by all the voters of the school district, rather than voters from individual geographic areas. This allows the majority community—whites who tend to vote as a private-school political bloc—to control eight of the board's nine seats. Communities of color, who tend to favor investment in public schools, have not seen their candidates of choice win a contested seat since 2007.

The NYCLU will continue to press for fair, publicly financed elections and meaningful voting reform, maintaining New York's reputation as a state where democracy flourishes.

DEMANDING TRANSPARENCY AS TECHNOLOGY ADVANCES

Our efforts to safeguard privacy on all fronts

Today, a robust digital life carries countless concerns. Not only is equal access to digital technology crucial to free speech and a fair playing field for all people, it means we must also be vigilant about protecting our digital privacy from third parties and government surveillance. And while we recognize that technology can dramatically improve productivity, sustainability and engagement, not just in the personal sphere but also at every level of government, we must guard against security breaches and unreliable or biased software.

The NYCLU is committed to protecting civil liberties in the digital world. We educate the public about the civil liberties implications of new technologies and fight to keep New Yorkers' digital speech free from government surveillance. We also advise local governments seeking to ethically implement new technology, as well as encourage agencies to be transparent about their use of technology on civilians.

Toward that end, the New York City Council passed NYCLU-supported legislation that assigns a task force to recommend ways to establish public accountability for the city's use of algorithms, which are used to inform a broad

range of tasks throughout the city: teacher evaluations, firefighting, identifying serious pregnancy complications and much more. Algorithms are also used across the country to predict where crimes will take place, who is likely to commit a crime and whether someone should be allowed out of jail on bail. We weighed in on drafts of the legislation to ensure it would bring meaningful and robust oversight to the city's use of algorithms.

While sometimes thought of as the perfect embodiment of objectivity, in truth algorithms are highly vulnerable to human bias. A flawed algorithm can cause serious harm, as when a highly controversial DNA testing technique used by New York City's chief medical examiner put thousands of criminal cases in jeopardy. Even more broadly, these algorithms tend to be biased against people of color, so this legislative victory is a huge step for protecting all New Yorkers from digital prejudice.

This bill is the first in the nation to recognize that algorithms are inherently flawed and must be subject to oversight and transparency to make them as accurate and fair as possible.

Bridging the Digital Divide

Technology is advancing at breakneck pace. New devices and modes of communication seem to become obsolete just as quickly as they are introduced. While we marvel at how far we've come as a society, we often forget that not everyone has equal access to technology. In fact, many underserved communities face a host of challenges due to the ever-expanding digital divide.

The NYCLU is dedicated to leading efforts to enshrine digital protections and access. In fact, Board Member Olivier Sylvain is actively closing the digital divide in underserved communities. In September, the National Science Foundation awarded Olivier and his team of lawyers, engineers and entrepreneurs a \$1 million grant to study and redress low broadband adoption rates in Harlem. Among other things, the project aims to give residents access to affordable web devices.

"We must do a better job of ensuring that all people, irrespective of place or status, can meaningfully engage in online speech," he said. "As a Harlem resident, I am proud to be part of a project that will research novel but practical ways of doing just that."



Photo:
Olivier Sylvain



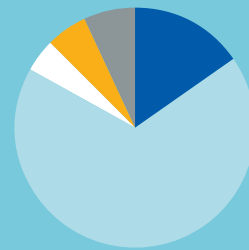
“

Being in TAP has made me realize that although I am too young to vote, I am not too young to have a voice.” — ISAAC, NYCLU TEEN ACTIVIST PROJECT MEMBER

FINANCIALS 04/01/16 - 03/31/17

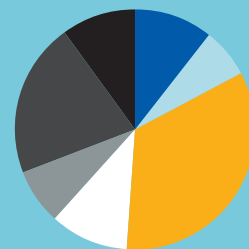
The NYCLU and ACLU received an unprecedented number of donations after the 2016 election and the Trump administration's first Muslim ban. These donations and new memberships represent the hope and trust that supporters have put in us to lead the resistance against efforts to undermine our rights and civil liberties. We take this responsibility with utmost seriousness and are investing these funds strategically to amplify our immediate and long-term impact. We are building our capacity to effectively defend justice, fight hate and protect democracy statewide. With the help of generous supporters like you, the NYCLU will continue to lead the charge in protecting New York's most vulnerable communities.

	UNION	FOUNDATION	TOTAL
REVENUE			
Membership	2,412,519	--	2,412,519
Foundation Grants	75,967	588,500	664,467
Revenue Sharing from ACLU	538,886	6,632,303	7,171,189
Contributions	44,073	2,635,208	2,679,281
Direct Mail	--	540,241	540,241
Special Events	--	301,582	301,582
Publications	--	949	949
Legal Fee Awards	--	885,327	885,327
Investment	--	773,649	773,649
Interest & Dividend Income	--	161,033	161,033
Fellowship Income	--	135,693	135,693
Miscellaneous Income	--	4,089	4,089
Transfer (to) from Reserves	(1,801,858)	(5,835,207)	(7,637,065)
Total	1,269,587	6,823,367	8,092,954



REVENUE
 ■ Membership
 ■ Contributions (Total)
 ■ Foundation Grants
 ■ Legal Fees
 ■ All Other

EXPENSES			
Administration	173,533	685,280	858,814
Development	35,355	508,249	543,604
Legal	68,075	2,683,146	2,751,221
Legislative	555,619	296,322	851,941
Reproductive Rights Project	26,664	578,042	604,706
Advocacy	321,418	1,361,775	1,683,194
Communications	88,922	710,552	799,474
Total Programs	1,060,699	5,629,837	6,690,536
Total Expenses	1,269,587	6,823,367	8,092,954



EXPENSES
 ■ Administration
 ■ Development
 ■ Legal
 ■ Legislative
 ■ Reproductive Rights Project
 ■ Advocacy
 ■ Communications

Donor Listing

To protect the privacy and honor the wishes of donors to the ACLU, the NYCLU is not including a list of New York-based donors to our organizations in 2017. At the time of writing, New Yorkers who made contributions to the ACLU in 2017 have not yet confirmed how they wish to be listed (or not) in our reports. A list of 2017 donors will be included in our 2018 report. For more information, feel free to contact contributions@nyclu.org.

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As of September 25, 2017

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