

**WE'RE STILL
FIGHTING FOR:**

- RACIAL JUSTICE**
- REPRODUCTIVE FREEDOM**
- VOTING RIGHTS**
- IMMIGRANTS' RIGHTS**
- LGBTQ RIGHTS**

REFORM

**THE FIGHT IS
FAR FROM
FINISHED.**

NEW YORK CIVIL LIBERTY UNION
ANNUAL REPORT 2021

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MESSAGE FROM THE EXECUTIVE DIRECTOR



This was another supremely challenging year for all of us. COVID-19 continued to disrupt—and end—lives, voter suppression, abortion bans and attacks on LGBTQ rights escalated, and insurrectionists came unthinkably close to overturning our free and fair election. Existential threats to our democratic institutions and constitutional ideals called for a powerful response, and the ACLU and NYCLU stepped up, as always, to defend our civil rights and liberties with every means at our disposal.

Despite the resounding defeat of the Trump presidential bid, the perils to our democracy and the threats to our hopes and dreams for a fair and just society persist. And Black and Brown New Yorkers continue to suffer disproportionately from systemic inequality. In the face of this, we came together to achieve a number of hard-won victories, including some that have been decades in the making. These victories advance racial justice and lay the groundwork for even more progress in the future. We have much still to do to restore and strengthen democracy in New York and beyond, and our work has never been more vital—or more promising. Each year, we rededicate ourselves to eradicating inequality and demanding justice, particularly for the most vulnerable among us, while building a better, fairer, more inclusive society.

Throughout this report, you'll read about our many groundbreaking legal and legislative victories, meet some of our extraordinary partners and staff, and get a look at our ambitious plans for 2022.

In 2021, we capitalized on the hard-fought repeal of Civil Rights Law 50-a that lifted the veil of secrecy around law enforcement disciplinary records. We filed a slew of FOIL requests to compel police departments around the state to release misconduct records, and sued whenever we met resistance. Our **seminal report** on the NYPD analyzes more than 20 years of misconduct complaints, proving the department's failure to hold police accountable for abuse, primarily of Black and Brown people. In defending the rights of people who are incarcerated, we fought to pass laws that **end long-term solitary confinement** and **automatic incarceration for minor technical parole violations**, and we won an **important ruling** affirming their right to adequate medical care. The governor **signed an NYCLU-supported bill** that restores voting rights to those with felony convictions once they're released on parole. We won an end to marijuana prohibition with passage of the **Marijuana Regulation and Tax Act**, which will funnel tax revenues to communities of color devastated by the war on drugs. We secured passage of the **Gender Recognition Act**, which codifies the right of New Yorkers to obtain ID documents that reflect their true gender identity. And we built on our wins for education equity in East Ramapo when lawmakers passed a bill to give state-appointed monitors the authority to intervene with the white-majority school board to protect the rights of public-school students.

These victories not only benefit New Yorkers. They help make our state a national leader in everything from criminal legal system reform and the reimagining of public safety to trans rights and access to abortion care and reproductive justice. To parlay the momentum of our strategic priorities—promoting equality, strengthening democracy, protecting privacy and autonomy, and pursuing justice—in the coming year, we will:

- Close any remaining loopholes in our state protection for abortion to make New York an access state for abortion care even as *Roe v. Wade* is threatened in the Supreme Court.
- Fight for fairer elections by safeguarding and expanding the right to vote ahead of the midterms in the fall and beyond. That means passing both the state and federal John R. Lewis Voting Rights Acts and the Freedom to Vote Act.
- Disband the NYPD's Vice Squad and Strategic Response Group and reinvest their funding in communities historically harmed by over-policing and mass incarceration.
- Push for a fairer criminal legal system by litigating for public access to police misconduct records and removing police from roles for which they are dangerously ill-suited.
- Protect the right to protest and assemble peacefully.
- Ensure that all children have access to the free, secular public education they are entitled to by removing permanent metal detectors, and replacing police and police tactics with school counselors, mental health experts, restorative practices and after-school programs.

We have proven time and again that real, substantive change is not only possible but inevitable whenever we shine a light on injustice and band together in a mission of dignity and freedom for all. Our work to fundamentally transform the role and scope of law enforcement, to ensure that all eligible voters can cast a meaningful ballot, to enhance protections for the most vulnerable New Yorkers, and to strip systemic racism from our communities and institutions will never waver. Together, our perseverance will win the day even in the face of great challenges, as we strive for a more perfect union that offers true opportunity, security, and equality to everyone.

Thank you for standing with the ACLU and the NYCLU in our unending questing to help bend the arc of history toward justice.

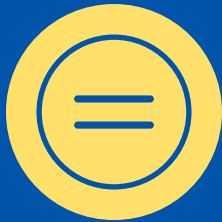
Warmly,

Donna Lieberman

A MONUMENTAL YEAR IN REVIEW

The NYCLU faced another supremely challenging year with ingenuity, potency, and persistence. Despite the ongoing pandemic, we worked with our many partners to secure a host of legal and legislative victories in the areas of criminal legal system reform, LGBTQ rights, marijuana legalization, reproductive autonomy, voting rights, and police transparency. By parlaying recent wins into the passage of 15 new NYCLU-supported bills, we made remarkable progress in the defense and expansion of civil rights and civil liberties for all New Yorkers.

Some of our most significant victories include:



We achieved stronger protections for LGBTQ rights, reproductive rights, and the rights of pregnant New Yorkers:

The **Gender Recognition Act** allows people to select M, F, or X gender markers on state IDs and birth certificates and makes the process for changing a name or gender marker smoother while requiring public and private entities to honor them.

We supported legislation that would **improve transparency and access to health care** for vulnerable New Yorkers negatively impacted by the secret removal of categories of care from regional hospitals.

The **repeal of the “Walking While Trans Ban,”** a 1970s-era loitering law, ends the ability of police to harass Black and Brown transgender women, nonbinary people, and immigrants merely for being in public, and seals prior convictions and violations.

We filed **state Division of Human Rights complaints** to end the practice of drug testing pregnant people without consent and supported legislation that would require informed consent before drug testing pregnant New Yorkers.



We enacted reforms to the criminal legal system that will decrease the number of incarcerated New Yorkers:

The **Marijuana Regulation and Taxation Act** establishes a comprehensive policy to legalize cannabis while creating a framework for expunging past convictions and dedicating tax revenues to community reinvestment funds.

The **Survivors of Trafficking Attaining Relief Together (START) Act** brings justice to survivors of sex and labor trafficking by creating pathways to vacate convictions and removing barriers to relief.

We **won a key ruling** that enjoined Jefferson County Jail from refusing to provide constitutionally protected medical care to incarcerated people suffering from opioid use disorder.

The **Less is More Act** revamps the parole system by preventing most people accused of technical parole violations from being put behind bars.

The **HALT Solitary Confinement Act** bans long-term solitary and segregated confinement, requires more daily out-of-cell programming, and creates alternatives to isolation.



We advocated for police accountability and helped restore and expand voting rights:

We **won a ruling** that thwarted a police union lawsuit attempting to prevent the release of a Schenectady police officer’s disciplinary records, and we’ve filed lawsuits against police departments in five New York cities for obstructing the release of misconduct records following the repeal of Section 50-a.

We **filed a motion** in support of a lawsuit brought by the New York Attorney General’s Civil Rights Bureau that forced the Rensselaer County Board of Elections to provide an early voting site accessible to the county’s largest concentration of voters of color.

The governor **signed a bill** that amended the state’s criminal code so that the voting rights of those with felony convictions are automatically restored once they’re released on parole.



New Yorkers from all around the state came together to make this incredible progress possible:

Seek Justice: We filed 30 lawsuits and amicus briefs in support of civil liberties, and reviewed 1,127 legal requests for referral or further investigation.

Stand United: We brought together 92,000 members and donors with 10,500 volunteers across New York’s 62 counties.

Take Action: We rallied 317,000 e-activists, nearly 116,400 social media followers, and 10,500 volunteers to get involved through more than 70 opportunities for action, including 54 protests monitored by 120 NYCLU-trained protest monitors (more than double the previous year); text-banking sessions that reached nearly 12,000 voters in the lead-up to the June primaries; and nearly 40,000 emails sent to lawmakers, resulting in 15 bills being pushed through the statehouse.

STRENGTHENING DEMOCRACY



Fortifying Equitable Access to Voting in New York

The right to vote is fundamental to a functioning democracy. In the face of antidemocratic skullduggery and an unceasing pandemic, the NYCLU has continued to lead efforts to make voting easy and equitable, educate voters about their rights, and clear obstacles that keep voter registration and turnout rates distressingly low across the state. While we have made progress in pushing improvements to New York's confusing and outdated voting infrastructure, we have much to do to achieve truly equal access to this sacred constitutional right.

Throughout 2021, our legal, policy, and field departments collaborated through impact litigation, legislative advocacy, public education, and community organizing to preserve and expand the right to vote from the national to the local level. As the insurrectionist forces of the 2020 election demonstrated, the stakes for our country's election integrity remain existentially high. It's crucial that we build on our successes to establish a less restrictive system where no eligible voter faces barriers to the ballot and every voice is heard. With strategic persistence, we can make New York a national leader in

voting rights at a time when too many states are trying to cut off access to the franchise — especially for voters of color.

In March, we **filed a brief** with the Lawyers' Committee for Civil Rights Under Law in the Fifth Circuit Court of Appeals to fight efforts to disenfranchise voters in Harris County, Texas, who cast ballots at drive-thru early voting sites in the lead-up to the 2020 presidential election. We had intervened successfully in the days before the election—the original complaint was dismissed, and the preliminary injunction was denied—but the plaintiffs appealed. The case has national implications for the coming midterms and beyond. In August, we **filed a motion** on behalf of the Troy NAACP and Rensselaer County voters to intervene in a lawsuit brought by the New York Attorney General's Civil Rights Bureau. The suit challenged the Rensselaer County Board of Elections' (RCBOE) failure to provide an early voting site accessible to the county's largest concentration of voters of color, disabled voters, and low-income voters. Using NYCLU-provided materials, the AG prevailed at trial court, and after an appeal our motion was granted, forcing the RCBOE to designate a compliant early voting site in downtown Troy.

We secured a victory for the formerly incarcerated in May when the governor **signed a bill** that amended the state's criminal code so that the voting rights of those with felony convictions are automatically restored once they're released to parole supervision. The legislation finally allows the roughly 35,000 people out on parole in the state at any given time, most of them Black or Latinx, to participate fully in the democratic process.

In September, the NYCLU Education Policy Center released a report, **Private Privilege, Public Pain**, documenting East Ramapo Central School District's "21st century Jim Crow education," which privileges white students attending private schools over the students of color who comprise 96 percent of the public-school population. The report lays out the urgent actions state officials must take to revive a once-thriving district degraded by a decade of white-majority control of the school board so that all students in East Ramapo get a high-quality education. It follows on the lawsuit we won in 2020 that forced a restructuring of school board elections in the district because they violated the voting rights of residents of color. The decision and the data collected in the report could drive other school boards around the state to be more representative.

In our ongoing efforts to educate voters about candidates, ballot measures, and election procedures, we published comprehensive voter guides to **Ranked Choice Voting** in March, **New York City elections** in June, and **general elections** in November. Throughout the year, the NYCLU's field team held trainings on ranked choice voting for scores of volunteers, including members of the Artist Ambassador program and students from the ACLU National Advocacy Institute's High School Program, and engaged them in text-banking sessions around the June primaries that reached more than 11,000 New Yorkers. We also worked to educate lawmakers and the public about the problems that most damage our voting system, and we published resources to keep New Yorkers updated on how the pandemic was impacting their right to vote.

To accelerate the participation of voters historically denied equal opportunity in the political process, the NYCLU supports the John R. Lewis Voting Rights Act of New York, which would address voting rights discrimination by establishing legal tools to fight racial voter suppression and vote dilution, reinstating a civil rights-based preclearance program, expanding language assistance, protecting against voter deception and obstruction, and promoting transparency.



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

Ensuring the Rights and Dignity of All New Yorkers

The NYCLU has always fought to protect and advance LGBTQ+ rights, reproductive rights, and the rights of pregnant people in the face of injustice. Assaults on civil rights and civil liberties inevitably hit hardest the most vulnerable New Yorkers—low-income residents, women of color, the LGBTQ+ community, those with disabilities, young people—and they remain at risk of discrimination and lost opportunities in employment, education, housing, and health care.

Throughout 2021, our gender and sexuality work moved the needle in several promising areas. We filed lawsuits, amicus briefs, and legislative memos to curtail the disproportionate suffering of trans people at the hands of law enforcement, compel state agencies to honor LGBTQ+ residents' identities, prevent employers from discriminating against workers for their reproductive decisions, and address health care deserts that unfairly impact LGBTQ+ patients. There is much work to be done, yet our mission to uphold the dignity of all New Yorkers never wavers.

Highlights from the past year include:

- In February, we **filed a federal lawsuit** with Legal Services of Central New York on behalf of a transgender woman and Watertown resident whom law enforcement harassed, arrested, and assaulted when responding to a call for assistance. The suit argues that she was subjected to sexual assault, an illegal strip search, and discrimination on the basis of her gender identity, which violated her rights under the Fourth and Fourteenth Amendments, the New York State Civil Rights Law, and the New York State Constitution.
- Also in February, the **“Walking While Trans Ban”** was repealed, and prior convictions and violations have been sealed. The loitering-for-purposes-of-prostitution law, on the books since 1976, effectively gave the police cover to target Black and Brown transgender women, nonbinary people, immigrants, and residents of low-income communities simply for being in public, and convictions caused a host of subsequent employment, housing, and immigration problems.
- In March, we **filed a lawsuit** with Legal Services of NYC against the New York State Office of Temporary and Disability Assistance (OTDA), which administers food stamps, Medicaid, and other emergency services, for discriminating against nonbinary New Yorkers. OTDA's computer system bars nonbinary people from applying for or receiving benefits unless they misidentify their gender as “male” or “female.” This violates the state constitution as well as state and local anti-discrimination laws, and it forces nonbinary New Yorkers to lie under oath about their gender identity to receive benefits or be denied emergency assistance. In the suit, among the first of its kind, we demanded that OTDA add “X” as a valid gender identity option in the benefits system, update related materials and guidance, and retrain social services staff on gender-affirming conduct when serving nonbinary New Yorkers.
- In June, the **Gender Recognition Act** was signed into law, giving New Yorkers the ability to select M, F, or X gender markers on state-issued driver's licenses, state IDs, and birth certificates. The legislation also streamlines the process for changing a name or gender marker on these documents and requires numerous public and private entities to honor them. We published a **detailed primer** that explains New Yorkers' rights in relation to the new law.
- In August, we filed a **policy-focused amicus brief** in *Slattery v. Cuomo*, a case in which a private employer hopes to strike down a labor law known as the “Boss Bill” that prohibits employers from discriminating against employees based on their reproductive decision-making. Our brief highlighted New York's compelling need to pass clear and explicit antidiscrimination protections and detailed the long history of sex, pregnancy, contraception, and abortion-related discrimination that prompted passage of the Boss Bill in 2019. The Second Circuit heard argument in November, and the government's counsel relied on examples from our brief.
- In October, we sent a demand letter to Garnet Health Medical Center (“GHMC”) in Middletown on behalf of our Latinx client

alleging claims of pregnancy and race discrimination. She was drug-tested without consent at the birth of her child, and a false positive result led GHMC to instigate a Child Protective Services investigation and prohibit her from breastfeeding her child. This violated the New York State Human Rights Law and its prohibitions on race discrimination. We insisted that GHMC adopt an informed-consent policy, issue our client a written apology, and amend her and her son's medical records, and we worked to get the child-protective records expunged. Later, we **filed state Division of Human Rights complaints** with the National Advocates for Pregnant Women on behalf of our client and another woman who endured a similar ordeal. Drug testing pregnant people is a form of medical racism that arose out of the failed war on drugs, which resulted in laws that ramped up racist scrutiny of Black and Latinx parents. We also wrote a **legislative memo** in support of pending legislation that would require informed consent before drug testing pregnant New Yorkers.

In addition, the NYCLU is working to push through legislation that would improve transparency and access to health care for vulnerable New Yorkers negatively impacted by the removal of certain types of care, such as gender-affirming care, miscarriage management and end-of-life care, from regional hospitals under the guise of religious freedom.

 [Read more about our efforts to promote equality for all New Yorkers.](#)



**PROMOTE
EQUALITY**

STRUGGLE FOR JUSTICE



Demanding Police Accountability and Reducing Mass Incarceration

The advancement of civil rights and civil liberties depends on the fundamental transformation of law enforcement's role in society, a more humane criminal legal system, and an end to mass incarceration. Throughout 2021, our Smart Justice campaign and other advocacy efforts resulted in important victories related to greater police transparency and accountability, the decriminalization of sex work, restrictions on the cruelest forms of confinement, and parole and marijuana reform, all with racial justice at their core. The NYCLU's legal and legislative work has been essential to pushing through long-sought reforms that will lead to even more substantive changes in the years ahead.

In March, Governor Cuomo signed into law the **Marijuana Regulation and Taxation Act**, the country's most comprehensive policy to legalize, tax, and regulate cannabis within an equity and racial justice framework. The law immediately legalized adult possession, use, and sharing of certain amounts of cannabis; eliminated most

misdemeanors and felonies related to cannabis; and required state agencies to begin automatically expunging past convictions for those offenses. It also ensures that tax revenues from legal sales will be reinvested in job training, after-school programs, public education, and drug treatment programs in the communities most impacted by over-criminalization during the war on drugs. We published a [detailed guide](#) to help New Yorkers understand the parameters of the law. Also, in September Governor Hochul signed into law the [Less is More Act](#), which will overhaul New York's regressive parole system by preventing most people accused of technical parole violations from being put behind bars and ensuring that they are not incarcerated while their alleged violation is adjudicated. These monumental pieces of legislation will substantially reduce the number of imprisoned New Yorkers, which will also bring down Covid infection rates in jails and prisons.

New York entered a more humane era in April when Governor Cuomo signed the [HALT Solitary Confinement Act](#), a long-time legislative priority for the NYCLU that could have a significant ripple effect across other states. The new law, which is the first to adopt the U.N.'s "Mandela Rules," bans long-term solitary and segregated confinement; bans solitary confinement for vulnerable populations such as the elderly, individuals with mental or physical disabilities, and pregnant humans; requires more hours of out-of-cell programming and recreation per day; creates alternatives to isolated confinement; and requires public reporting of who is in isolation and for how long. By reorienting the system toward treatment and rehabilitation rather than punishment and isolation, it lays the groundwork for the NYCLU to push through a complete ban of solitary

confinement in New York City and the rest of the state.

This past year, we capitalized on major 2020 successes to further advance police reform. Following the repeal of Section 50-a of the state's Civil Rights law, which ended the ability of police departments to hide disciplinary records from the public, the NYCLU, with pro bono counsel from seven major law firms, launched a statewide transparency campaign. We filed state Freedom of Information Law ("FOIL") requests with 12 police departments and the Department of Corrections and Community Supervision, then filed lawsuits against police departments in [Rochester](#), [Syracuse](#), [Freeport](#), [Troy](#), and [Buffalo](#) for obstructing the release of misconduct records subject to FOIL. Courts have largely rejected efforts to thwart disclosure since 50-a's repeal, including in Schenectady [following NYCLU intervention](#), so more wrongful police conduct will be exposed.

In December, the NYCLU Communications team released [Cop Out: Analyzing 20 Years of Records Proving Impunity](#), a comprehensive account of NYPD-related public complaints made to the New York City Civilian Complaint Review Board going back to 2000. The data predictably shows that the vast majority of misconduct complaints never result in discipline and that people of color are three times more likely than white people to be identified as the injured party in a complaint, further underlining our need to achieve complete transparency in law enforcement.

Looking forward, we'll continue to advocate for the disbanding of two dangerously out-of-control NYPD units: the Vice Squad, which polices

consensual sex work, gambling, and narcotics use, and disproportionately impacts Black and Brown New Yorkers and LGBTQ+ people; and the Strategic Response Group, which has consistently terrorized protestors peacefully exercising their First Amendment rights. By shrinking the NYPD's excessive power, the combined \$108 million budgeted to these units could be reallocated to historically under-resourced and over-policed communities.

While we've made significant progress towards changing the way police departments function in New York, the police remain a major threat to Black and Brown communities. It's clear that we must strive to transform law enforcement on a deeper structural and cultural level, so moving forward, when deciding which advocacy efforts to prioritize, the NYCLU will disfavor reforms that significantly add to police budgets; oppose the creation of new crimes, including those proposed as a "solution" to civil rights injustices; seek a commitment to the collection and publication of data that will allow the public to assess the efficacy of any reform; and be guided by broad input from Black and Brown New Yorkers, who have too long been denied fairness, justice, dignity, and equality.

In a victory for survivors of sex and labor trafficking, the NYCLU-backed [Survivors of Trafficking Attaining Relief Together \(START\) Act](#) signed into law in November creates pathways to vacate convictions and removes punitive barriers to employment, housing, and education.



Read more about our efforts to defund, transform, and ultimately abolish policing.

Fighting for Fairness in the Digital Space

Privacy violations by tech companies and the government cause a range of harms to New Yorkers. From student surveillance and police spying to surreptitious data collection and digital discrimination, advanced technologies have only become more invasive, with disproportionately negative impact on communities of color. This past year, the NYCLU has supported **legislation to prohibit reverse location and reverse keyword searches and warrants**, pressured the courts to review the **discriminatory use of facial recognition technology by the Department of Corrections**, and called out the **nonconsensual collection of data from students using city-provided devices**.

The NYCLU has also been instrumental in developing the Digital Fairness Act, **legislation now pending in the state legislature** that addresses online privacy, the exploitation of personal information, and the discriminatory use of algorithms and automated decision systems. Policy Counsel Allie Bohm, a digital privacy and technology expert, here walks us through the significance of the bill, its relationship to civil

rights, and its potential to reverberate on a national level.

Why is the Digital Fairness Act so important?

Allie Bohm: It's no longer possible to participate in society without providing our personal information to private companies and other third parties, and that information may reveal very intimate details of our lives. That was true before the pandemic, but certainly with Covid-19 it has meant that we do everything online, from school to doctor's visits to grocery shopping to spending time with loved ones. There's just more and more information that these entities are amassing about us. And the consequences for civil rights, not to mention our privacy, can be profound. Personal information has been leveraged to ensure that only younger men see certain job postings, to exclude Black people from viewing certain housing advertisements, to target ads urging Black people not to vote. It can limit access to opportunities, and it can result in significant information disparities and eroded public trust.

Also, government actors are increasingly using automated decision systems for everything from teacher evaluations to child custody decisions to sentencing, probation, and parole determinations. It gives algorithms an outsized role in determining our rights, our opportunities, and our outcomes, often without our knowledge or an opportunity to challenge the decisions rendered. Our goal is to ensure that people have the opportunities that the internet and automated decision systems can provide without the great cost that comes when they are unregulated.

NYCLU: Can you give some examples of what the bill would do?

ASB: The first part is a traditional privacy section. Within that, there's meaningful notice: A covered entity has to tell you what they are doing with your personal information before they do it. There's opt-in consent, so we end up with privacy by default. It has security requirements, purpose limitations, no pay-for-privacy, and serious limits on information sharing, as well as access, deletion, and portability rights. We built on top of that a warrant requirement for government access to personal information and a prohibition on surreptitious surveillance.

The second section focuses on discriminatory algorithms. The worst harms associated with misuse of personal information in the digital age are civil and human rights abuses. So this section makes it both a violation of our human rights law and an unfair trade practice to use sophisticated algorithms to circumvent our human rights law. And automated decision systems in government hands can be particularly pernicious. So the bill requires automated decision system impact assessments, which are civil rights audits by neutral third parties. More importantly, it requires government automated decision systems to have a process for human review, prohibits the government from using systems that discriminate based on protected classes, and requires the relevant governing body to vote before a government entity can acquire an automated decision system.


The last section involves digital literacy and digital privacy curricula for K-12, because part of why there are so many privacy violations online is that we don't know how to keep ourselves safe.

Plus, the only way to get at “fake news” is to train people to know how to identify reliable sources of information.

Does this bill have a chance at driving legislation in other states?

ASB: We could be a leader for the nation. We’re already seeing that. Similar bills based on the Digital Fairness Act have been introduced in Washington and Massachusetts, and other states are looking at this language, as well. Putting a model out there that puts people first feels important. New York has an opportunity to say, “This is what it means to protect privacy and civil rights in the digital age.”

The text of [Assembly Bill A6042](#), which the NYCLU’s policy team helped draft, is available to read online along with more information about how we’re fighting [digital discrimination](#) across the state.

 Read more about our many efforts to safeguard liberty in the face of technological innovation.



PROTECT PRIVACY & AUTONOMY

Artists Join NYCLU to Fight for Change

AN INTERVIEW WITH
**SHAINA TAUB, ARIANNA AFSAR, AND
NOVEMBER CHRISTINE, CO-CHAIRS OF THE
NYCLU'S ARTIST AMBASSADOR PROGRAM**

Launched in 2020, the NYCLU's Artist Ambassador program seeks to engage, educate, and coordinate New York's artist community to join and amplify the fight for civil rights and civil liberties. Inspired by planning for the NYCLU's annual benefit concert, *Sing Out for Freedom*, now in its 20TH year, the ambassador program includes more than 50 playwrights, actors, producers, composers, singers, and photographers passionate about using their art to advance social justice. Ambassadors make a one-year commitment to learning about key issues from NYCLU staff, using their platforms to promote NYCLU advocacy, and supporting the *Sing Out* show in the fall, while nurturing an expanding network of likeminded creative artists committed to activism around the state. "I hope it becomes a part of artists' lives and that we keep deepening a relationship that lasts a long time," says program coordinator and NYCLU Development Officer Ari Conte. "The more artists that can form a meaningful connection between civil liberties and their own work, the better for all."

Inaugural program co-chairs Shaina Taub and Arianna Afsar, both composers and performers, were joined this year by producer and playwright November Christine, who was an ambassador in the program's first year. All three are currently creating shows about women's suffrage, along with other projects. We spoke with Shaina, Ari, and November about how they hope to grow the program in the coming year and what role the artist can play in pushing for meaningful political change.

NYCLU: What's your relationship with *Sing Out for Freedom*, and how did you first become involved with the NYCLU?

Shaina Taub: I grew up going to summer camp with Liana Stampur, who is the daughter of [NYCLU Executive Director] Donna Lieberman, so I had been hearing about the ACLU and the NYCLU and their history through Liana and Donna. And then I came to New York for college in 2005, and Liana was starting this annual benefit. She invited me into it, and I've been involved ever since. I've become increasingly passionate about the issues the NYCLU fights for.



November Christine: My knowledge of the ACLU and the NYCLU was peripheral before Ari Afsar asked me to be a part of it. I didn't understand the complexity of the work they do. Joining as an Artist Ambassador last year, I got a taste of the inner workings. You start to understand why change is such a slow machine; there's a lot that goes into it. It helps as an artist to understand what we're really fighting for, and why certain steps have to be taken. Last year was my first time being a part of *Sing Out for Freedom*, and that was incredible, it was celebratory.

Ari Afsar: I've been a huge supporter of the ACLU since 2016. I believe that art changes culture and culture changes policy, and the ACLU helped me realize that. I was in Chicago for a show, and I got super involved with the ACLU of Illinois. I helped them produce a concert and started to really see how art can help the ACLU in a meaningful and productive way. And then I got involved nationally and just recently got connected with the NYCLU. I did the *Sing Out for Freedom* concert in 2018, and then Shaina asked me if I'd like to co-chair the Ambassadors.

What made you want to get more involved with the NYCLU by co-chairing this program?

AA: I think people are starting to catch on to how art and policy could connect, but it is not a common perspective. So any chance to involve artists in making meaningful political change is something I want to be involved in.

ST: Artists are naturally good organizers. We're used to working together in groups toward a common goal, to amplify a message, and to take a complex issue and turn it into storytelling. So it felt like this natural connection to take these artists that already organize annually to do the *Sing Out* concert and expand that throughout the year: How else can we use this mobilized group of artists to amplify the messages of the NYCLU, to take complex issues and help tell those stories in creative ways to get the messages out? Also, as artists we're often in press scenarios, and I always think, this is an opportunity, this is a

platform to amplify a message about an issue I care about. So this feels like a way to organize us around how to use our platforms to raise awareness about the NYCLU.

NC: I really wanted to be in a position where I could be an example to other artists like myself, people of color and from other historically marginalized groups. There's a feeling of disenfranchisement or a lack of trust in the system, and we want to change things but don't fully understand the systems that are being used against us. We know that things are wrong but don't know how to physically change them. As an artist, I am so interested in learning more about how to do that so I can be that voice to other people in the community. I've been educated through this process, and I want more people from my community to come in and have this experience, and to see it grow from there.

What are some Artist Ambassador moments you'd highlight from this past year?

ST: A lot of our programming last year was of course virtual. In an early Zoom get-together of the ambassadors, we had a ton of NYCLU staff from the different departments go around and introduce themselves and say a little bit about what they did. It was so thrilling for all the artists, hearing about their courage and intelligence and daring. It was this great mutual lifting up of the people on the front lines of this advocacy and us as artists. We felt the potential for the partnerships come alive, so that was an exciting moment because it launched the year.

AA: Every other month we put together an event to talk about what the NYCLU is doing and how the Artist Ambassadors can be a support, or at the very least just be more knowledgeable in a meaningful way. There was one event with the Field team [a session about Ranked Choice Voting training and a new campaign called Divest, Divert and Demilitarize Police], and the ideas to support the field organizers were just coming out of the artists so effortlessly. It was really collaborative, and it felt so natural and easy. I'm super excited to delve into those relationships—that's the bridge in connecting artists and policy advocates.

What's next? What are a few of your goals for the program in 2022?

AA: This past year was a lot about education. We tapped into the potential for collaboration, but we didn't fully realize it. So that is something that I'm excited about. Now that people feel more grounded in the relationship and the work of the ACLU, we can realize the collaboration.

NC: The artists are raring to go. My experience from last year after learning about these things, I was like, What can I do? I look forward to creating easy steps for artists to take issues and start their own initiatives, to feel empowered to take action.

ST: We're all doing these projects about the suffragists, and one of their mottos

was "organize, agitate, educate." I feel like we've been organizing, we've been mobilizing and educating, and now the agitate part can come in. Like, how can we take on both individual and collective projects that turn some of that education into creative action? Whether direct action in the streets or helping to educate others to take what we've learned and find compelling, accessible ways to tell the story of these issues to our various communities and fans. We want to make this a program that people actively engage and participate in. It's a goal that being an NYCLU Ambassador becomes aspirational for artists in the community, to endow the program with that value and meaning. And also for Sing Out to grow even more and be that central moment where we all get together and celebrate the fruits of the work of the year and raise money for the NYCLU.

Looking further down the road, what does growth and success look like in terms of the program and the artists involved?

AA: I hope as we continue to expand our knowledge, it starts affecting the art that's being created in a positive way that supports the NYCLU's work. Because it naturally then becomes a part of our daily conversation, and people will touch on the things they're passionate about in their art.

ST: I'd love for us to engage down the line with the Teen Activist Project. The tradition of mentorship is so alive in the artistic community, so I dream of some cross-pollination there of getting our artists involved with the teen activists.

Artists have a unique stage, literally and metaphorically, from which to influence people and encourage activism. Do you see that role as special?

NC: I consider it to be an honor and a duty. We're all given certain gifts, and they're not just to glorify our talent and make us look cool. Especially if you're a part of a community that has needs, it's your duty to do whatever you can with whatever you've been given to try and help in some way. What keeps me going on days when I don't feel inspired is that somewhere out there somebody needs to hear something I'm saying, even if it's just to feel hope. That's why I do it.

ST: Change is ratified by legislation, but what art can do really well is change hearts and minds first. So that, for example, people who think they don't support a bill for the rights of transgender youth may see a TV episode about a young transgender character and think, 'Oh, that reminds me of my son, my daughter, my niece.' We can help people click into that in a way that the nuts and bolts of policy and legislation can't. So it's incumbent on us to use our gifts to help people empathize and realize how much we have in common, and storytelling has a unique ability to do that.

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

Fighting Discrimination in Health Care for Vulnerable New Yorkers

AN INTERVIEW WITH
**GABRIELLA LARIOS, EQUAL JUSTICE WORKS FELLOW
SPONSORED BY ANONYMOUS AT THE NYCLU**

Discrimination against the LGBTQ+ community and those seeking reproductive health care in New York remains a persistent problem. The NYCLU has pushed back at every turn, from the repeal of the Walking While Trans Ban to the passage of the Gender Recognition Act and lawsuits filed to protect the rights of pregnant employees and nonbinary and transgender New Yorkers.

University of Florida and New York University School of Law graduate Gabriella Larios is a passionate defender of LGBTQ+ and reproductive rights. She's in the second year of an Equal Justice Works Fellowship focused on how hospital mergers often exacerbate health care deserts and entrench discrimination against these populations. Gaby engages in policy advocacy, public education, outreach, and litigation on behalf of vulnerable New Yorkers impacted by discriminatory decision-making. A former co-chair of the Women of Color Collective at NYU Law, Gaby has worked with Latino Justice PRLDEF and The Legal Aid Society, and she served as a staff editor of the *N.Y.U. Review of Law & Social Change*.

We spoke with Gaby about the challenges that New Yorkers seeking health care face, how her own experiences shaped her career choices, and why she has great hope for the future.

NYCLU: You focus on preserving reproductive health care and LGBTQ+ rights—in particular, how religion-based discrimination impacts them. Why is this work important to you?

Gabriella Larios: I'm a queer person. I grew up going to Catholic school among a community where we had a lot of policies that restricted same-sex attraction or affection. That affected me and my sense of self. And that is what made me decide that I wanted to go into LGBTQ rights law, because I have a very personal stake in it. The attacks on reproductive rights are linked to the attacks on LGBTQ rights. They all stem from a desire to control other people. That has always deeply terrified me as a queer person and a person with the capacity to give birth. So where I feel best suited to do the work is on the litigation and policy end of things to try and shape the laws and create a better world in which people have actual autonomy, because I didn't feel like I had that when I was growing up and discovering myself.



How does religious discrimination factor into civil rights and civil liberties in the context of hospitals and health care deserts?

GL: Hospital consolidation has been an ongoing issue across the country for the last 20 or so years. Large hospital chains come in and Pac Man swallow up smaller community hospitals, and oftentimes these larger hospitals are religiously affiliated or have policy-based exclusions. They come in and “save” this failing hospital, and certain kinds of care are eliminated. Things like reproductive care broadly defined, whether it's abortion, contraception, tubal ligations after someone gives birth, gender-affirming care such as hysterectomies for transgender men, and end-of-life care—all of that is restricted in certain ways.

So part of my fellowship project has been working with a community in Schenectady, New York, that is fighting a hospital merger and educating the public on it. Oftentimes people don't know that their local hospital doesn't provide the care they're seeking until they're turned away, or it's an emergency and they have to be transferred to a different hospital hours away. These things are often done in secrecy, and we believe that hospitals open to the public should treat all members of the public free from any sort of restrictions.

Looking at the near-future landscape, what's the biggest challenge area and where is the greatest opportunity for progress?

GL: Given the appointments to the federal judiciary of the past four or five years, there is an increasing acceptance in the federal courts of certain arguments that seek to weaponize the First Amendment. Freedom of Religion continues to be expanded and turned into something that is allowed to create harm for other people. That's the biggest challenge, because when you are crafting legislation or figuring out what kind of lawsuit to bring, you really have to keep in mind what the federal courts look like and realize that anything could be challenged. We're seeing more losses in that arena.

The silver lining is that a state like New York is able to seize on the opportunities we have with our progressive legislature. That is why I feel so lucky to be working in a place like this, because we have the space to think creatively about solutions. All across the country, we're seeing the power that organizing has and the power that youth has. That gives me hope for the future. As we have more youth, more queer people, more people of color at the forefront of activism, we're going to make change and be able to push back against the attacks on the courts.

Why is the NYCLU a good fit for your goals as an activist and as a lawyer?

GL: I really love being at the NYCLU because we are not a single-issue organization. Even with my fellowship project, which has a narrow focus and scope, I'm still able to work on so many different issues. And baked into our process is thinking about how racial justice affects any of the cases that we bring or issues that we work on. We have so much expertise to lean on, not just in our issue areas but in the different kinds of advocacy that we do, whether it's our field department, our communications department, the ways our policy department and legal department interact. It leads to rich discussion and considerations when we make any sort of decision. The area that I work on can be pretty controversial, and knowing that I am at an organization that has also historically defended religious liberty really forces me to consider both sides of any issue.

What do you ultimately want to focus on in terms of the law and social justice?

GL: Once my fellowship ends, I definitely want to keep working on these issues. I really would love to do more work on health care access. In other states, we're seeing attacks on transgender kids and the ways that they access health care. It would be great to be in a state like New York, where we're able to push the envelope and increase protections. There are so many health care deserts across the state where people have to travel to other areas to get gender-affirming care, to get late-term abortions, so it'll be interesting to see what I can do there.

You've spoken about the need for more social justice-oriented lawyers. How do you see this changing the law as a whole?

GL: I think law school fundamentally needs to change. The incentives in law school to go directly into a big law firm and then work for a powerful corporation, and then clerk for a judge, and then go back to that big law firm and powerful corporation, lead to a lot of bad law and people who are not grounded in working directly with affected communities. And that's because law school is so expensive and people are in hundreds of thousands of dollars of debt, so the incentives to do public interest lawyering, to do social justice-oriented lawyering, aren't there.

I feel very grateful that I am able to do this work, but that's only because I went to a top-ten law school that has a loan forgiveness program. The people who end up in power are not the ones who have any experience grounded in the communities they are writing laws about or advocating for. In an ideal world, more power and opportunity would be given to organizers, and we wouldn't have to litigate someone's rights because those violations wouldn't have happened in the first place. So the dream world would be for me not to have a job as a litigator. But until then, there's no better place than the NYCLU or the ACLU to do that.

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

Reforming New York's Criminal Justice System

AN INTERVIEW WITH
JARED TRUJILLO, POLICY COUNSEL AT THE NYCLU

The NYCLU's work to protect the rights of those ensnared by the criminal justice system covers everything from marijuana reform to police accountability, solitary confinement to sentencing. At the core of all our Smart Justice campaigns are racial justice and ending the mass incarceration crisis. In 2021, we played a part in several key victories, including passage of the START Act (Survivors of Trafficking Attaining Relief Together) and the HALT Solitary Confinement Act, and repeal of the "Walking While Trans" ban.

Since joining the NYCLU in January 2021 as a policy counsel, Jared Trujillo has taken on a comprehensive docket that includes parole reform, reducing the scope of the juvenile carceral system, decriminalizing sex work, and improving conditions of confinement. He drafts and reviews legislation, provides community education, and builds campaigns for legislative efforts such as the one that led to passage of the Less Is More Act, a transformative parole reform bill the governor signed into law in September. A former intern with the ACLU of Iowa, Jared went on to work on juvenile rights and criminal defense at the Legal Aid Society, then became president of the Association of Legal Aid Attorneys (UAW Local 2325), New York's union for public defenders and non-profits. He is currently an adjunct law professor at Hofstra Law School, the LGBTQ+ Caucus Co-Chair of the Association of Legal Aid Attorneys, and a member of the Steering Committee for Decrim NY, a coalition working to decriminalize adult consensual sex work.

We spoke with Jared about the significance of this past year's criminal legal system reform efforts, what his time as a public defender taught him about advocacy, and which bills he's most excited about pushing through in 2022.

NYCLU: What's been most promising in terms of ending the mass incarceration problem, and what's next?

Jared Trujillo: What's most promising is that we really see a lot of attention, concern, and empathy from the populace, elected officials, and the governor about the fact that mass incarceration *is an issue*. The first real reforms to the Rockefeller drug laws were only about a decade and a half ago, so just the fact that attention is being paid to it makes a big difference.

We did see some significant policy wins last year. Repealing the Walking While Trans ban certainly matters. We've seen with the START Act that the legislature is starting to recognize that mass incarceration is also an issue for criminalized survivors. We know about 86 percent of incarcerated women are survivors of violence, and 77 percent of those are survivors of domestic violence. So we've seen a real shift towards decarcerating those people. And then the Less Is More Act is incredibly important. New York unfortunately has led most states as far as the amount of people that we resend to prison for technical parole violations. These are things like missing curfew or having a drink, and just living in a human way, which destabilizes communities in profound ways. That Less Is More passed is important in and of itself, and it also shows a real political shift in the way that we treat people.

This year, we're starting a campaign called Communities Not Cages that would do everything from eliminate mandatory minimums to give people that are already incarcerated a second chance to reduce their sentences, plus the Earned Time Act would ultimately let people earn time off their sentences. It would also incentivize carceral facilities to give people more programming so that they're better positioned to reenter society successfully. There are the parole bills—Elder Parole and the Fair & Timely Parole Act—that would give people fair shots at getting parole, and the conditions-of-confinement bills, because the way that people are treated within carceral facilities certainly matters for how they leave.

Why is passage of the HALT Solitary Confinement Act, which was a long-sought victory, so important?

JT: People think New York is a liberal place, but it's not when it comes to criminal legal system reform. We don't lead in a lot of areas. Less Is More was us catching up to Alabama and Oklahoma in some areas, whereas HALT was an opportunity that New York seized to be a leader. Since the U.N. issued its Mandela Rules, which are a guideline for what torture is within carceral facilities, no other state has really implemented them — and that includes



solitary confinement. People shouldn't spend more than 15 consecutive days in solitary confinement, there should be other caps on solitary, people should have access to being out of the tiny cell they're in—HALT did that.

This is a campaign that had been going on for longer than a decade. Community members making a direct impact were certainly the most important people in the campaign, but NYCLU's litigation and work to push the law over the finish line were incredibly important. Bills that we work on sometimes get amended into being less useful, but the HALT version that was signed, that will be fully implemented later this year, is pretty close to the bill that was written. As far as just saying, "We should not torture people in prisons and jails," it's an incredibly important step. It shattered the Overton window.

You have a particular passion for decriminalizing adult consensual sex work, and queerness generally. What recent progress has been made?

JT: This year we got the Walking While Trans ban overturned, which was this constitutionally dubious law that had been on the books since 1976 that enabled police to harass Black and Brown women and nonbinary folks, many of them trans, merely for existing in public spaces. Culturally, winning a campaign where *transgender* is right in the title of it really matters. Winning a campaign that focused on and benefits the most marginalized among the marginalized—we're talking about noncitizens in particular—really matters. And also the statute had *prostitution* in it. Getting sex workers seen as real people whose rights to exist and be free from police harassment should be defended was a tremendous victory.

Also, this is the first misdemeanor in New York's history that qualifies for automatic expungement. This offense is what's called a "crime involving moral turpitude," meaning that it can lead to someone being deportable. And because so much of the enforcement of the statute was against trans Latino folks, particularly in Jackson Heights—almost all these arrests happen in extremely poor zip codes in New York—the fact that there is expungement really matters.

What are some near-future targets in criminal legal reform and juvenile criminal legal reform that you're excited about taking a run at?

JT: The Communities Not Cages collection of bills will have the biggest decarceral impact of anything happening in New York. It would obliterate the remaining vestiges of the Rockefeller drug laws, which are probably the most racist drivers of mass incarceration. Also, we have several campaigns around decriminalizing survivors of violence. For sex work, we have this bill around unlicensed massage arrests in New York. About 95 percent of those arrests are Asian women, and many are noncitizens, so we need to break that down, see why that's happening, and not arrest people simply for working. I truly believe we can get that done this legislative session. There's a bill around eliminating the Vice Squad in New York City and redirecting the \$18.2 million that the NYPD

allocates into services for the communities that have been most impacted—that's LGBTQ young people, that's Asian massage workers, that's other Black and Brown women.

New York has really been a leader as far as over-incarcerating young people. At the end of the year, the governor finally signed legislation that raised the lower age [from seven to 12 years old]. Up until then, we were the only state besides North Carolina that allowed children as young as seven years old—people with their baby teeth—to be prosecuted in juvenile court. We have a tremendous opportunity to pass a few of the youth justice bills we're working on. One would stop police from being able to interrogate kids without an attorney present, so you think about the Central Park Five. And there's a youth justice and opportunities act that would really make a difference for young people as far as sentencing by recognizing that they shouldn't be sentenced for a long time and shouldn't be saddled with criminal records for something that happens when they're very young.

When looking at the breadth of areas demanding reform, how do you strategize as a lawyer and activist and keep yourself sane?

JT: A lot of what grounds me in this work is the communities that I come from, but also thinking of my time as a public defender. When I think about my clients as a public defender, when I think about people that I organized with on sex-worker advocacy, when I think about young people that I grew up with on the South Side of Chicago that just didn't have chances because of the structural racism they had to survive in—that's the motivator. My worst day at NYCLU has never been as bad as my best day as a public defender, because as a public defender, unless you're changing that system, the individual case you're fighting is only going to replicate itself, create more harm, and continue to rip apart communities. At NYCLU, I get to help change those structures on a macro level at an organization that I've been passionate about since I was in the third grade and getting in trouble for not wanting to say the Pledge. So that's my motivator, the culture of NYCLU and the fact that this organization that I care deeply about is invested in this. Two of my tattoos are ACLU-inspired. I don't know that I'd call myself sane, but I'm not tired. Or if I am tired it's fine because the work is so important.

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

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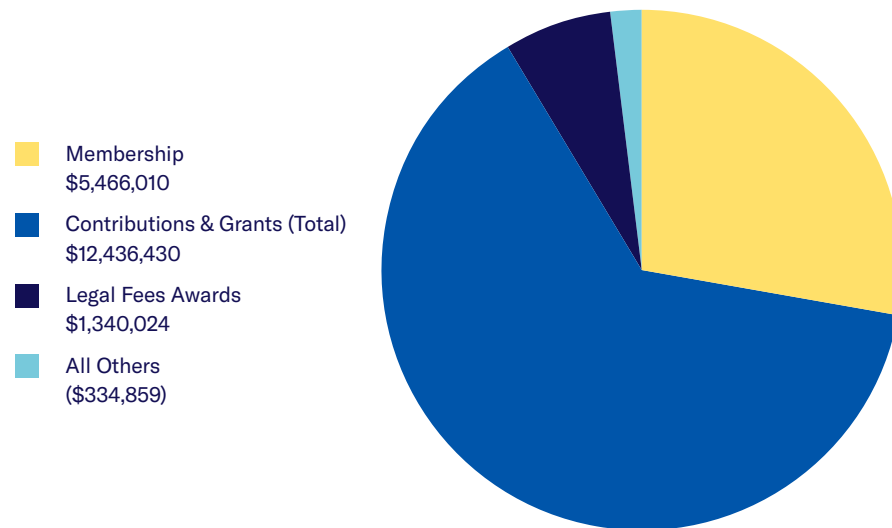
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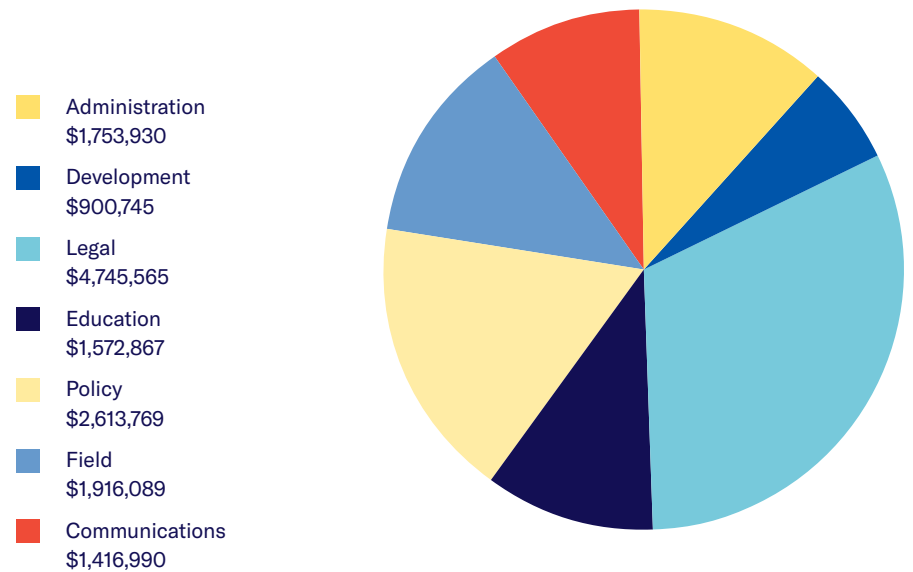
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