

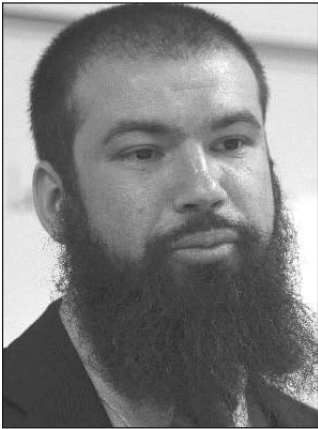
Lower Hudson Valley Chapter

NYCLU

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SEPTEMBER 2007



Jeffrey Deskovic: *Innocence Reclaimed*

HENRY SCHWARZSCHILD MEMORIAL LECTURE

Guest speaker:

Jeffrey Deskovic

Introduced by:

Laura Porter, Deputy Director:

New Yorkers Against The Death Penalty

Place: Manhattanville College, The Castle, Purchase NY

Time: Thursday, October 17, at 7:15 PM.

Jeffrey Deskovic served sixteen years in prison for a rape and murder he did not commit.

Under the duress of a nine-hour period of interrogation without aid of legal counsel or parents' presence, the sixteen year old Deskovic confessed to the rape and murder of a high school classmate. The jury convicted him on the basis of this confession despite the fact that there was no DNA match.

Deskovic's conviction was overturned after years of failed appeals when the Innocence Project lawyers Barry Scheck and Nina Morrison convinced Westchester District Attorney General Janet DiFiore to file for new DNA testing, the results of which linked the crime to a man, already sentenced in the conviction of another murder. This inmate has since confessed to the crime.

While in prison, Deskovic earned an Associate's Degree and completed 30 credits toward a Bachelor of Arts Degree. He currently resides in Dobbs Ferry, NY and has appeared on college campuses and television programs speaking out about his experience. He is also working on a novel.

This lecture will be the ninth in our series, which we co-sponsor with the Connie Hogarth Center for Social Action at Manhattanville College. Henry Schwarzschild, in whose memory this lecture series was created, served as the executive director of the Lawyers' Constitutional Defense Committee beginning in 1964. Later, he joined the ACLU staff and became the coordinator of the national death penalty campaign. In his ACLU position, he became a tireless and eloquent advocate against capital punishment. He served on the boards of both NYCLU and our local chapter. Our present speaker, Jeffrey Deskovic, can testify to the importance of continuing the work Henry began decades ago.

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Executive Director's Musings

by Linda S. Berns

We have been quite busy preserving our constitutional rights since I last wrote. Here is a sampling of issues with which we have been involved and people that we have assisted.

Litigation for Free Speech

Ulster County/Kings Mall Justice Vincent Bradley of the Supreme Court in Ulster County refused to prohibit peaceful protesters at the Kings Mall from protesting directly in front of a military recruiting office that rents space at the mall. However he restricted them to Saturday 12-2PM in front of the office and with some limitation on what they can do. The plaintiffs have appealed the restrictions.

We hope to open up free speech at the malls and have filed an amicus brief in support of their rights before the appellate division.

Success without Litigation: Must Safe Rides Volunteers Believe In God?

We had been contacted by the father of a student at John Jay H.S. in Cross River (Katonah/Lewisboro School District). The student had been refused permission to staff the phones for the safe rides program run by the Boy Scouts because she was unwilling to sign a pledge about her belief in God and pledge to "observe her duty to God." The school district pays the faculty advisor and lists the program in the budget as "co-curricular." I sent a letter to Dr. Lichtenfeld, the Superintendent of Schools, and followed up with many phone calls. We subsequently learned from *The Journal News* that as of Friday, June 8th, John Jay High School would no longer allow the BS of America to run the program and was looking for another

sponsor after 23 years. The district's lawyers advised them that the school's support of a religious pledge violates separation of Church and State and they could face litigation. By Sept. 1st the district was successful at getting the Boy Scouts to place the program in its Explorers Division where the oath would not be required as it was in the Venturers.

The Village of Ossining rescinded a requirement that speakers in the public portion of a board meeting give their names, as a result of a letter sent by our chapter. I had a request from a local lawyer complaining about new rules in Ossining. After checking with Robert Freeman, Executive Director of the Committee of Open Government, I advised the Ossining board of the inappropriateness of such a requirement. We cited victims of violence interested in expressing their views or parents of students who might want to complain without identifying themselves. The board complied with our request.

Video cameras no longer banned at Wawayanda public meetings.

Linda Berns wrote a letter to the Town Zoning Board of Appeals Chair in the Town of Wawayanda on the behalf of people wanting to videotape public meetings of the board. Chairman Onorati had called cameras "disruptive." We asked for their guidelines espousing the board's position. Cameras can only be banned if they are obtrusive and interfere with the meeting. Yes, we won. The Zoning Board, as well as the Town Board will now allow residents to videotape.

Free Speech for Students

Three students were threatened with suspensions for saying the word "vagina" during their performance of

a passage from Eve Ensler's *The Vagina Monologues* at an open microphone at night. We sent a letter to the School Board and the Superintendent of the Katonah-Lewisboro School District. We voiced our concern and objection to the actions of the principal in suspending the students at John Jay High School. We had serious First Amendment concerns. We recognized that the Supreme Court has held in *Bethel School District v. Fraser* that "vulgar and lewd" speech can "undermine [a] school's basic educational mission." But the speech undertaken by students, in this case, did not approach the pervasive vulgarity of the sort at issue in the Bethel case. "Vagina" is an anatomical term that is in no way lewd, obscene, or inappropriate merely because it denotes a sex organ. Nor was the term lewd, obscene or inappropriate in the context in which it was used. The school administrators' threats amounted to an unreasonable and unlawful prior restraint on speech.

The irony of this situation was that Ensler's work explicitly seeks to counter the fear and shame that many girls and women feel about their bodies. The Principal's response to the young women's performance embodies the very problems that the play aims to expose. The threatened suspensions were rescinded and a public meeting about first amendment issues was held without Eve Ensler, the author. The panel included a School Board Attorney, an Author, a Psychologist and Pace Law Professor, Bennett Gershman, who spoke for the NYCLU. It was not advertised anywhere until three days before when it was put on the school website. Only about 40 people attended.

Annual Dinner

We held our annual Awards Dinner on June 5 at The Crowne Plaza Hotel. Martin Garbus, legendary First Amendment Lawyer was our keynote speaker. The National Law Journal calls Martin Garbus one of America's "most prominent First Amendment lawyers" and one of our top 10 trial lawyers. He has taught at Yale and Columbia and has written five books. His new book is *The Next 25 Years: The New Supreme Court and What*

It Means for Americans.

Mr. Garbus has represented and advocated on behalf of political dissidents Nelson Mandela, Vaclav Havel, Daniel Ellsberg, and Andrei Sakharov. His latest client is Don Imus.

The Myron Isaacs Community Service Award was presented to our own Julie Davis Carran, long-time local community organizer and activist. She is currently co-chair of the Board of the Westchester Martin Luther King, Jr. Institute for Nonvio-

lence; co-chair of the Interfaith Committee at Congregation Kol Ami; board member of the NYCLU-Lower Hudson Valley Chapter; past co-director of WESPAC; past board member of the NAACP, White Plains Greenburgh branch.

There also were Acoustic Guitar Music Selections by Ken Tuccillo, our new board member, singer, songwriter and founding member of folk-rock band, *riverrun*.

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NYCLU/ESPA Partnership

There are some exciting developments here at the Lower Hudson Valley Office of the NYCLU. In partnership with The Empire State Pride Agenda (ESPA), New York's state-wide, non-partisan civil rights and advocacy organization committed to equality and justice for lesbian, gay, bisexual and transgender (LGBT) New Yorkers, the New York Civil Liberties Union has welcomed, me, Diana Wilkins as Field Organizer/Legislative Advocate for the Lower Hudson Valley.

Through this collaboration, the Empire State Pride Agenda and the NYCLU seek to develop organizing capacity in the Hudson Valley, as well as on Long Island and in Western New

York. If we, working together, are to create long-lasting change, we need the help of our activists and supporters to achieve a broader LGBT public policy agenda. I, along with Community Organizers, will be working with other NYCLU chapters around the state; we will work primarily on marriage equality, but also on transgender issues and youth empowerment. We will build on previous public education work done by ESPA's Marriage Ambassadors and local community members by coordinating legislative advocacy efforts, speaking engagements, and a variety of outreach activities in local communities.

Through these activities, NYCLU members will have the opportunity to take an active role in the fight for marriage equality and the rights of

LGBT New Yorkers, and we look forward to your participation and support! ESPA hosted a Marriage Ambassador Training session on September 15th in Dobbs Ferry to prepare community members for conducting effective meetings with state representatives. Please contact me if you plan to attend future training sessions..

In collaboration with the NYCLU, ESPA is also planning a community action canvassing picnic on Saturday October 13th at Ridge Road Park in Hartsdale, New York. All are welcome to participate in this exciting venture. New York's LGBT community appreciates your commitment to providing equality and justice for all New Yorkers.

*Diana Wilkins, LHV Field Organizer/
Legislative Advocate, NYCLU/ ESPA*

Lobbying Congressman Engel

Three board members accompanied Executive Director Linda Berns to the Bronx office of Congressman Elliot Engel, 17th Congressional District, on August 23. Linda discussed local concerns about Civil Liberties, citing Resolutions passed in support of our Bill of Rights Defense Campaign by Westchester County, the Towns of Mamaroneck and Greenburgh, and the

Village of Nyack in Rockland County. She emphasized our mission and our important client, the Constitution.

We then discussed specific bills that we wanted Mr. Engel to co-sponsor. John Humbach, law professor at Pace University Law School reviewed the Habeas Corpus Restoration Act, HR 1416. Luis Quiros, our Vice Chair and Professor at Fordham University, handled Restoring the Constitution, HR 1415. Dennis Hanratty, Director

of the Mt. Vernon Tenants Association, discussed the problems with the "Protect (*Police*) Americans Act." Linda Berns wrapped up the meeting with "What Congress Can Do Now." Mr. Engel said he supported all our positions, and that he would consider our co-sponsorship request. As an ex Social Studies teacher, he claimed to support the Constitutional principles that we cited and expressed regret for his USA PATRIOT Act vote.



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Annual Election of NYCLU/LHV: Nomination Process

The annual election for officers and members of the board of directors of the Lower Hudson Valley Chapter of the New York Civil Liberties Union (NYCLU-LHV) is held on a date in the first quarter of each year, usually in the second half of March.

The positions to be filled are the chairperson, two vice-chairpersons, secretary, treasurer, and ten (or more in the case of temporary vacancies) non-officer members of the board of directors. The NYCLU-LHV Board of Directors has appointed a nominating committee for the 2007 Chapter election.

Below is an excerpt from the by-laws, describing the nominating procedure: "The Nominating Committee shall nominate at least one member in good standing to fill each office and to fill each directorship expiring during the year. The Nominating Committee shall report its nomination, either directly to the secretary or to the secretary via the Chapter office, not less

than two months before the date selected for the annual meeting. At any time during the period commencing three months before the date of the annual meeting and ending seven weeks before the date of the annual meeting, any member in good standing may be nominated for any office or for any directorship expiring during the year by a petition bearing the signatures of seven members in good standing.

The petition shall be delivered, either directly to the secretary or to the secretary via the Chapter office, no later than seven weeks before the date of the annual meeting, together with a request that the name of the nominee and the office shown on such petition be submitted to the membership.

Written communications about this process should be addressed to: NYCLU- LHV, 297 Knollwood Rd, Ste. 217, White Plains, NY 10607, 914-997-7479.

Calendar: Fall 2007

- 9/15: Marriage Ambassador Training At Episcopal Church
- 9/29: Police Brutality Forum at Yonkers Public Library
- 10/9: Civil Liberties Board Meeting 6:30 PM @ office
- 10/13: ESPA/NYCLU/LHV Lobby and Picnic at Ridge Road Park
- 10/17: Annual Henry Schwarzschild lecture at Manhattanville College (see page 1)
- 11/4: Multi-Faith Roundtable at Community Unitarian Church
- 11/17: Deadline for Bill of Rights Essay Contest
- 12/14: Bill of Rights Day Celebration at St. Paul's Historic Site , Rte.22, Mt. Vernon