

The ACLU of Northern California  
2017 Annual Report



*California*

vs. **TRUMP**

# ACLU OF NORTHERN CALIFORNIA 2017 ANNUAL REPORT

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**ACLU**  
Northern  
California

PROJECT MANAGER: Ruth Herring  
WRITER: Stan Yogi  
DESIGNER: Gigi Harney  
PROOFREADER: Jessie Seyfer  
PRINTER: Sequoyah Graphics

*Dear friends,*

Because of you, our supporters, the ACLU has the power to stand up for the constitutional rights of all people—especially in the face of the daily assaults from the Trump administration.

Thank you.

We're delighted to share this Annual Report with you. It highlights the 2017 achievements of the ACLU Foundation of Northern California, which focuses on legal work and public education, and the ACLU of Northern California, which engages in legislative advocacy.

As an ACLU supporter in Northern California, you are advancing civil rights locally, statewide—and nationally. That's because your contribution is shared between the ACLU here in Northern California and the national ACLU.

Your contribution also helps ACLU affiliates across our nation—such as in Mississippi, where civil liberties are under attack, and where local support is not sufficient to meet the need.

This Annual Report focuses on the impact of your support in Northern California. Throughout the report, you will see an emphasis on California's Central Valley, which is the region in our state with the greatest need and the fewest resources. The report highlights:

- ♦ The ACLU Foundation of Northern California's efforts in the courts to resist the Trump administration's unprecedented attacks on the Constitution. When we pull on a thread here in our region, it pulls on the national fabric, as evidenced by our successful litigation strategy that stopped the federal government from blocking a young immigrant held in a Texas facility from exercising her right to an abortion.
- ♦ The ACLU of Northern California's legislative advocacy that is advancing groundbreaking policy change. Our Center for Advocacy and Policy (CAP) in Sacramento helped pass timely, groundbreaking legislation on immigrants' rights, while building momentum for a policy change that is long overdue—bail reform.

This year is the second of the Trump administration. But it also marks the 150th anniversary of the 14th Amendment, adopted on July 9, 1868, after the Civil War. The 14th Amendment guarantees citizenship to all persons born or naturalized in the United States. It also forbids the government from depriving any person—regardless of citizenship—life, liberty, or property without due process of law. And it provides all people in the country equal protection under the law.

Every day, the Trump administration is undermining the 14th Amendment. And every day, the ACLU is defending these principles and the people it protects—which is every one of us. We have the Constitution on our side. And we have you on our side.

With gratitude,

*Abdi Soltani* *Magan Pritam Ray*

**Abdi Soltani** **Magan Pritam Ray**  
*Executive Director* *Board Chair*  
ACLU Foundation of Northern California  
ACLU of Northern California



Photo by Charles Moehle

## THANK YOU TO OUR DONORS

All of us at the ACLU Foundation of Northern California and the ACLU of Northern California—whether we work in our San Francisco headquarters, or in our Fresno office, or in our Center for Advocacy and Policy (CAP) in Sacramento—are deeply grateful that you are manifesting in so many ways your commitment to civil liberties. Thank you!

Many of you have been ACLU supporters for years, even decades. It's inspiring to meet donors who joined the ACLU in the McCarthy era and are as passionate about civil liberties as those of you who joined us shortly after the 2016 presidential election. Whether you are a decades-long supporter or a new supporter, your energy and hunger for justice lift the spirits of all of us who have the honor of working for the ACLU.

We continue to feel the great privilege and awesome responsibility of stewarding your generous support. In this report, you'll find snapshots of accomplishments you helped make possible in 2017. I hope you'll also review the Development and Financial Report (pages 30-33), which provides exciting updates on the ways we're continuing to deploy the unprecedented outpouring of support that has followed the 2016 presidential election. Rest assured: we remain focused, committed, and unrelenting.

It takes a community of individuals and organizations, each contributing in different ways and with a strategic and united purpose, to realize the long-term vision of freedom, justice, and equity that we share. That's why we're honored to partner with vital community-based organizations led by and representing people most directly impacted by the Trump agenda.

We encourage ACLU supporters to contribute to other organizations doing critical, on-the-ground work in our communities, too.

We know that in addition to your financial support, you are defending civil liberties in other ways. We are deeply grateful to you for rallying and protesting, calling legislators, volunteering in your local communities, having difficult conversations at the dinner table, and so much more.

As you read this Annual Report, please take pride in our collective accomplishments. You've made them possible.



Cori Stell  
Director of Development



## THANK YOU FOR SHARING OUR VISION

The fight continues, and it didn't start with Donald Trump. Many of you contributed or increased your donations to the ACLU after Trump's election. His administration's policies clearly exacerbate challenges facing people of color, immigrants, Muslims, LGBTQ individuals, women, people with disabilities, and those living in poverty.

But President Trump did not create the problems these communities confront and which we address in this Annual Report. Racism, which has plagued our country since its founding, manifests today in biased criminal justice and educational systems. Our nation's long history of anti-immigrant sentiment plays out now in threats to refugees and immigrants from Latin America, Africa, the Middle East, and Asia. Unequal justice for low-income people results from longstanding economic chasms. Using religion as a license to discriminate threatens the health of women and LGBTQ people.

Contemporary policies echo prior governmental violations of constitutional rights. The Trump administration's Muslim bans recall the Chinese Exclusion Act of 1882. Cell phones and online communication add new layers to illegal searches and surveillance, which have been problems since colonial times.

With your support, and along with ACLU staff across the country and in every state, we are at the vanguard in resisting President Trump's unrelenting efforts to undermine our rights and freedoms.

Here in Northern California, we are representing Muslim refugees seeking to reunite with family, young immigrants and transgender people wanting to control their health and reproductive decisions, Central Valley residents demanding changes to unfair law enforcement practices, activists protesting government searches of private digital data, and Native students striving to learn their ancestors' culture and language.

Working with you, we are stronger than ever. Our strength is all the more necessary as we face headwinds in the ongoing fight for the just and equitable society we envision.

Thank you for sharing our vision and for acting to realize it.



Christine P. Sun  
Legal and Policy Director



# MUSLIM AND REFUGEE BAN

Days after assuming office, President Trump issued an executive order banning residents of seven predominantly Muslim countries, as well as all refugees, from entering the United States. ACLU affiliates across the country, including the ACLU Foundation of Northern California, immediately filed lawsuits challenging the president's blatant attempt to circumvent our Constitution and laws prohibiting religious discrimination.

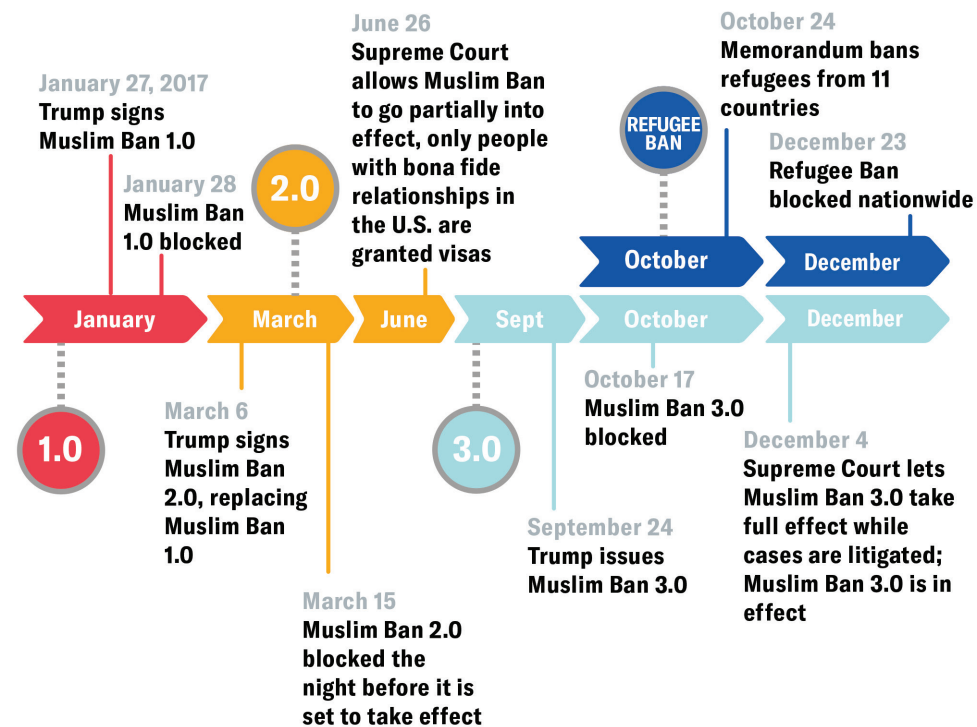
President Trump issued different iterations of Muslim and refugee bans throughout 2017 after courts around the country blocked his previous attempts. And the ACLU stood toe-to-toe in court objecting to each version.

In December 2017, the ACLU Foundation of Northern California filed *Roe 1 et al v. Trump* on behalf of California-based refugees and their loved ones to challenge the latest Muslim ban, which blocked almost all Muslim refugees from resettling in the United States. One of our plaintiffs is John Doe 2, a United States citizen who received asylum after fleeing tribal violence in Somalia that resulted in the deaths of his father and two of his brothers.

John Doe 2's mother and surviving brother also fled the violence and are currently living in an Ethiopian refugee camp. They were twice set to come to the United States through the United States Refugee Admissions Program, but President Trump's executive orders have blocked them from entering the country. On his mother and brother's second attempt to travel to the U.S., John Doe 2 was en route to the airport to pick them up when he learned that the second version of the Muslim ban prevented them from coming.

In all forms, these bans echo a shameful history of prohibiting immigrants from targeted countries. One law, the Chinese Exclusion Act of 1882, prevented almost all immigration from China for 60 years. We now recognize the folly and disgrace of that legislation. The ACLU is working diligently to prevent our country from repeating the mistakes of the past.

## MUSLIM BAN TIMELINE



**“I believe that my family and I have been targeted by President Trump’s refugee orders because we are Muslim. If our family were not Muslim, my mother and brother would have been able to travel to the United States.”**

*John Doe 2, ACLU Foundation of Northern California Plaintiff*

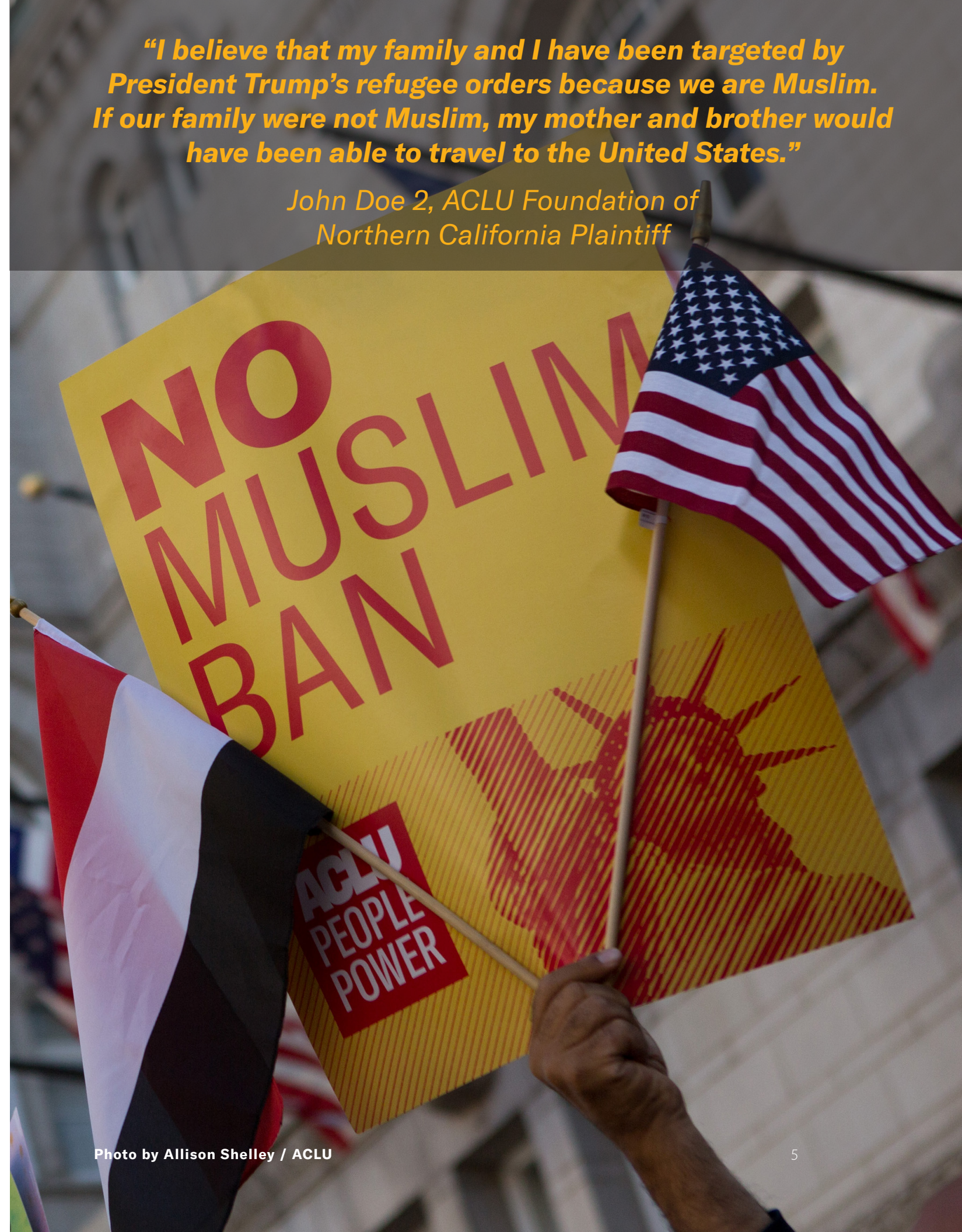


Photo by Allison Shelley / ACLU

## CRIMINAL JUSTICE REFORM

Attorney General Jeff Sessions wasted no time last year in instituting regressive “law and order” policies at the federal Department of Justice. That makes state-level reforms even more critical for a fair justice system. The ACLU of Northern California is strategically focusing on District Attorneys (DAs), who are the criminal justice system’s most consistent and challenging barriers to progressive state-based reform.

DAs wield great discretionary power. They decide whether, when, and how to charge someone with a crime; when to offer a plea deal; and whether to pursue criminal charges that could trigger deportation proceedings and tear families apart. These critical decisions often determine case outcomes, essentially making DAs prosecutor, judge, and jury, given that over 98 percent of felony arrests ending in convictions occur through plea deals.

Despite their power, DAs operate with virtually no oversight, accountability, or transparency. Many have lost sight of their fundamental mandate to advance justice,

focusing instead on racking up convictions. Consequently, DAs have driven up incarceration rates, inequitable prison sentences (especially for people of color and the indigent), wrongful convictions, and death sentences. Their charging decisions mean that more people with addiction, disabilities, and mental illness are being funneled into jails and prisons rather than into treatment programs or social services.

To educate Californians about DAs, in August the ACLU Foundation of Northern California launched “Hey, Meet Your DA,” a statewide public education campaign. The campaign includes an interactive website ([www.MeetYourDA.org](http://www.MeetYourDA.org)) with a video narrated by Grammy award-winning musician John Legend, introducing Californians to their DAs and highlighting the role of prosecutors in our state’s criminal justice system. The site also contains the first-ever digital infrastructure to allow constituents to email their DA.

To plant deep roots in key areas, the ACLU is working with partner organizations in 11 critical counties (from San Diego and San Bernardino to San Joaquin and Alameda) to advance DA accountability campaigns to end mass incarceration, reduce racial disparities, and hold law enforcement officers accountable for unlawful conduct.

California DAs are now on notice that the public is watching them and will not allow them to fly under the radar.



**“District attorneys are important players in our fight to end mass incarceration and PUT A STOP TO THE RACIAL BIAS THAT KEEPS DISPROPORTIONATE NUMBERS OF PEOPLE OF COLOR IN THE CRIMINAL JUSTICE SYSTEM.**

**When we aren’t paying attention, their power goes unchecked. So, it’s up to us to hold them accountable, which starts with getting to know them.”**

*John Legend, from MeetYourDA.org website*

## IMMIGRANTS' RIGHTS

“**O**peration Matador,” a highly publicized Trump administration effort purportedly targeting undocumented immigrant gang members in Long Island, in reality went far beyond its mark. It swept in young people seeking protection in this country. Percy\* is one of “Operation Matador’s” victims. When Percy was 7, his mother left him with her parents in El Salvador while she sought work in the U.S. Gangs threatened to kill him. So, at 14, Percy left his home to join his mother in New York, where he enrolled in school and applied for lawful permanent residency.

Percy adjusted well to his new community. But in June he was rough-housing with a friend, and police arrested him for “disturbing the peace.” Local law enforcement turned him over to ICE officials, and Percy spent the next five months in federal facilities in Virginia, New York, and California on the vague charge of “gang affiliation.” It was Percy’s detention in Yolo County, Calif. that brought his case to our attention.

**“I am being punished for  
SOMETHING THAT IS NOT TRUE.”**

*Percy, ACLU Foundation of  
Northern California Plaintiff*

With Cooley LLP, the ACLU Foundation of Northern California brought a class action lawsuit, *Saravia v. Sessions*, on behalf of undocumented immigrant teenagers like Percy who were being unlawfully held in jail facilities throughout the country. The government argued that these youths were not entitled to hearings to rebut gang charges. If successful in such a hearing, the youths could return to their parents.

In November, a federal court established a nationwide class of children with cases like Percy’s and ordered that they be told the reasons for their arrests, shown the evidence against them, and given prompt hearings. Since then, 30 of the 35 youth who had hearings were released, including Percy. The case was featured in a nationwide episode of *Frontline*.

Unconstitutional enforcement of immigration law is occurring not just in Long Island but nationwide. The Trump administration is targeting California with immigration raids in retaliation for state and local policies protecting immigrants’ rights. So, we’ve set up rapid response networks to connect every community within jurisdiction of the San Francisco Immigration Court—from Bakersfield to the Oregon border—with pro-bono attorneys and other legal resources to protect individuals’ due process rights and keep families together.

\*pseudonym



Photo by Molly Kaplan / ACLU

# CENTRAL VALLEY AND INLAND CALIFORNIA

Nearly 6.5 million people live in the Central Valley, the area stretching from Bakersfield to Chico. Despite the many immigrants and low-income people who live in the Valley, there is a dearth of immigration legal services and few non-profit advocacy organizations.

That’s why we’ve made a long-term commitment to expand our programs and increase access to justice in the Central Valley. For the last 10 years, the ACLU Foundation of Northern California has been partnering with community organizers and local leaders in regions with few legal resources. In 2017, in addition to permanent staff in our Fresno office, we hired a class of Field Fellows to respond to increased immigration enforcement from Kern County all the way to the Oregon border. Field Fellows live and work in their hometowns, organizing to resist destructive government efforts targeting immigrants.

Meet Yvonne, the ACLU’s Field Fellow in Merced County. An immigrant from Mexico, Yvonne came to the ACLU with extensive community organizing experience through Faith in the Valley, a grassroots group. A resident of Merced, she knows first-hand that the government targets immigrants for raids and unfair law enforcement.

Partnering with Faith in the Valley, the local United Methodist Church, and Merced Collective Action Network, Yvonne has worked on Valley Watch Network, a crisis hotline that immigrants can call after ICE raids, hate crimes, or discriminatory police actions.

She has also led “Know Your Rights” workshops throughout the region and has been moved by the reception she’s received in small towns like Los Banos and Santa Nella where participants told her they lack resources and support. They were especially grateful to learn about their rights and to discover that people back them.

When representing the ACLU at community events in Merced County, Yvonne occasionally meets residents who are pleasantly surprised that the ACLU has a staff person who lives and works in the Valley. One even asked, “Are you sure you live here?”

Yvonne assures them that she is indeed part of the community—as is the ACLU.

**“I’m so happy to bring good news in these bad times. Yes, there are crises and threats. But I tell Merced County residents under threat: ‘There are people who support you.’”**

*Yvonne, ACLU-NC Field Fellow in Merced County*

# THE ACLU ACROSS CALIFORNIA





## VOTING RIGHTS

The Trump administration has been relentlessly peddling the dangerous fiction of widespread voter fraud. Even though a sham Trump-appointed commission on the topic disbanded, several states are using non-existent voter fraud to justify far-reaching and partisan voter suppression efforts largely impacting people of color, the poor, and people with disabilities. Here in California, we are holding our state accountable to fulfill its obligations to support voting rights.

Because of a settlement reached with the California DMV, millions of Californians who renew driver's licenses or state identifications by mail can now use their renewal forms to register to vote or update their voter registrations.

In 2015, California Common Cause, the League of Women Voters of California, ACCE Institute, and UnidosUS noticed widespread violations of the National Voter Registration Act (NVRA). The NVRA requires DMVs to incorporate voter registration into routine forms.

After advocacy by the ACLU Foundation of Northern California, the California DMV integrated voter registration into its online forms but refused to add a simple option on mail-in forms, as the law requires. So, with Morrison & Foerster, we sued the DMV. In January 2018, we reached a settlement. Now Californians can register to vote or easily change their party registration when they renew their licenses by mail.

***“EVERY VOTER DESERVES A VOICE AND THE OPPORTUNITY TO MAKE SURE IT IS HEARD AT THE BALLOT BOX.”***

*Carlos Gorostieta, California Common Cause member and Plaintiff in lawsuit against DMV*

The case is just one way that we are playing a key role in expanding the franchise in California. We are working with the Secretary of State's office to ensure thorough implementation of the California Voter's Choice Act, a new law expanding vote-by-mail, same-day registration, early voting, and the convenience of voting at any polling place.

In the face of ongoing threats to the franchise, we will continue to defend the voting rights of all eligible Californians.



## REPRODUCTIVE JUSTICE

Jane Doe\* dreams of becoming a nurse and working with the elderly. At 17, she left an abusive family and immigrated to the United States. An unaccompanied minor, Jane was detained in a government-funded shelter in Texas, where she learned she was pregnant.

Knowing she was not ready to have a child, Jane decided to terminate her pregnancy. Like everyone in the U.S., unaccompanied minors have a constitutional right to abortion. But even after a state judge, per Texas law, granted Jane permission to obtain an abortion without parental consent, the federal Office of Refugee Resettlement (ORR) blocked her access to a clinic. Instead, ORR forced her to visit a religiously affiliated “crisis pregnancy center” that counseled her against abortion and required her to view a sonogram against her will.

**“This is my life, my decision.  
I want a better future.  
I WANT JUSTICE.”**

*Jane Doe, ACLU Foundation of  
Northern California Plaintiff*

Before Jane’s case, the ACLU Foundation of Northern California had already sued ORR over its reproductive health policies. That ongoing case, *ACLU of Northern California v. Burwell*, addresses unconstitutional funding of religious organizations that withhold mandated reproductive health services from unaccompanied minors. When we heard Jane’s story, it demonstrated a significant worsening of the problem—now, the federal government itself was actively preventing Jane from accessing abortion.

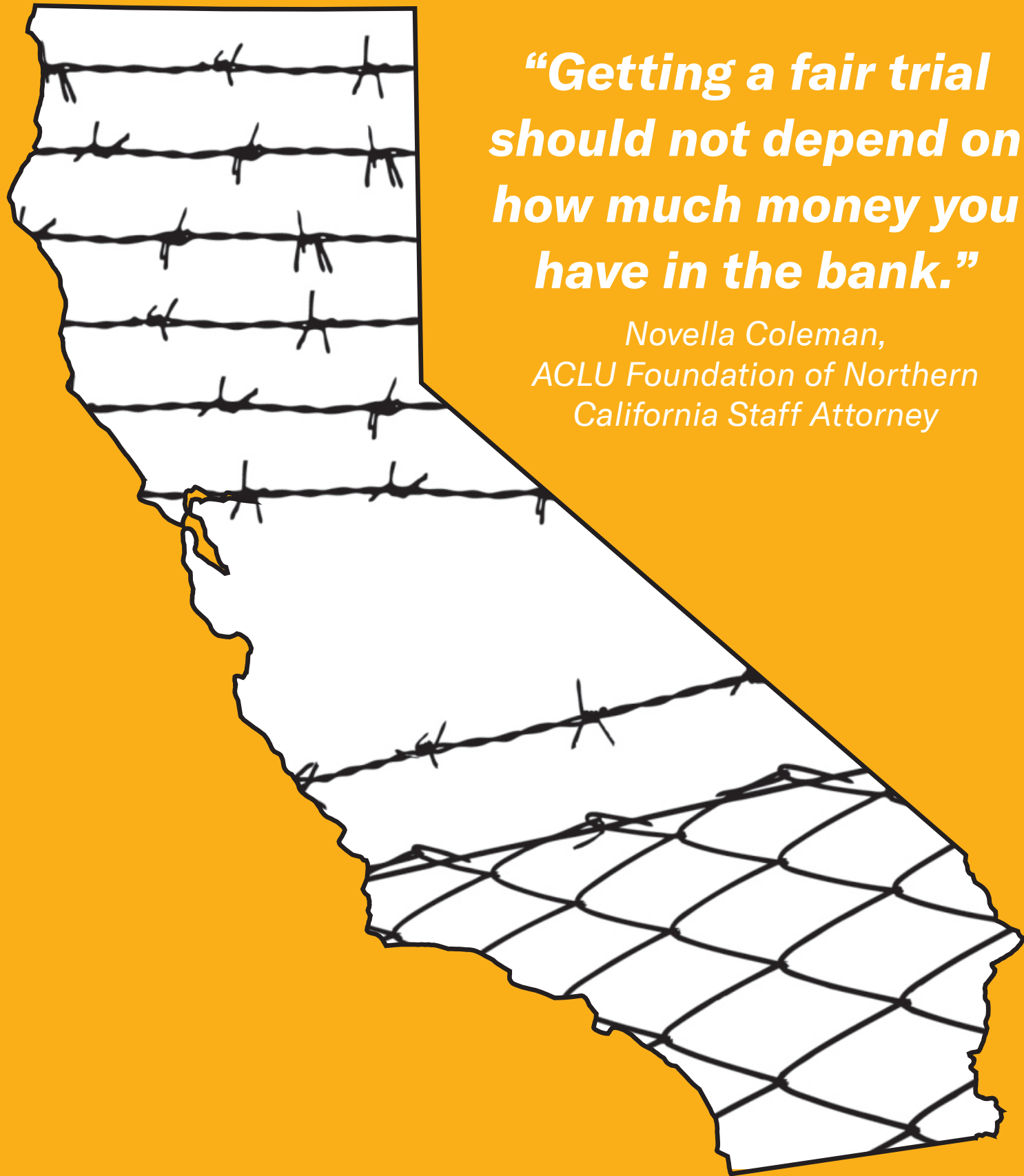
So we sued ORR to ensure #JusticeForJane. In October, after two emergency hearings in the case, *Garza v. Hargan*, we won an important victory: the U.S. Court of Appeals for the D.C. Circuit issued an order preventing ORR from blocking Jane from accessing an abortion, which she received the following day.

We have since successfully represented three other “Janes” whose access to abortion ORR had blocked. One was a rape survivor who was so distraught when ORR tried to force her to continue her pregnancy that she talked about harming herself.

To prevent the same cruel treatment, the ACLU has asked a federal judge for an injunction preventing ORR from blocking any unaccompanied minor like Jane access to abortion care. Until that injunction is issued, we will continue fighting for individual “Janes” who need our help.

\*pseudonym





**“Getting a fair trial  
should not depend on  
how much money you  
have in the bank.”**

*Novella Coleman,  
ACLU Foundation of Northern  
California Staff Attorney*

## **ECONOMIC JUSTICE**

**W**ealth and income intersect with constitutional rights in a number of ways—especially the Sixth Amendment right to appointed counsel.

Last year, Fresno County’s Head Public Defender, Elizabeth Diaz, made the extraordinary announcement that her office would refuse to take on many of the most serious cases, explaining she doesn’t have enough attorneys to handle the county’s burgeoning caseload.

The county’s public defenders shoulder up to four times the recommended number of clients. They often have no time to discuss the circumstances surrounding a person’s arrest or whether evidence exists that could aid the defense.

Fresno County’s systemic deficiencies compound the racist policies and practices that plague our nation’s criminal justice system. Because of racial profiling and over-policing in Fresno, although people of color constitute about 57 percent of Fresno County’s population, they represent more than 69 percent of arrests. Lack of effective counsel exacerbates racial disparities in who gets convicted.

The ACLU Foundation of Northern California and the law firms of Paul Hastings LLP and Morgan, Lewis & Bockius LLP filed a lawsuit against Fresno County and the state of California, *Phillips v. State of California*, seeking an overhaul of the County’s deficient public defense system.

One former plaintiff did not see a public defender until after almost a month in jail. Between his arraignment and sentencing, he had at least nine different public defenders, some of whom told him they had no time to work on his case and, despite his innocence, advised him to plead guilty.

We are asking Fresno County to create and maintain a strong, well-resourced public defense system that assures all defendants their constitutional right to a fair trial. And we are asking the state of California to fulfill its responsibility to ensure that public defense systems measure up to constitutional requirements.

This case was filed in 2015 and is now in discovery. We overcame a significant hurdle in April 2016 when a Fresno judge rejected the state’s effort to avoid responsibility for ensuring effective legal counsel to people who can’t afford a lawyer.

Cases like this can take years to resolve and require persistence from our clients, staff, and co-counsel.

## LGBTQ RIGHTS

**S**acramento-area resident Evan Minton was scheduled for a hysterectomy in August 2016 at a Catholic-affiliated hospital, Dignity Health, which operates as Mercy San Juan Medical Center. But just one day before the surgery—soon after Evan told hospital staff that he is transgender—hospital administrators informed Evan’s doctor that she could not perform the procedure on Evan.

Although Dignity Health regularly allows hysterectomies for non-transgender patients, it admits that it will not allow them for transgender patients seeking gender-affirming care. That’s because Dignity Health does not—as a religious matter—recognize gender transition. Allowing a doctor to perform a hysterectomy on a transgender person would, in Dignity Health’s words, “convey the symbolic message that gender transition surgery is consistent with the healing ministry of Jesus.”

Catholic-affiliated healthcare continues to expand. Dignity Health, for example, is the fifth largest health system in the country and the largest hospital provider in California. These are large-scale businesses open to the public that accept millions in taxpayer dollars. Discrimination against transgender people, stemming from a religious refusal to recognize their existence, is increasing in scope and scale.

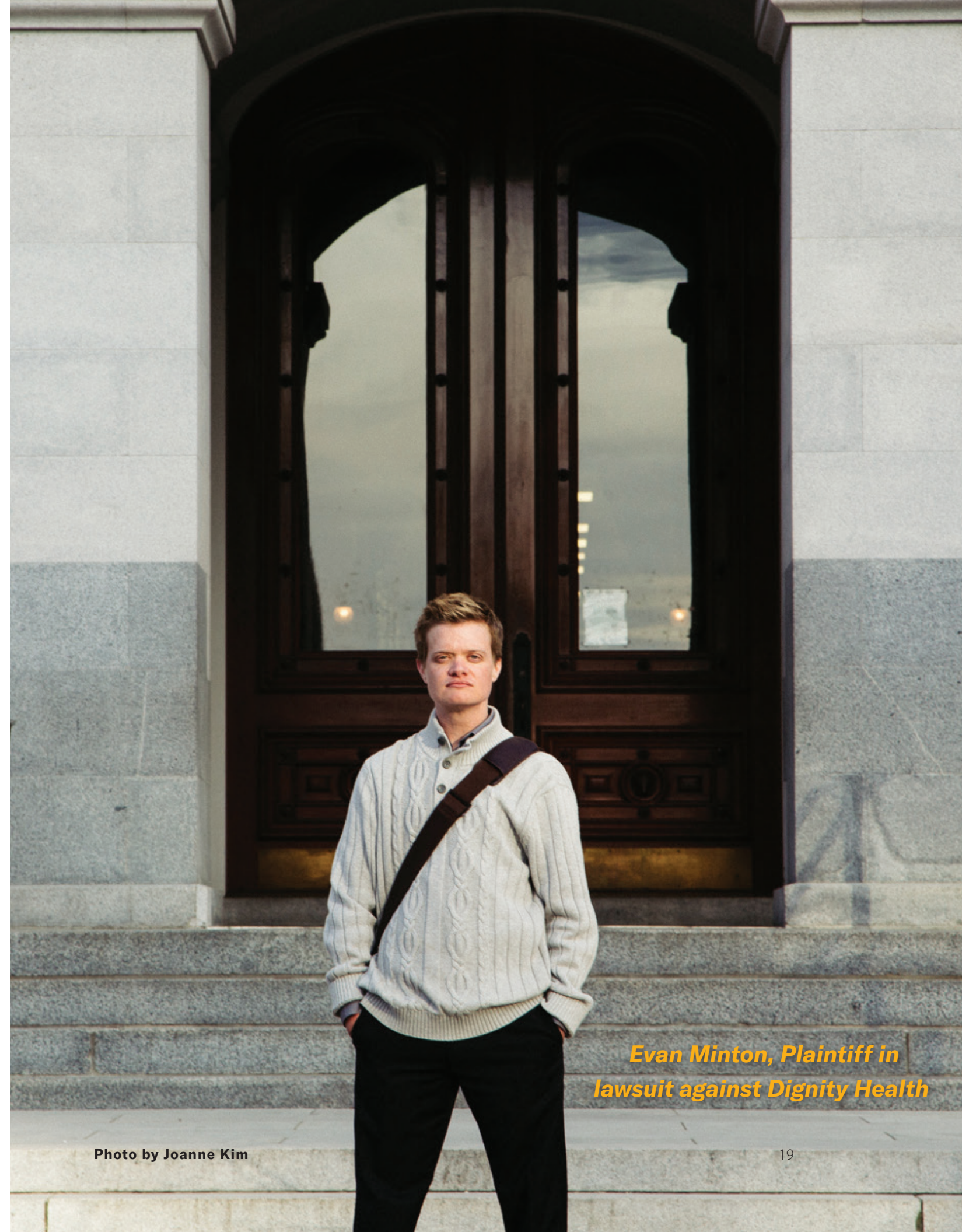
**“They were discriminating against me based on who I am, and it took me years and years and years to accept who I am. It really hit the heart of me just deeply in my core.”**

**Evan Minton,  
Plaintiff in lawsuit  
against Dignity  
Health**

To ensure that other transgender patients in California receive the care they need and deserve, the ACLU Foundation of Northern California, along with Covington & Burling LLP, filed *Minton v. Dignity Health Care*, charging that the healthcare provider violated California’s longstanding civil rights law that prohibits businesses open to the general public from discriminating on the basis of gender identity. The case is currently on appeal.

Evan’s case is against just one healthcare conglomerate, but the issue it presents is central to our ongoing nationwide struggle for LGBTQ equality. Early this year, the federal Department of Health and Human Services (HHS) explicitly cited Evan’s case when announcing a proposed rule that would dramatically expand the ability of healthcare institutions and workers to refuse medical care to LGBTQ people, women, people living with HIV, and others seeking critical health services. In the Trump administration, religious liberty means the right to discriminate.

Religious freedom is a core right. But it does not grant the power to discriminate against or harm others who do not share our beliefs.



**Evan Minton, Plaintiff in  
lawsuit against Dignity Health**

## **POLICE PRACTICES**

**“ALL I WAS DOING WAS EXPRESSING MY RIGHTS, AND I WENT TO JAIL FOR THAT. Justice is overdue in this community. People are demanding changes to our police department.”**

*Robert Mitchell, Plaintiff in lawsuit against Bakersfield Police Department*

On March 17, 2017, Bakersfield police officers stopped a car on the pretense that air fresheners hung from the rear-view mirror. They demanded personal information from the car’s occupants, all of whom were Black.

Robert Mitchell refused to share any information, explaining that he was not the driver and not suspected of a crime. After officers threatened to impound his friend’s car, Robert gave his name but asked to speak to a supervising officer. That officer told Robert he had two choices: answer further questions or go to jail. Robert responded that he had already given his name.

The officer then ordered Robert from the car, and handcuffed and arrested him. Police jailed Robert overnight but filed no charges.

The ACLU Foundation of Northern California filed a lawsuit, *Mitchell v. Jeffries*, accusing Bakersfield Police Department officers of violating Robert’s constitutional rights to free speech and due process.

Robert’s experience took place within the context of ongoing serious abuse by Central Valley law enforcement officers against communities of color. We documented that abuse in two reports released in November. The first report focuses on the use of excessive force by the Kern County Sheriff’s Office and the Bakersfield Police Department. That study shows a disturbing pattern of shootings, beatings and canine attacks by law enforcement officers, especially when dealing with unarmed individuals.

The second report reveals the troubling trend of Fresno police shootings in low-income communities of color. Police are not held accountable for the violence, the majority of which is attributed to the same officers. Fresno has spent more than \$5 million in settlements and legal fees for shooting incidents between 2008 and 2016.

After we called for the California Department of Justice to investigate policing in Fresno, Attorney General Xavier Becerra personally came to Fresno to hear community members’ concerns about police officers’ use of excessive force. We continue working to ensure that law enforcement officers respect residents’ rights and do not engage in racial profiling.



## EDUCATION EQUITY

Jim McQuillen, an enrolled member of the Yurok Tribe and its Director of Education, has spent nearly his entire career trying to counter more than 160 years of devastating policies—government-funded campaigns to murder Native people, virtual slavery of Native children, forced relocation of Yurok families during the 19th century, and compelled attendance by generations of Yurok children at U.S. government boarding schools that erased their heritage and language.

***“Some of you know the history of genocide for Native people throughout California, the attempts to exterminate and eliminate us off the face of the earth. . . . To be able to stand up here and say our language is now offered in four major public high schools is just amazing.”***

*Jim McQuillen, on receiving the Chief Justice Earl Warren Award from the ACLU of Northern California*

Jim and two Yurok families contacted the ACLU Foundation of Northern California in 2005 requesting help to counter discrimination against Native students in the Del Norte County Unified School District that resulted in higher rates of suspension and discipline. They also wanted help responding to the District’s discriminatory closure of the middle school grades at Margaret Keating School on the Yurok Reservation, a school that served the highest concentration of Native students, and where they learned the Yurok language and culture.

After parents and students filed administrative complaints and advocated unsuccessfully with the District, we partnered with Covington & Burling LLP to represent them in a lawsuit. We reached a settlement with the District in 2009 to address the District’s targeting of Native American students for discipline, to develop alternatives to suspension and expulsion, and to implement curricula on local Native tribal history, culture, and language.

For nearly a decade, we’ve worked with Jim and local tribal leaders to monitor the District’s implementation of the settlement. Discipline rates have decreased and become more equitable over those years, thanks to the measures called for in the agreement. Last year, after analyzing the most recent annual report from the District and meeting with the superintendent, we determined that the District had implemented local Native tribal history, culture, and language programs at elementary, middle, and high school levels, as required by the settlement.

Due to Jim’s determination, the restoration and revival of the Yurok language is underway, with high schools in Humboldt and Del Norte counties offering the Yurok language as an option to meet the world language requirement for entry into the CSU and UC college systems. Jim’s vision for the youth of his community is being realized.

## TECHNOLOGY AND CIVIL LIBERTIES

In February 2017, Customs and Border Patrol (CBP) officers at San Francisco Airport pressured activist artist Aaron Gach to unlock his cell phone for a search, despite no apparent justification, when he returned from a visit to Belgium. Ignoring Fourth Amendment rights, the federal government has exponentially increased warrantless digital searches. The ACLU Foundation of Northern California filed an administrative complaint on Aaron’s behalf demanding review of CBP’s practices, and challenging these searches on First and Fourth Amendment grounds.

But the problem runs much deeper than unconstitutional cell phone searches. The Trump administration is exploiting powerful surveillance programs, from social media monitoring to license plate readers, to surveil and intimidate vulnerable communities—immigrants, Muslims, political activists, and students of color. The ACLU Foundation of Northern California and the ACLU of Northern California are working in the courts and communities, and with companies and local and state policymakers for protections in California and beyond.

To stem the flow of personal information feeding vast government databases, we’ve organized in cities, including Oakland, Berkeley, Davis, and Fresno, to support local laws that require transparency and oversight for all surveillance proposals and uses.

To empower communities most impacted by government surveillance, we created new “Know Your Rights” resources and have conducted privacy and security trainings for immigrant and Muslim communities.

To ensure that privacy protections are built into technology, we’ve pushed companies like Facebook and Twitter to strengthen systems and policies to better protect personal information and safeguard against surveillance.

And to defend existing state privacy rights, the ACLU of Northern California fought off attempts to exempt school students from the California Electronic Communications Privacy Act, a landmark law requiring all state entities to obtain a warrant to search cell phones or demand access to digital information. When thousands of California families face federal government threats, being able to communicate safely about sensitive issues like immigration, reproductive rights, and political activism is more important than ever.

***“From the courts to communities to companies, the Technology and Civil Liberties Project is fighting on every front to protect the privacy and safety of community members and push back against dangerous and discriminatory surveillance.”***

*Nicole Ozer, ACLU of California Technology and Civil Liberties Director*

# THANK YOU TO OUR VOLUNTEERS

## VOLUNTEERS

Each year, hundreds of people volunteer their time with the ACLU of Northern California. Here we recognize some of the dedicated volunteers who spent the most time with us in 2017.

## CIVIL LIBERTIES COUNSELORS

Olinda Alvarez  
Nitisha Baronia  
Beth Brittonsmith  
Lynn Halcomb  
Amanda Huang  
Jason Jarvis  
Pierre Khoury  
Patti Kouba  
Jerry Lewis  
Kayla Oldenburg  
Adele Sylar  
Jennifer Zhao

## CHAPTERS

Alameda County Paul Robeson  
Berkeley North East Bay  
Chico  
Marin County  
Mid-Peninsula  
Monterey County  
North Peninsula  
Redwood  
Sacramento Area  
San Joaquin County  
Santa Clara County  
Sant Cruz County  
Shasta-Tehama-Trinity  
Sonoma County  
Tulare  
Yolo County

## LAW AND POLICY FELLOWS

Kena Cador  
Bilal Malik

## LAW AND POLICY INTERNS

Marshal Arnwine, Jr.  
Marina Balleria  
Alexandra Carter  
Sarah Clark  
Mary Dahdouh  
Payam Fakharara  
Aaron Forbath  
Alison Frost  
Cristina Aide Henriquez  
Adam Hersh  
Nathan Kaplan Karnovsky  
Cybele Kotonias  
Meghan Koushik  
Katrina Landeta  
Margt Lourdel  
Steven Mills  
Danielle Nicholson  
Allison Pincus  
Tori Porell  
Mastoureh Jafarzadeh Sarhangabadi  
Miriam Wayne  
Danny Yadron  
Briana Zweifler

## PRO BONO GENERAL COUNSEL

Orrick, Herrington & Sutcliffe, LLP

## COOPERATING LAW FIRMS

We thank the following firms who donated services in 2017. Your hard work and commitment are deeply appreciated by the ACLU community.

The Law Offices of Amitai Schwartz  
Arnold & Porter Kaye Scholer LLP  
Coblentz Patch Duffy & Bass LLP  
Cooley LLP  
Covington & Burling, LLP  
Davis Wright Tremaine LLP  
Durie Tangri, LLP

Fenwick & West LLP  
Keker, Van Nest & Peters, LLP  
Latham and Watkins, LLP  
Morgan, Lewis & Bockius, LLP  
Morrison and Foerster, LLP  
Munger, Tolles & Olson, LLP  
O' Melveny & Myers, LLP  
Orrick, Herrington & Sutcliffe, LLP  
Paul Hastings, LLP  
Pillsbury Winthrop Shaw Pittman, LLP  
Reed Smith, LLP  
Riley Safer Holmes & Cancila, LLP  
Rosen, Bien, Galvan & Grunfeld, LLP  
Simpson Thacher & Bartlett, LLP  
Sullivan & Cromwell, LLP  
Wilmer Cutler Pickering Hale and Dorr, LLP  
Wilson Sonsini Goodrich & Rosati, PC

We are deeply grateful to Orrick, Herrington & Sutcliffe, LLP, for providing hundreds of hours of pro bono general counsel services to the ACLU Foundation of Northern California (Foundation) and the ACLU of Northern California (Union). Under the leadership of Rene Kathawala, Orrick's pro bono counsel, 23 Orrick attorneys and staff donated nearly 500 hours of legal services to the Foundation and Union in 2017. Orrick team members assisted us on a range of issues from intellectual property, real estate, and information technology to tax and employment law.

Orrick attorneys have volunteered as co-counsel in the ACLU Foundation's impact litigation for years. Providing general counsel services, however, allows Orrick's non-litigating lawyers opportunities to provide sophisticated assistance required by non-profit organizations like the ACLU.

"We want to make a difference through pro bono work," Rene explains. "The nice thing about the general counsel role," he adds, "is that transactional attorneys can channel their expertise to provide services."



Rene has a long association with the ACLU, having interned at the ACLU in North Carolina while in law school. He believes that the ACLU is on the cutting edge of litigation affecting important issues in people's daily lives.

Executive Director Abdi Soltani sums up our appreciation: "Our relationship with Orrick has been invaluable, and Rene makes it all possible. He has connected us with firm leaders, rolled up his sleeves at a minute's notice, and been a true partner and advisor."

Rene Kathawala of Orrick, Herrington & Sutcliffe, LLP

# Our Board



Photo by Candice Francis

## AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF NORTHERN CALIFORNIA BOARD OF DIRECTORS

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Farah Brelvi  
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Elliot Ruchowitz-Roberts  
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## AMERICAN CIVIL LIBERTIES UNION OF NORTHERN CALIFORNIA BOARD OF DIRECTORS

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Olga Tomchin  
Mark Toney

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Beverly Tucker\*  
Mickey Welsh\*  
Yomi Wrong

\* Executive  
Committee  
Member

## PHILANTHROPIC VOLUNTEERS

In 2017, the ACLU Foundation of Northern California Board of Directors, the ACLU Of Northern California Board of Directors, and the additional philanthropic development volunteers listed below served as ambassadors for the organization, stewarding relationships with ACLU supporters. We are grateful for their commitment to advancing the ACLU mission.

James B. Blume  
Luz Buitrago

Danielle Fry  
Dick Grosboll

Marshall Krause  
Howard W. Lewis

Dennis McNally  
Shannon Petrello

Alice Schaffer Smith  
Kasson C. Stone

The ACLU-NC staff list and bios are available at [www.aclunc.org](http://www.aclunc.org).



# Our Staff



The ACLU of California's Center for Advocacy and Policy (CAP) in Sacramento is a collaborative effort of the ACLU of Northern California, ACLU of Southern California, and ACLU of San Diego and Imperial Counties. CAP's 10 staff members are dedicated to enacting laws and policies that preserve and expand our rights, and to blocking legislation that threatens civil liberties. Thanks to your support, in 2017 CAP welcomed two new legislative advocates, and in 2018 we're adding a digital strategist.

January 2017 marked the beginning of a two-year legislative cycle in California. Last year, our staff monitored 22 percent of the nearly 3,000 bills legislators introduced in Sacramento. We supported 119 of those bills. Of the 17 bills the ACLU sponsored, Gov. Jerry Brown signed 10 into law.

One of our top 2017 legislative priorities was passage of SB 54, the California Values Act. This new law prevents state and local law enforcement agencies from engaging in immigration enforcement, and bars critical state and local public safety resources from being used for immigration enforcement without a judicial warrant.

To prevent avoidable deportations and strengthen due process, we also succeeded in securing enactment of two other ACLU immigrants' rights priorities in the state budget: One helps ensure that public defenders give their clients correct guidance about potential immigration consequences of convictions to help prevent avoidable deportations. The second provides state funding for deportation defense.

Before the current legislative cycle ends in 2018, we aim to pass another priority bill: SB 10: The California Money Bail Reform Act. This legislation will ensure that people do not languish in jail simply because they cannot afford bail. Too often, Californians who have been arrested but not convicted of a crime are jailed for weeks, months, or even years while they await trials.

The current bail system gives the rich a "get out of jail" pass, while punishing those who can't afford bail with detention, debt or unfair time in jail.

Your support enables ACLU staff to focus not only on immigration and criminal justice-related laws and policies, but on legislation impacting all of the issues covered in this Annual Report.

Thank you for keeping the ACLU's voice strong in our state capital.

Natasha Minsker  
Director  
ACLU of California Center for Advocacy and Policy



Photo by Stacy Antonopoulos



# DEVELOPMENT AND FINANCIAL REPORT

## UNPRECEDENTED SUPPORT

For nearly a century, the ACLU has benefited from the support of a broad base of people dedicated to civil liberties and civil rights. The extraordinary support of our loyal and longtime members and donors allowed us to be ready to act when Donald Trump was elected president.

On pages 32-33, we provide you our financial report for the fiscal year that began April 1, 2016 and ended March 31, 2017, five months after the election.

Beginning on election night 2016, we experienced an outpouring of support like we have never experienced in our nearly 100-year history. In the preceding pages, we've shared highlights of our programmatic accomplishments through December 2017. The work and impact enabled by this surge of support began in 2017 and increased in 2018.

## UNPRECEDENTED INVESTMENT AND ACTION

Our staff and the boards of ACLU Foundation of Northern California (Foundation) and ACLU of Northern California (Union) take the responsibility of stewarding your contributions very seriously. We are deploying resources with two factors in mind: (1) to deal with immediate threats, and (2) to be in a position to see the work through in the long run. A cornerstone of our plans is to grow our presence in the Central Valley.

## IMMEDIATELY AFTER THE ELECTION, THE FOUNDATION OF NORTHERN CALIFORNIA MOVED QUICKLY TO DEPLOY RESOURCES, INCLUDING:

- ♦ Hiring additional attorneys and, for the first time, adding an investigator to our team in order to increase capacity to gather facts and interview clients for litigation.
- ♦ Forming and funding a network of pro bono lawyers and community organizations to create a regional raids response network, stretching from Kern County in the Central Valley to the Oregon border.
- ♦ Hiring a cohort of field fellows, focused in 13 counties outside the Bay Area, to provide "Know Your Rights" presentations and to set up local raid response networks in preparation for Trump's deportation agenda.

## THE UNION ALSO MADE SIGNIFICANT INVESTMENTS:

- ♦ Expanding communications capacity in our Center for Advocacy and Policy in Sacramento to help pass priority bills like the California Values Act.
- ♦ Funding a statewide bail reform campaign to challenge one of the most longstanding civil liberties abuses in the state.
- ♦ In anticipation of 56 district attorney races in 2018, laying the groundwork to ensure that candidates, and more importantly voters, understand the importance of reducing incarceration and racial inequalities in our criminal justice system.

Thank you, again, for your support and for helping to ensure that the ACLU is relentless in the fight for justice. We look forward to keeping you posted on the progress of these and other investments.

## ABOUT SOURCES OF INCOME AND HOW WE ADVANCE WORK IN CALIFORNIA AND NATIONWIDE

The ACLU Foundation of Northern California (Foundation) and the ACLU of Northern California (Union) are separately incorporated nonprofit organizations operating in Northern California. The Foundation conducts litigation and public education programs in support of civil liberties. The Foundation is a 501(c)(3) organization, so contributions to it are tax-deductible to the extent allowed by law. The Union conducts membership outreach and organizing, legislative advocacy, and lobbying. It is supported primarily by membership dues. It is a 501(c)(4) organization, which means that donations to it are not tax-deductible.

The majority of funding for the Foundation and the Union comes from individuals like you. The organizations' effectiveness and impact depend entirely upon private donations, foundation grants, bequests, and membership dues from individuals who are dedicated to advancing civil liberties for all. Neither the Foundation nor Union receive government funding, except the Foundation may receive court-awarded attorneys' fees from successful cases. The Foundation never charges clients for legal representation.

The national ACLU Foundation and the ACLU Foundation of Northern California share all tax-deductible donations. And the national ACLU and the ACLU of Northern California share all membership dues. A portion of the national share of gifts is allocated to help other ACLU affiliate offices around the country that otherwise would be unable to address the serious threats to civil liberties in their states.

## WAYS OF GIVING

You can support the work of the ACLU of Northern California (Union) or ACLU Foundation of Northern California (Foundation) in any of these ways:

**Cash or credit cards:** The Foundation and Union are pleased to accept your single donation or your recurring monthly or quarterly gift via cash, check, or credit card (Visa, Discover, Mastercard or American Express) at any time. Gifts may be made via mail or online at [www.aclunc.org](http://www.aclunc.org).

**Workplace giving/payroll deduction:** You may choose to designate the ACLU Foundation of Northern California through your workplace giving campaign or via United Way Donor Option.

**Gifts of Stock or Securities:** You may make a gift of appreciated stock, securities, or mutual fund shares to the Foundation or Union. Call the Development Department for information about the easiest ways to make stock gifts.

**Insurance and Retirement Accounts:** You may designate the ACLU of Northern California or ACLU Foundation of Northern California as beneficiary of your life insurance policy, IRA, retirement plan, or pension.

**Bequests:** In your will or revocable living trust, you may designate the ACLU of Northern California or ACLU Foundation of Northern California as beneficiary of part or all of your estate.

**Gift Annuities:** You may use cash or securities to make a gift to the ACLU Foundation of Northern California and receive fixed annual payments (a portion of which can be tax-exempt) for life and a substantial tax deduction.

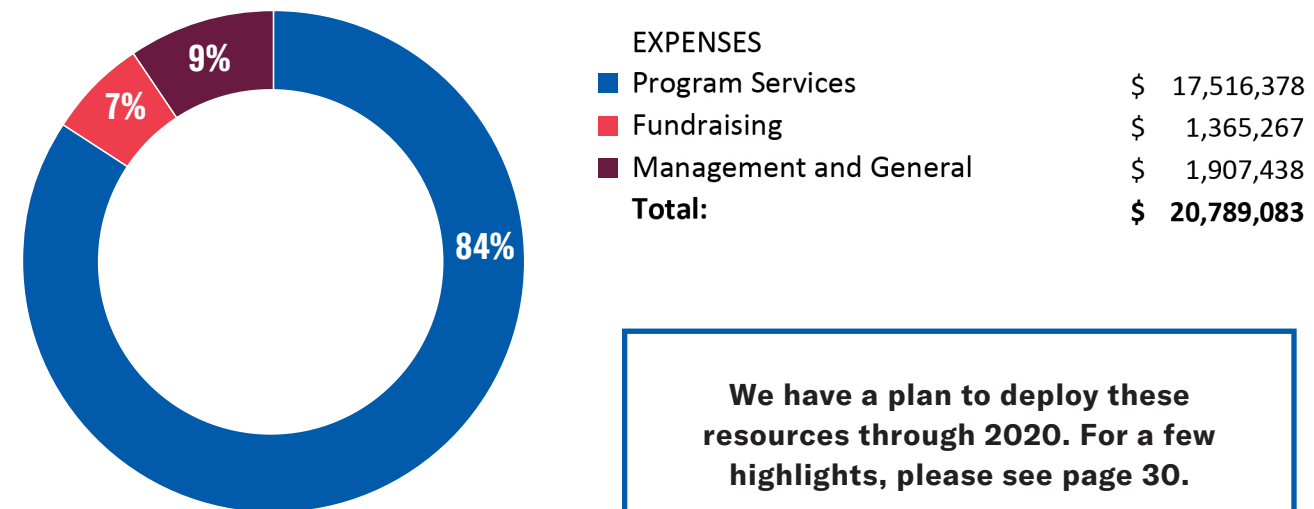
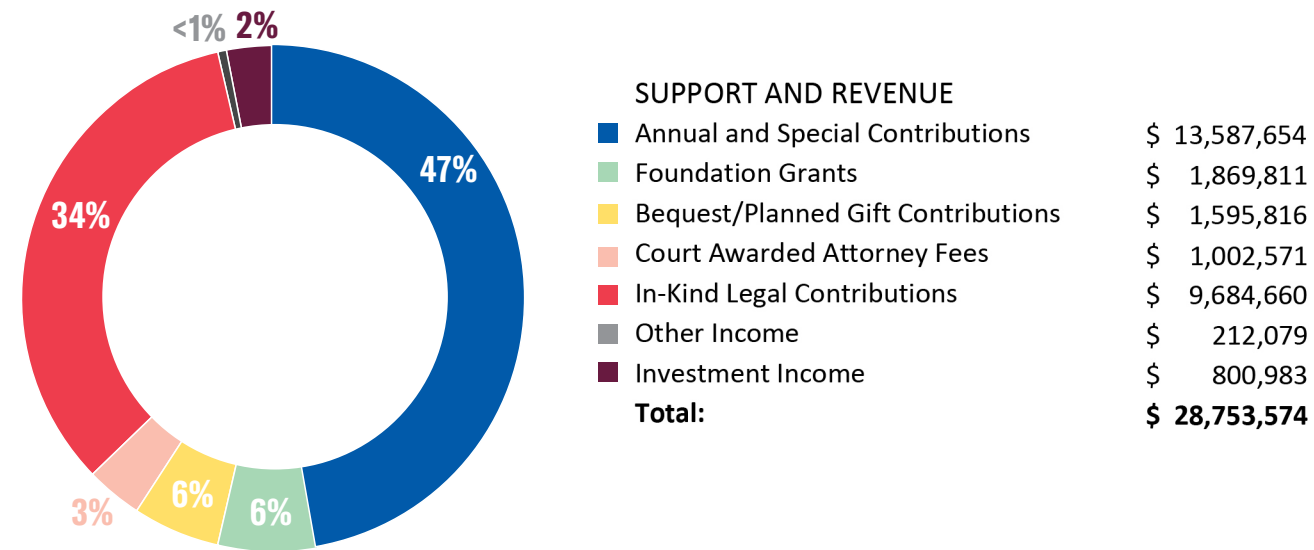
**Charitable Trusts:** You can establish a charitable trust that benefits the ACLU Foundation of Northern California while providing tax advantages and a variety of financial planning options for you and your family.

**For more information on ways to support the ACLU, contact Director of Development Cori Stell at (415) 621-2493 or [cstell@aclunc.org](mailto:cstell@aclunc.org), or for planned giving information, contact our Director of Gift Planning Bill Ambrunn at (415) 621-2493 or [bambrunn@aclunc.org](mailto:bambrunn@aclunc.org).**

# ACLU FOUNDATION OF NORTHERN CALIFORNIA

## Operating Income and Expenses 2016-17

April 1, 2016 through March 31, 2017



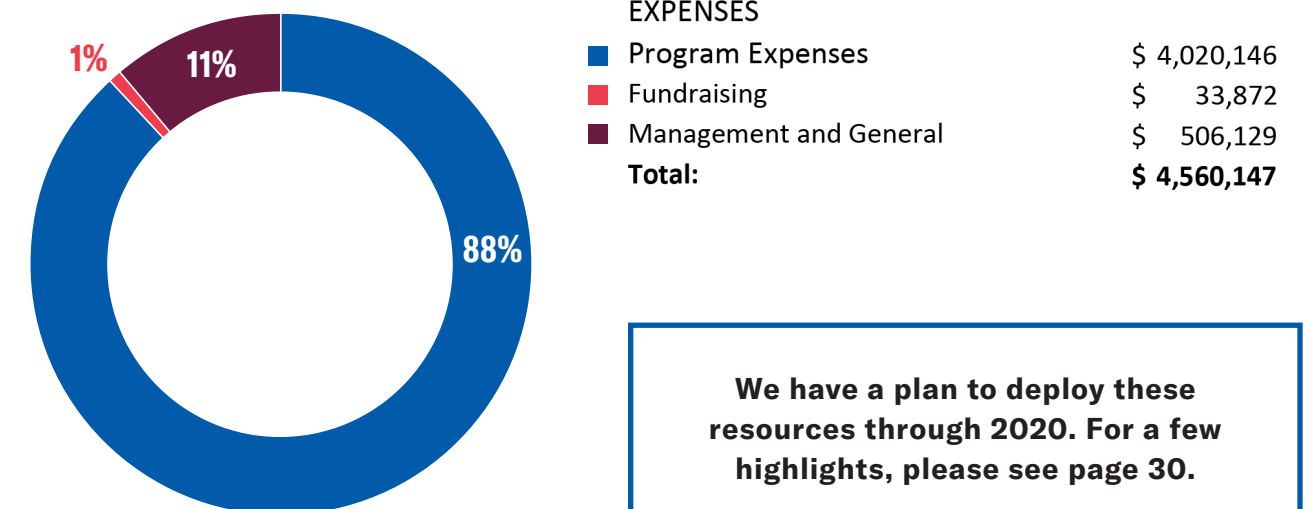
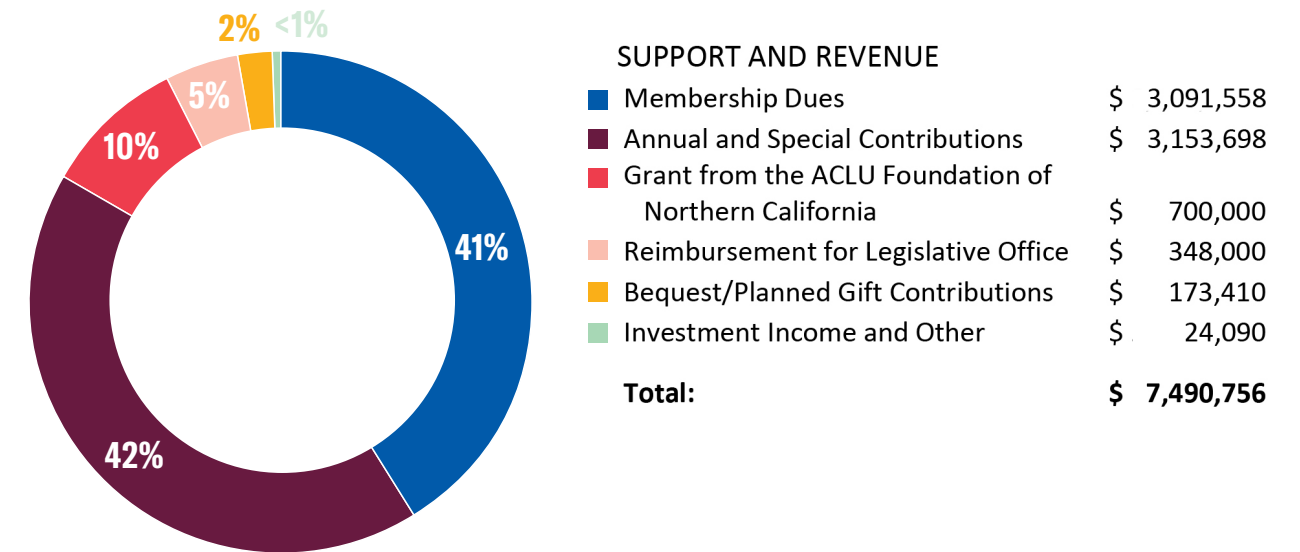
**We have a plan to deploy these resources through 2020. For a few highlights, please see page 30.**

Source: The charts on pages 32 and 33 are based on Audited Financial Statements, and underlying accounting data provided to the auditor, Leaf & Cole, for the fiscal year ending March 31, 2017. A complete copy of the FY2016-17 Audited Financial Statements is available at [www.aclunc.org](http://www.aclunc.org) or by writing: ACLU-NC, 39 Drumm Street, San Francisco, CA 94111.

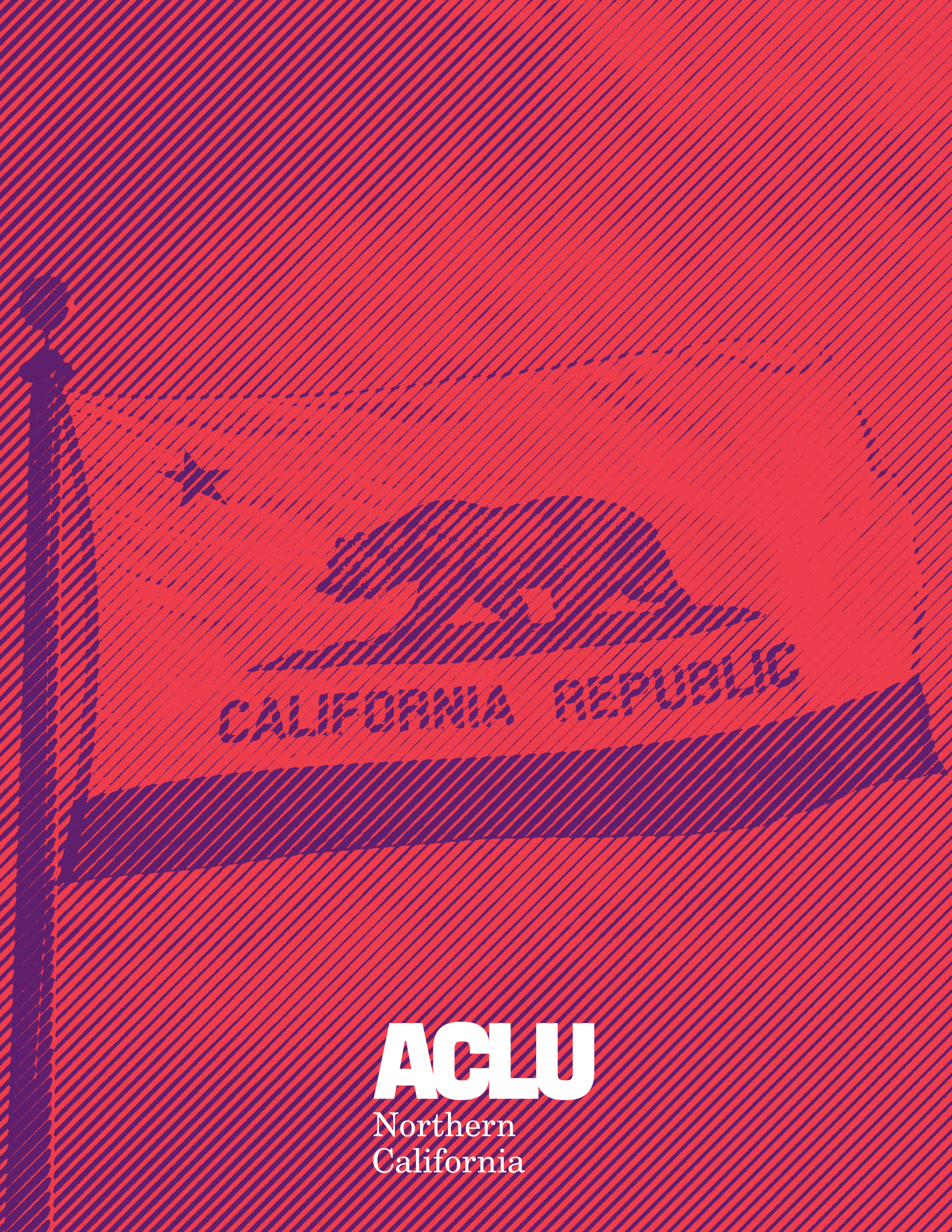
# ACLU OF NORTHERN CALIFORNIA

## Operating Income and Expenses 2016-17

April 1, 2016 through March 31, 2017



**We have a plan to deploy these resources through 2020. For a few highlights, please see page 30.**



**ACLU**

Northern  
California