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in California

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FROM THE BORDER TO THE COURTS: THE ACLU DEFENDS IMMIGRANT RIGHTS

By Elaine Elinson

When President Trump announced the first Muslim ban, ACLU attorneys across the country and attorneys from other immigrants' rights organizations rushed to airports in a rapid-fire response to provide representation for people en route to the U.S. who were refused entry. With laptops and portable printers, they spread out on the floor of the arrival section, instructing volunteer lawyers how to locate and help the desperate families waiting for their loved ones.

They communicated with attorneys back at the ACLU office, who were furiously drafting briefs and habeas corpus petitions. And they were surrounded by hundreds of grassroots advocates demanding, "Let the lawyers in!"

This bold response to one of the first outrages of Trump's anti-immigrant policies was part of a



proud legacy of the ACLU in California, providing support to immigrants and refugees and defying draconian policies of the government.

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RECORDS REVEAL ABUSIVE SURVEILLANCE BY ICE

By Leslie Fulbright

U.S. Immigration and Customs Enforcement (ICE), emboldened by the anti-immigrant rhetoric of the Trump administration, has been using unfair tactics to target vulnerable communities. One disturbing tool used by ICE to ramp up its attack on immigrants is surveillance.

The ACLU Foundation of Northern California has been actively working to uncover information

on the ways ICE is spying on people. Last year, a Freedom of Information Act lawsuit was filed demanding records on one method used by ICE, Automated License Plate Readers (ALPR). What the records uncovered is alarming.

The records show that in 2017, ICE paid \$6.1 million for access to an expansive license plate reader database created by Vigilant Solutions, a

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ACLU COMMENDS CALIFORNIA GOV. NEWSOM'S MORATORIUM ON EXECUTIONS

A STATEMENT FROM THE THREE EXECUTIVE DIRECTORS OF THE CALIFORNIA ACLU AFFILIATES: ABDI SOLTANI (NORTHERN CALIFORNIA), HECTOR VILLAGRA (SOUTHERN CALIFORNIA) AND NORMA CHÁVEZ PETERSON (SAN DIEGO & IMPERIAL COUNTIES)


Gov. Gavin Newsom's announcement on March 13 marks a watershed moment in the fight for racial equity and equal justice for all. We commend Gov. Newsom for exercising leadership and acknowledging that California's death penalty is biased and broken beyond repair.

For decades now, California has propped up a costly, flawed death penalty system that has failed to deliver on its promise of justice and puts the lives of innocent people at risk.

In recent years, five people have been exonerated in California, including a man who served 25 years on death row for a crime he did not commit. We do not know how many other innocent people currently sit on death row.

We do know that race plays a dangerous and inappropriate role in decisions about who is sentenced to death in California. A statewide study found that in cases where victims were white, defendants were more than three times as likely to be sentenced to death than in cases where the

victims were Black and four times as likely to be sentenced to death than in cases where the victims were Latinx.

There is no doubt that the death penalty is rooted in this country's legacy of racism. A moratorium on executions in California is a significant step toward ensuring our state's justice system is fair, racially equitable, and truly just. 

"OUR DEATH PENALTY SYSTEM HAS BEEN, BY ALL MEASURES, A FAILURE. IT HAS DISCRIMINATED AGAINST DEFENDANTS WHO ARE MENTALLY ILL, BLACK AND BROWN, OR CAN'T AFFORD EXPENSIVE LEGAL REPRESENTATION."

—GOV. NEWSOM

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California Gov. Gavin Newsom (center) with former ACLU-NC Death Penalty Project Director Natasha Minsker and ACLU-NC Executive Director Abdi Soltani, on the day the governor signed an executive order to place a moratorium on the death penalty in California.

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ACLU NEWS BOOK CLUB: AN AMERICAN GENOCIDE

By Abdi Soltani

For the next installment of the ACLU of Northern California Book Club, I'm recommending one of the most difficult and important books I have ever read. The book is *An American Genocide*, written by Benjamin Madley, who closely consulted with California native tribes in researching and writing his book.

REVIEW

An American Genocide is meticulously researched. It focuses on the decline of the Native California population from approximately 150,000 before the Gold Rush in 1848 to 30,000 in 1873, after the first two decades of California statehood. The author is a scholar of genocides, and concludes that what happened in California meets the U.N. definition of genocide, which requires explicit sanction by law and actions of government.

For those of you who have been ACLU members and reading ACLU News over the years, you may have noticed I'm interested in that period of U.S. history (1840s-1870s) that covers abolition, the Civil War, and Reconstruction.


Two years ago, while acting as a chaperone for my kids' 4th grade outdoor program in the Sierra foothills, the day included a morning session on gold mining and an afternoon session on the culture of the Miwok. Nothing was said about any link between the two. Working with the Yurok and other California native tribes, I have been inspired by the resilience and fortitude of native communities in California. But coming back from that field trip, I realized I didn't know a single thing about this history.

In that context, *An American Genocide* is a critically important book for each of us to read. It lays bare that California's own history and founding as a state is as deeply marred by racism, white supremacy, and violence as that of the country as a whole or any of the former Confederate states. California gets

no pass. Our state's founding convention in Monterey established systems of exclusion, slavery, and genocide in a so-called "free state."

As I read this book, I turned each page with actual dread about what would be described on the next page. The book passes through time over about two decades. It travels through many sites of these genocidal acts, places whose names we know (Clear Lake, Mendocino, Yosemite, Lassen, Eureka). The book identifies those who passed the laws, like the first Chief Justice of our State Supreme Court, Serranus Hastings, who personally funded militias to kill native Californians (yes, the namesake of UC Hastings College of Law). But more importantly, the book shows the resistance of California tribes themselves, drawing from oral histories from Native people and from written accounts by whites in newspapers and government documents.

These are not stories from a place far away, or from long ago. This is California, with the legacy in the lifetime of parents, grandparents, and great-grandparents of Native Californians today.

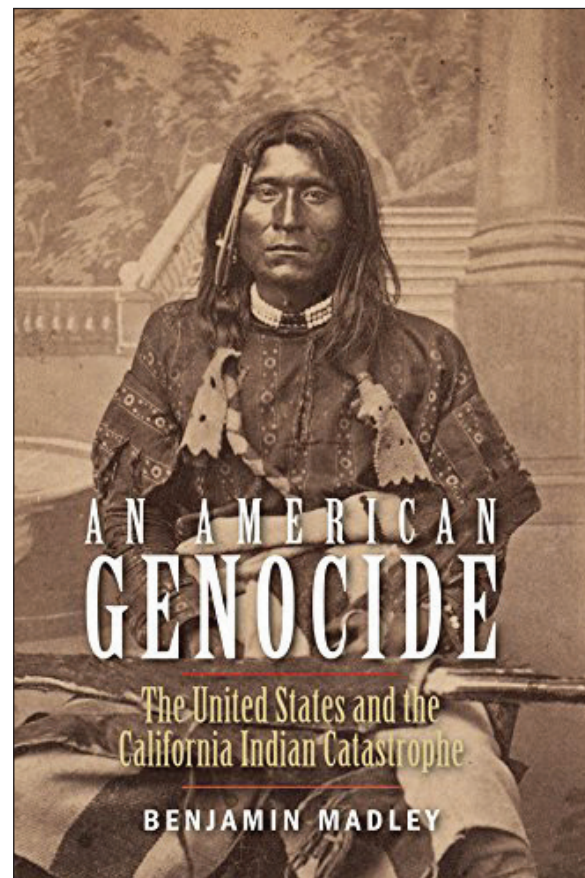
There is no silver lining in this book. What there is are incredible acts of resistance and courage by the tribes and Native Californians themselves. That is the throughline to the Native communities that continue to live in California, continue to have rights in California, and continue to fight for the health, survival, and future of their tribes. 

Abdi Soltani is the Executive Director of the ACLU of Northern California.

Turn the page for more information on indigenous Californians.



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THIS IS CALIFORNIA,
WITHIN THE LIFETIME OF
RECENT GENERATIONS.



An American Genocide by Benjamin Madley looks at California's little-known history.

FURTHER READING

Indian Ground: A Return to Indigenous Knowledge (Generating Hope, Leadership and Sovereignty through Education) edited by Joely Proudfoot and Nicole Quinero Myers-Lim (Information Age Publishing, 2017)

Our Home Forever: The Hupa Indians of Northern California by Bryon Nelson (Howe Brothers, 1978)

Education for Extinction: American Indians and the Boarding School Experience, 1875-1928 by David Wallace Adams (University Press of Kansas, 1995)

INDIGENOUS JUSTICE IN CALIFORNIA


By Theodora Simon

California's history is marked by deep-seated racism, state-sanctioned massacres, and the enslavement and displacement of native peoples. From the late 19th through the mid-20th Century, thousands of Native Americans in California were taken from their families and homes by force and sent to boarding schools. On top of abysmal and abusive living conditions, children were not allowed to speak their native languages, wear traditional clothing or hairstyles, or practice any of the cultural or spiritual traditions central to their identities.

The legacy of the boarding school era continues today. Native students throughout the state face serious barriers to accessing quality education in a respectful environment, endure intergenerational trauma that governments have yet to acknowledge, and have among the worst indicators on academic performance and school pushout.

The ACLU of Northern California has fought alongside tribes and Native Americans to defend the fundamental right to education for the past two decades. This began with a lawsuit against Bishop Union Elementary School District, which

was using violent discipline tactics against Native children. Since then, the ACLU-NC has challenged discriminatory discipline practices, racially hostile learning environments, and culturally demeaning curriculum in school districts in Del Norte and Humboldt Counties. The ACLU successfully represented a Native student at Clovis High School who was barred from wearing a sacred eagle feather at his high school graduation, and worked with the Wiyot Tribe and Bear River Band of the Rohnerville Rancheria to challenge discrimination against native students.

The ACLU-NC is currently working with the Yurok and Hoopa tribes on education equity issues in Northern California, including the Klamath-Trinity Joint Unified School District's failure to provide a transparent Local Control Accountability Plan (LCAP) that shows how the District is using funds to address and rectify historic discrimination and provide supportive services for Native students. 

Theodora Simon is an Investigator at the ACLU of Northern California.



Left: Hoopa Tribal Education Association Executive Director Erika Eva Tracy, author of the feature *Partnering With Tribes to Promote Education Equity Across California*, on page 5. Right: The Hoopa Valley.

PARTNERING WITH TRIBES TO PROMOTE EDUCATION EQUITY IN CALIFORNIA

By Erika Eva Tracy

Klamath-Trinity Joint Unified School District (KTJUSD) gets its name from the Klamath and Trinity Rivers, which connect the communities in our District. We are in a remote area, nestled among the Redwoods of Humboldt County over an hour from the coast. District schools are located on the Hoopa Valley, Yurok, and Karuk Indian Reservations. The Na:tinixwe, Hupa people, have lived here in the Hoopa Valley since time immemorial. The history of schooling in our region has been one of colonization, violence, and imposition.

In 1893, the Bureau of Indian Affairs established the Hoopa Valley Indian School, with the mission of teaching Na:tinixwe children how to be “civilized”—to kill off all that made them Hupa. As federal Indian policy shifted away from an outright assimilationist agenda for Native American peoples, the boarding school was converted into a day school in 1932, making way for what are now public schools in the KTJUSD.

Nearly 100 years later, our struggle to have a voice in our children’s education continues. As the executive director of the Hoopa Tribal Education Association, I hear from frustrated parents and students almost every day. The wide range of alarming concerns tribal members, community members, and even hard-working KTJUSD staff and their children have about the District are often painful to hear. Many feel that KTJUSD treats our children as “throw-away kids,” with punitive processes or apathetic and even dismissive attitudes towards the culturally responsive and trauma-informed education that our kids deserve.

We know that in order to address the unique needs of our community and its students, and to provide them with the best education possible in our ancestral territories, we must work together, recognizing the strengths, wisdom, and expertise that all members of our community have to offer. This kind of collaboration between school districts and their communities isn’t just something we hope for—it’s required under the law.

California’s Local Control Funding Formula (LCFF) funds schools by focusing on education equity. School districts receive additional funds for disadvantaged and high-need students,

and by law must use these funds to further the education and well-being of high-need students. As part of this law, school districts are required to write a yearly Local Control Accountability

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Plan (LCAP) that outlines goals, describes steps to reach them, and offers transparency in spending. The process of writing this plan requires KTJUSD to seek input from students, parents, teachers, and tribal members through an open process.

When we expressed our concerns to the District last summer through a letter signed by the Chairmen of the Yurok and the Hoopa Valley Tribes and the ACLU of California, District leadership refused to take any of our input seriously. Facing stiff resistance from KTJUSD to answering even the most basic questions, we were forced to take the matter to the California Department of Education (CDE).

In November, CDE ruled that the District’s LCAP does not meet basic legal standards. The state regulators found that KTJUSD failed to meaningfully describe the educational services it offers our high-need students, failed to explain how it used the majority of the \$2.4 million in specific funding for high-need students, and failed to account for a significant portion of these special funds.

Of the 1,000 students served by KTJUSD, over 85 percent are Native American, from the Hoopa and other area tribes. Most KTJUSD students attend schools on the Hoopa Valley Indian Reservation. The Hoopa Valley Tribe has worked for many years to incorporate our language, culture, and traditions into the school district—these teachings not only address intergenerational trauma left by the boarding school system, but research clearly shows that Native students succeed when their culture is woven into their education.

It is our goal to work with the District to create a plan that will best serve all our students, and especially those with the greatest needs. We have one simple ask for District leadership and administrators: create a transparent process through which the community and Tribes can voice our concerns and contribute our ideas, so that together we can make the dreams we share for our children a reality. These are our kids—our tribal citizens and future leaders of our nations, who will continue to protect our resources, speak our languages, practice our traditions, and propel our ways of life for generations to come. 

Erika Eva Tracy is the Executive Director at the Hoopa Tribal Education Association.

POLICE TRANSPARENCY ♦ STUDENT RIGHTS ♦ ONLINE CENSORSHIP

By Tim Clark

WALNUT CREEK POLICE OFFICERS' ASSOCIATION V. CITY OF WALNUT CREEK OPENING POLICE RECORDS UNDER NEW LAW

After winning an almost 40-year legislative battle in Sacramento to pass historic police transparency bill SB 1421, the ACLU Foundation of Northern California has successfully gone into courts around the state to defend the law.

On Feb. 8, for example, the ACLU-NC won a Contra Costa County ruling that blocked efforts by six police unions (Richmond, Antioch, Martinez, Walnut Creek, Concord, and Contra Costa County Sheriff's Department) to prevent the release of police records mandated by the new law. The unions, which appealed the ruling, argued that records of incidents prior to Jan. 1 should not be released.

The new law, which took effect Jan. 1, 2019, requires police departments to open their personnel files on officers who shoot, kill, or engage in serious misconduct like falsifying evidence or committing sexual assault while on the job.

The ACLU-NC got another quick win on SB 1421 when it sued the City of Berkeley Jan. 30 for not releasing police misconduct records requested by Berkeleyside, an online publication. The city asserted that records related to police misconduct predating Jan. 1 are exempt from disclosure.

The next day the Berkeley City Council decided unanimously in a closed session that the new police transparency law should apply to records pre-dating Jan. 1, 2019.

OPEN POLICE RECORDS UPHELD IN THE COURTS: THE NEW LAW, WHICH TOOK EFFECT JAN. 1, 2019, REQUIRES POLICE DEPARTMENTS TO OPEN THEIR PERSONNEL FILES ON OFFICERS WHO SHOOT, KILL, OR ENGAGE IN SERIOUS MISCONDUCT LIKE FALSIFYING EVIDENCE OR COMMITTING SEXUAL ASSAULT WHILE ON THE JOB.

CA DEPT OF JUSTICE V. STOCKTON UNIFIED SCHOOL DISTRICT

BLACK AND LATINX STUDENTS, AND STUDENTS WITH DISABILITIES, FACING DISCRIMINATION

In January, the California Department of Justice reached a settlement with Stockton Unified School District and its police department to address violations of civil and constitutional rights of Black and Latinx students and students with disabilities. The settlement addressed issues that ACLU-NC has pressed since 2012.

The agreement follows a DOJ investigation into the referral practices of the district, which spends \$6 million annually on its own police department of 40 officers. The DOJ settlement requires five years of ongoing monitoring.

"The settlement agreement between the DOJ and the Stockton district is comprehensive and incorporates many elements from the ACLU's model school board policy," said Linnea Nelson, ACLU-NC staff attorney. "In places, it is not as strong as we would like, but it is a *vast* improvement."

The DOJ investigation found that the district's policies and practices for law enforcement referrals discriminated against Black and Latinx students and students with disabilities. The investigation also identified unconstitutional search and seizure practices. These policies led to students being criminalized for minor misconduct.

FAISON V. JONES CENSORING FACEBOOK COMMENTS

Do free speech protections extend to the public comment pages of a county sheriff's official Facebook page? Yes, they do, contends the ACLU-NC in a lawsuit filed Jan. 30 against Sacramento Sheriff Scott Jones for unlawfully blocking two Black Lives Matter leaders from his official Facebook page.

A growing number of U.S. courts are affirming that First Amendment protections apply to governments' social media pages and accounts. The ACLU has sued officials in Maine, Maryland, and several other states after they blocked constituents on their official pages.

"This case is about the right to criticize a public official in an online public forum without being censored," argues the ACLU-NC lawsuit. "[Tanya Faison and Sonia Lewis] are the leaders of the Black Lives Matter Sacramento chapter, a group that has publicly and repeatedly criticized Sheriff Jones and the Sacramento Sheriff's Department.... Jones censored plaintiffs' voices during a critical time of public debate in Sacramento about whether and how his Department should be subjected to outside oversight."

After criticism of the sheriff's department in the death of Mikel McIntyre, one of several Black men killed by Sacramento deputies, Jones sought to prevent any investigation of his deputies. He used his official Facebook page to rally support and criticize opponents. In October and November, Faison and Lewis criticized Jones on his Facebook page; Jones deleted their comments and blocked them.

"Free speech must be protected from government censorship on social media just as it is in a public meeting," said Sean Riordan, an ACLU-NC senior staff attorney.

UPDATES

◆ PARENTAL RIGHTS ◆ GOVERNMENT SEXUAL ASSAULT

ATKINSON V. AECOM, INC. & U.S. NAVY

DENIAL OF SUITABLE LACTATION ROOM

The ACLU-NC and other civil rights organizations have sued military contractors and the U.S. Navy in federal court for their discrimination against a breastfeeding employee.

The employee, Jennifer Atkinson, returned to work on a Mojave Desert military base after a three-month maternity leave and requested, as is her right under the Fair Labor Standards Act (FLSA), a private room to express breast milk. For several weeks, she was forced to pump in the bathroom and her car. When she was finally given a room, it was strewn with garbage, smelled, had cockroaches—and no working air conditioning, in temperatures that were regularly over 100°F.


Making matters worse was a near-daily onslaught of sexual harassment from male co-workers and supervisors, including comments such as a Navy supervisor offering to “do one” breast while she did the other. Atkinson’s complaints about the harassment to supervisors went unanswered, and she took a medical leave for high blood pressure and anxiety, eventually losing her job.

In December 2018, the American Civil Liberties Union Foundations of Southern and Northern California, the non-profit Legal Aid at Work, and the law firm of Alexander Krakow + Glick LLP sued on Atkinson’s behalf, charging that her former employers violated the Americans with Disabilities Act, the Civil Rights Act of 1964, and the FLSA.

J.I. V. UNITED STATES SEXUAL ASSAULT BY CBP AGENT

A settlement has been reached in a 2017 lawsuit filed by the ACLU of Northern California on behalf of a Fresno woman who was sexually assaulted by a U.S. border patrol agent when she was 17. The U.S. government paid the victim \$125,000 to drop the case.

In July 2016, two sisters, then 19 and 17, lost their way while traveling to the U.S. from Guatemala, and flagged down a U.S. Customs and Border Protection (CBP) car in Texas for help. Taken to a CBP field office, the sisters were led by a federal officer into a closet-like room one at a time, told to remove all their clothes, and sexually assaulted.

“These officers are not above the law, and abuses of power must not be tolerated,” ACLU-NC staff attorney Angélica Salceda said. 

Tim Clark is a volunteer writer for the ACLU of Northern California.

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Stockton student and community advocates.

PHOTO COURTESY OF STOCKTON SCHOOLS INITIATIVE AND FATHERS AND FAMILIES OF SAN JOAQUIN

STUDENT RIGHTS VICTORY: THE CALIFORNIA DEPARTMENT OF JUSTICE REACHED A SETTLEMENT WITH STOCKTON UNIFIED SCHOOL DISTRICT AND ITS POLICE DEPARTMENT TO ADDRESS VIOLATIONS OF CIVIL AND CONSTITUTIONAL RIGHTS OF BLACK AND LATINX STUDENTS AND STUDENTS WITH DISABILITIES.

REDUCING DEADLY POLICE SHOOTINGS IN CALIFORNIA

By Lizzie Buchen

California has a deadly problem with policing. Too many Californians are being shot and killed by police—even in cases where deadly force was avoidable. We can all agree that police should never take a human life when they have alternatives. While that seems like common sense, it's not currently the standard in California.

The results have been devastating, particularly for Black and brown communities. In 2017 alone, California police officers killed 172 people. Of the unarmed people killed that year, 75 percent were people of color.

The three ACLU affiliates in California have been working day and night to address this epidemic of police shootings by advocating for AB 392 at the state Capitol: The California Act to Save Lives.

AB 392, authored by Assemblymember Shirley Weber (D–San Diego), will prevent deadly tragedies by updating California's outdated use of force standard to ensure police officers avoid using deadly force unless it's truly necessary.

We're working with a broad coalition of partners to pass AB 392, including the Alliance for Boys and Men of Color, the Anti Police-Terror Project, Black Lives Matter (California), the California Faculty Association, Communities United for Restorative Youth Justice, PICO California, Silicon Valley DeBug, United Domestic Workers Association Local 3930, Youth Justice Los Angeles, California Families United 4 Justice and the STOP Coalition. Last year, we passed a historic bill to release misconduct records, but a similar bill to AB 392 stalled.


But we won't be deterred, because passing this bill is a matter of life and death.

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THE CALIFORNIA
ACT TO SAVE LIVES.

AB 392 offers a real solution for a very real and serious problem. The bill is modeled after best practices recommended by policing and legal

experts, including the U.S. Department of Justice and the California Department of Justice. A number of departments have already adopted use-of-force policies similar to those required under AB 392, including San Francisco, Seattle, and Chicago.

After Seattle implemented its new use-of-force policy, a study by a federal court monitor showed that the policy significantly reduced mid-level and serious uses of force without any increase in injuries to officers or the crime rate.

AB 392 will save lives and prevent tragedies and that's why we need you to take action. If you haven't emailed your state assembly member yet, you can visit www.aclunc.org/ab392 and ask them to support the California Act to Save Lives. 

Lizzie Buchen is a Legislative Advocate for the ACLU of California.



In 2017,
75%
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people of color.
#LetUsLive

Police **shouldn't kill**
if they have other options.
#AB392
#LetUsLive

AB 392
will prevent unnecessary
police shootings.
#LetUsLive

OTHER ACLU-SPONSORED LEGISLATION

SB 136 (Wiener): Fights mass incarceration by repealing an ineffective and unnecessary sentencing enhancement for people with a prior prison conviction.

SB 310 (Skinner): Helps create a more diverse pool of people for jury selection, including people with a felony conviction, to ensure juries are truly made up of a representative cross-section of the community.

SB 132 (Wiener): Provides safety, equality, and dignity to transgender people incarcerated in state prisons.

AB 516 (Chiu): Ends the practice of towing cars as a debt collection tool and makes sure low-income drivers can continue using their cars.

SB 144 (Mitchell): Eliminates burdensome fees counties charge people who come into contact with the criminal justice system, including fees for public defenders, booking, mandatory drug testing, and costs related to a person's incarceration and probation supervision, like electronic monitoring.

SB 201 (Wiener): Delays medically unnecessary, irreversible, and often risky surgeries currently performed on intersex infants until intersex patients can give informed consent and determine what, if any, surgeries and treatments are appropriate for them.

SB 72 (Umberg): Will expand Election Day Registration to every polling site in California to make sure that any eligible Californian who wants to exercise their right to vote on Election Day can do so.

Assembly Constitutional Amendment 6 (McCarty): This amendment will place on the ballot a change in the California Constitution to restore the right to vote for Californians who are on parole.

SB 24 (Leyva): Ensures that all public university student health centers, which already provide various reproductive health services, provide medication abortion.

AB 45 (Stone): Will eliminate medical and dental copayments, which pose a dangerous barrier to health care access, for people incarcerated in California jails.

AB 1760 (Wicks): "Privacy for All" gives Californians control over how their information is being collected and shared. Privacy for All gives Californians 1) "Rights for All" by prohibiting companies from charging for privacy with enforceable rules that companies must follow; 2) "Power for All" over how companies use or share our personal information, so companies can't share information unless a consumer opts in; and 3) "Knowledge for All" about how companies collect and share our personal information.

AB 1215 (Ting): Prohibits the dangerous and intrusive use of face surveillance or biometric data collection in body cameras.

AB 1600 (Kalra): Improves fairness in criminal cases by updating the currently slow and cumbersome procedures by which a criminal defense attorney gets access to relevant information about past misconduct by the law enforcement officers involved in a case.

VOLUNTEER SPOTLIGHT

By Brady Hirsch


As lawyers and policy advocates shape laws and litigate, ACLU organizers, volunteers, and activists are the muscle that builds local power. They are what make the Constitution's promise of "we the people" real, acting as ambassadors in the community who hold lawmakers accountable to all of their constituents and create the space for bottom-up change.

Every Thursday, DD Mattison takes time off her job as a pastry chef and gets on BART to go to the ACLU's office in downtown San Francisco. There she meets with the office's Organizing Department for an overview of what's on the docket that can benefit from her help.

Recently, she's been researching civic engagement programs, like LGBTQ clubs at local community colleges. The goal is to expand the ACLU base to include people of every skin color, age, ability, religion, gender, and sexual orientation.

"I'm amazed by all the work that needs to get done," DD says. "In order to really mobilize people, you need to follow up, check in, and keep people engaged."

"It's about building relationships," says Cyera Boone, an organizer at the ACLU NorCal. "Organizing is figuring out where people come from, meeting them where they are, and seeing how we can bring them in."

And the work is paying off. The ACLU of Northern California is launching four new volunteer chapters, in Tulare, Fresno, Kings, and Modesto counties, building power in parts of California where we've never had a presence, so that every time a lawmaker takes a vote, they know they will have to answer to the full weight of the ACLU's base, in all its diversity. 

Brady Hirsch is a Communications Associate at the ACLU of Northern California.



ACLU volunteer DD Mattison.

PHOTO BY CARMEN KING

THE ACLU DEFENDS IMMIGRANT RIGHTS CONTINUED FROM PAGE 1

The ACLU was one of the first organizations to challenge anti-Asian laws, which prevented Chinese from becoming citizens, Japanese from owning land and Filipinos from marrying white women. We exposed conditions of migrant farm workers from Mexico, opposing the program called “repatriation,” when thousands—many U.S. citizens—were sent “back” to Mexico and the harsh treatment of braceros, who entered the country in a government program to work the fields. During World War II, the ACLU’s California affiliates stood practically alone in legally challenging the unconstitutional incarceration of 120,000 Japanese Americans, based solely on their ethnicity. In 1944, ACLU-NC Executive Director Ernest Besig went to Tule Lake, the prison camp where dissidents were held, to offer support and to expose the brutal conditions.

When Proposition 187, the ballot initiative to deny public services to undocumented people in California, passed by a 2/3 vote in 1994, the ACLU joined other civil rights organizations in successfully barring its enforcement.

“Behind each of these anti-immigrant measures was cruel and racist rhetoric, like the kind we hear today to justify the militarization of the border, the denial of asylum to thousands fleeing violence in their home countries, the cruel separation of children from their parents, and the building of The Wall,” said ACLU-NC Executive Director Abdi Soltani.

Vasudha Talla, a staff attorney with the ACLU-NC, was one of the attorneys at the airport to oppose the Muslim ban. “When I heard hundreds of supporters shouting ‘Let the lawyers in!’ it was an incredible moment—an amazing convergence of grassroots activists mobilizing to ensure legal representation for immigrants.”

Talla became lead attorney on the ACLU-NC case challenging the Muslim ban on behalf of California based refugees and immigrants. Similar cases were filed around the country, and the U.S. Supreme Court upheld some aspects of the ban. The ACLU-NC case is still pending. “This is not over yet,” Talla explained.

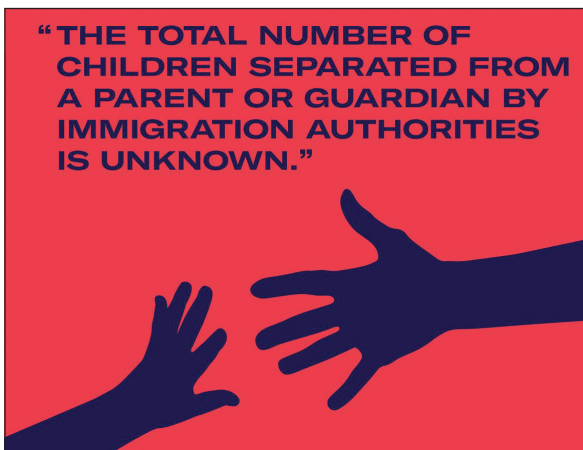
If it seems like the ACLU is operating at whirlwind pace, that’s because that’s what it takes to respond to the brutal policies raining down from the Trump administration.

From defending California as a Sanctuary State to fighting the phony “State of Emergency” that requires the building of The Wall, to



Protesters demonstrating for immigrant rights and against family separation. (New York, June 2018)

PHOTO BY TANYA BINDRA / ACLU



ensuring that children forcibly and illegally torn apart from their families are found and reunited, the ACLU is there.

SOME OF THE KEY LEGAL EFFORTS BEHIND THE HEADLINES

The ACLU won a major victory when a U.S. District Court barred the administration’s attempt to end Temporary Protected Status for more than 300,000 immigrants from Haiti, El Salvador, Honduras and Sudan. The judge agreed with ACLU arguments that ending the program would result in irreparable harm for many immigrant families. The court took note of the president’s own disparaging words about immigrants from “shithole” countries, ruling that the attempt to end the program reflects a racial bias against migrants from non-white nations.


On behalf of the East Bay Sanctuary Covenant, the ACLU Immigrant Rights Project succeeded in stopping a proposed ban on asylum seekers who enter from outside ports of entry. The asylum ban, coupled with the Customs and Border Patrol practice of turning back individuals attempting to seek asylum at ports of entry effectively denies protection to thousands of asylum seekers, the suit charges.

“Our longstanding commitment to providing a safe haven for people seeking protection from violence and danger in their homelands cannot be undone with a presidential order,” asserted Talla.

The ACLU has been especially effective in protecting the rights and well-being of teenage immigrants. In *Saravia v. Sessions*, the ACLU successfully halted the ICE practice of arresting teenagers and children for alleged gang affiliations, shipping them off to secure facilities, sometimes thousands of miles from their families. This case generated national media attention revealing how ICE accused innocent children as gang members in a systematic attempt to spread fear and misinformation about immigrants to justify its harsh enforcement practices.

And in a case that exposed the abuses that many young women face at the hands of government agents who should be their protectors, the ACLU obtained a favorable monetary settlement for a teen who was heading for the San Joaquin Valley with her sister when they were sexually assaulted by a border patrol agent after crossing the border in Texas.

Another ACLU lawsuit, *Jennings v. Rodriguez*, now ensures that immigrants in our region cannot be detained without a bond hearing—ending the practice of keeping asylum seekers and green card holders behind bars for months or even years without due process.

“President Trump and his administration are stripping the U.S. of its long-standing role as a beacon of hope,” Soltani said. “Refugees and immigrants have always been a part of the fabric of our nation and our state. We are proud to continue the ACLU tradition of protecting their rights.” 

Elaine Elinson is the former Public Information Director of the ACLU of Northern California.

ABUSIVE SURVEILLANCE BY ICE CONTINUED FROM PAGE 1

private company based in Livermore, Calif. that stores and sells billions of license plate photos. At least 80 law enforcement agencies from over a dozen different states are listed on an internal ICE report as having granted ICE access to locally-collected license plate data. In areas with large numbers of cameras, the tracking can be as invasive as ICE placing a GPS system on your car (which is illegal without a warrant).

ALPR systems use high-speed cameras fixed to streetlights, roving patrol cars, or even tow trucks to capture passing license plates. The photographs, along with time, date, and location coordinates, are accumulated in the database for years, generating a literal roadmap of people's private lives.

The information is sensitive and can reveal details like where we work, where we live, when we go to the doctor, if we go to a demonstration, and where we go to worship. According to an internal ICE report, local law enforcement agencies granted ICE access to any data they collected, and this is often happening without awareness or approval by the residents of the cities that are sharing data with ICE.

History has shown us that people of color are often the targets of unjust surveillance, and

agencies from sharing driver information with out of state federal agencies and SB 54 prohibits police and sheriffs from sharing personal information for the purposes of immigration enforcement.


The ACLU sent letters demanding local law enforcement agencies stop sharing residents' sensitive driver location data with ICE. And the ACLU Foundation of Northern California is working with communities in California and across the nation to press for reforms that ensure robust debate about future proposals.

Across the U.S., police and sheriffs have told communities that license plate surveillance is essential to fighting local crime. What they didn't say is that they are repurposing that technology to ease the way for ICE to terrorize communities.

With the Vigilant system, ICE has an unprecedented power to find exact coordinates of people's cars, stop them as they drop off their children at school, and arrest them in front of their family.

The public should have a chance to reject this type of spying. Communities can say no to contracts for license plate surveillance or pass ordinances that require transparency and oversight when surveillance technologies like license plate readers are used.

Last year, the city of Alameda withheld approval of a contract to purchase license plate reader technology from Vigilant. It was an important win for the rights of all residents and sent a clear message that the community will not tolerate these abuses.

ICE will stop at nothing to find new ways to fuel its deportation machine. It is up to all of us to take back control of our data and resist delivering this sensitive information to the federal government. 

Leslie Fulbright is a Communications Strategist at the ACLU of Northern California.



PHOTO BY MIKE KATZ-LACABE

THE INFORMATION IS SENSITIVE AND CAN REVEAL DETAILS LIKE WHERE WE WORK, WHERE WE LIVE, WHEN WE GO TO THE DOCTOR, IF WE GO TO A DEMONSTRATION, AND WHERE WE GO TO WORSHIP.

license plate readers are no different. They are deployed disproportionately in communities vulnerable to government abuse and can be used to spy on and target people based on race, religion, and sexual orientation. Let's not forget how the CIA spied on Muslims after Sept. 11 and the FBI tracked Black Lives Matter activists categorizing them as threats to national security.

In California, the data-sharing violates two laws designed to protect the privacy of local communities. SB 34 prohibits public

KNOW YOUR RIGHTS WITH ICE



FIND "KNOW YOUR RIGHTS IF ICE CONFRONTS YOU" AND OTHER KNOW YOUR RIGHTS PUBLIC EDUCATION MATERIALS IN ENGLISH AND SPANISH AT WWW.ACLUNC.ORG/KYR

LETTER FROM THE EXECUTIVE DIRECTOR

In March, I walked into a meeting with members of our senior staff and they surprised me with a card they had all signed marking my 10 years at the ACLU of Northern California. One of them asked me, “what have been the highlights?” It was actually a disarming question. It is a hard question to answer for a decade. Let me share three highlights—from *just the last month*.

DEATH PENALTY

Last month, Gov. Gavin Newsom made the bold decision to put a moratorium on executions in our state. The ACLU of Northern California has been working to stop the death penalty since the 1970s, working with defendants, victims of crime, and exonerees. And we have been working with Newsom on the longer-term project of tackling the racial inequalities throughout the criminal justice system.

Newsom’s executive order is truly a historic step—and he deserves our thanks. Please consider writing a handwritten note of thanks to the governor for this important action.

TAKE ACTION:
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CALIFORNIA.

POLICE USE OF FORCE

We are also making gains in police accountability. This month, families who have lost loved ones to police violence were in court with the ACLU to ensure release of records under the newly enacted SB 1421. We are winning these cases and securing access to records of police misconduct that will help us drive further change in police policies.

The next big campaign is to help pass AB 392 by Shirley Weber and Kevin McCarty and set a new standard for the use of force by law enforcement in California. We will need your support and engagement this year on this effort.

IMMIGRANTS’ RIGHTS

The Trump administration’s assault on immigrants’ rights is a daily battle for the ACLU and many of our partners. We fight this at the level of big laws and policies, but also in the daily assault on the rights of individuals.

We recently settled the case brought on behalf of two immigrant girls who were sexually assaulted by a border patrol agent. It is an individual settlement, but these brave young women have helped educate the whole country about the kinds of human rights abuses happening on the border.



PHOTO BY BETHANIE HINES

ACLU of Northern California Executive Director Abdi Soltani

WE FIGHT THE TRUMP ADMINISTRATION’S POLICIES AT THE LEVEL OF BIG LAWS AND POLICIES, BUT ALSO IN THE DAILY ASSAULT ON THE RIGHTS OF INDIVIDUALS.

This is the work we are proud to do with countless clients and community partners who are in this together with us. This is the work that our members and supporters make possible. You truly lead the way.

Abdi Soltani
Executive Director, ACLU of Northern California

JOIN THE ACLU LEGACY CHALLENGE

1. **NAME** THE ACLU IN YOUR WILL
2. **TELL US** ABOUT YOUR FUTURE GIFT
3. **TRIGGER** AN IMMEDIATE CASH MATCH TO THE ACLU

For a short time, name the ACLU in your will, and The Crankstart Foundation will make an immediate matching cash donation of up to 10% of the value of your future gift to the ACLU.

For more information, visit aclu.org/jointhechallenge