A man named Carlos was waiting at a bus stop in San Bernardino County one recent evening when officers stopped and questioned him “because he looked suspicious.” When Carlos was unable to show identification, the police arrested him. Carlos, who works as a janitor, has lived in the United States for 12 years and is married to a U.S. citizen, was jailed and slated for deportation.

Carlos is among thousands of people in California who pose no threat to public safety but have been pulled into the criminal justice system unnecessarily, only to find themselves in immigration proceedings.

What’s going on? California is not Arizona. Or is it?

The ACLU and its allies have collected extensive evidence to show that federal Immigration and Customs Enforcement (ICE), in tandem with local police and sheriffs, is abusing the rights of ordinary California residents through the misuse of detainers — the mechanism for holding a person in a local jail while ICE investigates their immigration status.

Detainers have been used routinely to hold people who are innocent of any crime without being given notice of their rights, or being informed of any process for challenging the detainer.

Immigration detainers are intended to allow local law enforcement agencies to briefly hold people who have committed a serious crime while ICE investigates the person’s immigration status. But there are no clear standards for the evidence needed to justify a detainer, and detainers are routinely issued before a person has been convicted of a crime.

The result is a “perverse incentive for law enforcement officials to arrest anyone who appears ‘foreign’ in order to check immigration history,” explains ACLU-NC attorney Julia Harumi Mass.

Shockingly, detainers are often issued to U.S. citizens, lawful permanent residents, and others who are not subject to deportation.

A host of other harms have ensued. For example, detainers have been issued against youth as young as 12 who are in the juvenile justice system, for “crimes” such as getting into minor fights with a sibling, and for stealing 43 cents from another child at a schoolyard.

The ACLU has also documented that local officers often believe, mistakenly, that honoring an ICE detainer

CONTINUED ON PAGE 8
WHO CAN VOTE:

The by-laws of the ACLU of Northern California call for the “at large” Directors to be elected by our general membership. The label affixed to this issue of the ACLU News indicates on the top line if you are a current member and thus eligible to vote. Your label states “VOTE” if you are eligible to vote or “INELIGIBLE” if you are not eligible to vote.

If your label states that you are ineligible to vote, but you have recently renewed your membership, please send in your ballot with a note that includes your name and phone number, so we can verify your status. If you are ineligible because you have not renewed your membership but would like to do so at this time, please enclose your membership renewal check in the same envelope as your ballot. (Please note that it is your membership dues payable to the ACLU and not tax-deductible donations to the ACLU Foundation, that make you eligible to vote.)

HOW THE CANDIDATES WERE NOMINATED:

As explained in the summer 2010 issue of the ACLU News, our by-laws specify two methods for nominating candidates for directorships. Candidates may be nominated by the current Board of Directors after the Board considers recommendations from its Nominating Committee. Candidates may also be nominated by petition bearing the signatures of at least 15 of our members in good standing.

INSTRUCTIONS FOR VOTING:

The candidates are listed in alphabetical order. We have 10 candidates running to fill 10 vacancies on our Board of Directors. You may vote for up to 10 candidates.

You cannot cast more than one vote for any candidate. That applies even if you vote for fewer than 10 candidates. If you share a joint membership with another member, each of you can vote for 10 candidates. Do so by using both of the two columns provided for that purpose.

After marking your ballot, clip it and enclose it in an envelope. Your address label (on the reverse side of this ballot) must be included to ensure voter eligibility.

ADDRESS THE ENVELOPE TO:

ELECTIONS COMMITTEE
ACLU of Northern California
39 Drumm Street
San Francisco, CA 94111

If you prefer that your ballot be confidential, put your ballot in one envelope, then insert that envelope plus your address label in a second envelope and send to our Elections Committee at the address indicated above. In that case, we will separate your envelopes before we count your ballot.

In order for your ballot to be counted, we must receive it at the address shown above by December 9, 2010.

As required by our by-laws, in order to have a quorum for our election, we need at least 100 timely returned ballots from our members.

To help you assess this year’s candidates, we’re including brief statements submitted by the candidates (see page 3). We’ve also indicated how they were nominated.
CANDIDATE STATEMENTS

CHERRI ALLISON
It is a great honor and privilege to be nominated to serve as a Board member of the ACLU-NC. I have served as the Affirmative Action Officer since 2005. As an African American woman and executive director of an organization serving survivors of domestic violence I am keenly aware of the significance of protecting the rights of underserved, disadvantaged and threatened communities. If elected, I will support the work of the ACLU-NC to protect and uphold the civil rights that are guaranteed under the Constitution of the United States and to continue to work towards increasing board diversity.

Nominated by: ACLU-NC Board of Directors. Incumbent: Yes.

FARAH BRELVI
I joined the Board in 2008 and now serve as the Chair of the Legislative Policy Committee, and on the Executive and Development Committees. The assault on the Bill of Rights is continuing and the work of the ACLU remains fundamental to our democracy. I am especially proud of my relationship with the ACLU during this election season when the religious freedom of Muslim Americans has become a political football, the ACLU has stood up in defense of the First Amendment. I will also continue to bring my previous non-profit experience to my ACLU-NC service: both as a Vice-Chair of the Board of Amnesty International USA and as a founding Board member of Muslim Advocates. I would be honored to serve an additional term.

Nominated by: ACLU-NC Board of Directors. Incumbent: Yes.

CHRISTY CHANDLER
It has been an honor to serve on the ACLU-NC Board this past term. I respectfully request your vote to continue supporting the ACLU’s essential work protecting the freedoms that are the bedrock of our democracy. As a San Francisco public defender, and now in my own criminal defense practice, I am constantly reminded of the consequences of an unchecked, overreaching government. While the Obama administration has brought greater opportunities to achieve the ACLU’s fundamental goals, much work remains to be done to protect the continued erosion of civil liberties. To be able to address these critical issues as part of the ACLU-NC Board has been an enormous privilege, avenging responsibility and exciting challenge. Thank you for your vote.

Nominated by: ACLU-NC Board of Directors. Incumbent: Yes.

SHELLEY CURRAN
It is an honor to be nominated to serve on the Board of Directors of the ACLU-NC. I have long admired the ACLU-NC and its staff, with whom I have had the pleasure of working over the past ten years. In my prior position as Senior Advisor to the California State Senate, I worked extensively on criminal justice policy, including promoting reforms of sentencing laws, advocating for overturning the death penalty, and promoting alternatives to incarceration. I have also worked on many of the civil liberties priorities of the ACLU-NC, including reproductive freedom, marriage equality, end of life choices, privacy, and other basic civil rights. I have seen first-hand the outstanding work of the ACLU-NC and would be honored to serve on its Board.

Nominated by: ACLU-NC Board of Directors. Incumbent: No.

YOHANCE EDWARDS
I would be thrilled to continue to serve on the Board of Directors of the ACLU-NC. I joined the Board to fill an interim vacancy this fall. The ACLU has been close to my heart since I was a law student at NYU. Back then, I worked on terrorism cases and other post 9/11 civil liberties issues. As an attorney, I have worked on civil gang injunctions with the ACLU-NC. I am truly excited by the opportunity to use my passion and skills to help advance the ACLU-NC’s mission of protecting civil liberties issues. I am particularly passionate about racial and economic justice but can get equally engaged with various other issues that the ACLU-NC takes on. I would be honored to have your vote.

Nominated by: ACLU-NC Board of Directors. Incumbent: No.

CYNTHIA CAREY-GRANT
I deeply honored to have the opportunity to serve on the Board of Directors of the ACLU-NC. Through the years I have been privileged to participate in several projects and campaigns in my leadership role with partner social justice organizations. So I know firsthand the valuable contribution the ACLU-NC has made to protect the rights of the diverse communities in northern California. I have committed my life work to improving the status of women, people of color and the empowerment of the politically disenfranchised. In that pursuit, I have engaged in the civil rights, women’s, peace and reproductive justice movements. I can think of no better way to advance this life commitment than as a member of the board of the ACLU-NC. Thank you for your support.

Nominated by: ACLU-NC Board of Directors. Incumbent: No.

AJAY KRISHNAN
I would be honored to serve on the Board of Directors of the ACLU-NC. Having lived much of my childhood overseas—in Saudi Arabia and Singapore—I feel strongly about the vital need to energetically defend our civil rights and civil liberties. In 2004, I served as an attorney on the staff of the ACLU of Northern California, and worked on a number of civil liberties cases related to the free speech, and death penalty issues. Since that time, I joined a law firm in San Francisco, and have continued to partner with the ACLU on cases involving free speech, prisoner rights, and death penalty issues. If elected, I will continue to dedicate my time and energy to our shared mission of defending civil rights and civil liberties.

Nominated by: ACLU-NC Board of Directors. Incumbent: Yes.

NIKI SOLIS
I would be honored to serve on the board of the ACLU-NC. I am a Hastings graduate who has served as a public defender in San Francisco for over 15 years and am a past president of San Francisco La Raza Lawyers Association. My family emigrated from Belize when I was an infant. My passion in civil liberties was stoked early on when I realized as an undocumented immigrant of a land I knew and loved I couldn’t attend public schools and my family was in constant fear of the INS. My goal from childhood was to become a lawyer to help others pursue their civil rights. If elected, I would be a diligent, passionate and energetic advocate for the principles of this organization.

Nominated by: ACLU-NC Board of Directors. Incumbent: No.

KEN SUGARMAN
I am very hopeful that I can continue to serve on the board of the ACLU-NC. I am a deep believer in the ACLU’s core civil liberties, civil rights mission. When things seem sad I remind myself how worse they would be if the ACLU were not around. We have a talented, dedicated, and creative staff that delivers on the organization’s promise every day. My role as a board member has been to help make sure the staff has the resources, support, and occasional direction it requires. I have been active on several committees and in my role as a fundraiser. If reelected to the board I will continue to fulfill my responsibilities faithfully. Thank you for the opportunity.

Nominated by: ACLU-NC Board of Directors. Incumbent: Yes.

NATALIE WORMELI
I’ve been involved with the ACLU of Northern California since 1990 while attending Davis Law School. I’m currently the Chair of the Yolo County ACLU Chapter, and previously served as Chair of the Field Committee on the ACLU-NC Board. My proudest moment with the ACLU-NC was participating in the executive director search that resulted in the hiring of Abdi Soltani. As an attorney with disabilities, I’m proud to be a part of this organization.

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Nominated by: ACLU-NC Board of Directors. Incumbent: Yes.
NEW STAFF AT THE ACLU-NC

New Police Practices Policy Director Allen Hopper comes to the ACLU-NC from the National ACLU’s Drug Law Reform Project, where as Litigation Director he brought constitutional challenges on behalf of medical marijuana patients and their doctors, victims of racially selective enforcement of drug laws, children victimized during drug raids, and youth who were strip-searched while at school.

Before joining the ACLU, the UC Davis law school graduate worked in private practice focusing on criminal defense, prisoners’ rights and police misconduct litigation. He also served as a staff attorney for the California Appellate Project in San Francisco.

As the ACLU-NC’s Police Practices Policy Director, Hopper will spearhead an integrat-ed advocacy approach utilizing local and state legislative and policy advocacy, litigation, community organizing and public education to challenge and reform California’s criminal justice system.

Linda Lye joins the ACLU-NC as a Staff Attorney. Until recently, Lye was known as a stand-out among the talented team of volunteer Board members at the ACLU-NC, where she served as Chair of the Legal Committee.

Now Lye has made an enthusiastic leap to put the ACLU-NC at the center of her work life as the Staff Attorney focusing on the First Amendment, privacy, national security, students’ rights and technology.

After attending Boalt Hall School of Law, Lye clerked for Justice Ginsburg on the Supreme Court and Judge Guido Calabresi on the Second Circuit Court of Appeals, and most recently worked at Altshuler Berzon, a union-side labor and employment firm, where she was a partner.

CELEBRATING A SUCCESSFUL COMPLETION OF THE ACLU CAMPAIGN FOR THE FUTURE

The shining success of the ACLU-NC’s monumental capital campaign was capped with a spirited celebration at Yerba Buena Gardens in San Francisco on October 6.

Photos top to bottom: Elaine Elinson and Dorothy Ehrlich, Elizabeth Zitrin and Aundré Herron, Nancy Pemberton and Ron Tyler, Emily Skolnick and Fran Strauss.

NEW STAFF AT THE ACLU-NC

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LETTER FROM THE EXECUTIVE DIRECTOR

O n Friday July 23, 2010, I went to prison.

Thankfully, it was a guided tour and I got out in a few hours. What struck me on this visit to San Quentin was, surprisingly, a sense of hope.

Because of its location in the Bay Area, San Quentin holds a number of programs with non-profits and volunteers focused on literacy, restoration and reentry.

For example, a group of inmates publish a prison newspaper, and others record and edit films. When we asked what is one thing we should tell others, an inmate emphasized the importance of these rehabilitation programs because as prisoners are released, eventually “the culture of the prison enters the community.”

But these glimmers of hope are overwhelmed by the problems with our overcrowded and bloated criminal justice system. As one example, the gym has been converted to prisoner housing, filled with row after row of bunk beds and packed with hundreds of inmates in orange jumpsuits.

We had a chance to see the gas chamber, which until recently, was also used as the lethal injection chamber. We were not taken to see the new lethal injection chamber, but it was on full display this September when the State prematurely scheduled an execution — despite three court cases and the regulatory process on the new lethal injection protocol still pending.

What do we do when the State jumps the gun and keeps running? We run faster — mobiliz-ing our coalition to contact state officials, filing briefs with the court to stop the execution and ensure that the legal process unfolds, speaking with the media to provide the voices of crime victims who support alternatives to the death penalty.

The execution was ultimately stopped. For at least a few months, executions remain on hold. And our proactive work to replace the death penalty with life without the possibility of parole continues.

Any day at the ACLU could be the day the State schedules an execution, a local sheriff over-steps his authority to enforce federal immigration laws (page 1) the Governor signs or vetoes ACLU steps his authority to enforce federal immigration laws (page 10).

Executive Director Abdi Soltani

Thank you for making that work possible on each and every day.

Abdi Soltani
Executive Director
**EXECUTION HALTED**

The ACLU-NC played a pivotal role in helping to halt what would have been California’s first execution in nearly five years. Just 30 hours before the execution was scheduled to take place the California Attorney General conceded that it could not go forward. His announcement followed last minute developments in federal and state court, as the ACLU and other anti-death penalty advocates were planning vigils and demonstrations across the state. The ACLU applied pressure in the days leading up to the execution. In the space of ten days, we:

- **ORGANIZED:** We created an action center on our web page, providing activists with background information and ways to get involved. We kept people informed with up to the minute breaking news, through social media and email. With our coalition partners, we generated almost 5,000 letters to state Attorney General Jerry Brown and dozens of letters to the editor in newspapers across the state.

- **COMMUNICATED:** We responded to dozens of press calls from print, television, radio and on-line outlets, in English and Spanish, and became the primary source of information for reporters. We secured editorials calling for an end to the death penalty from the Los Angeles Times, San Jose Mercury News, San Francisco Chronicle and other papers. We held a press conference on the issue to underscore that California’s death penalty system is broken and should be replaced with life without the possibility of parole. We also made sure that the voice of murder victims’ family members who oppose the death penalty was part of the conversation.

- **LITIGATED:** With cooperating counsel at Keker & Van Nest, we represent Pacific News Service in one of the three legal challenges to the lethal injection process. Our team quickly responded as the legal situation changed, submitting one of many briefs that ultimately helped stop the execution from moving forward.

**SAVING CALIFORNIA BILLIONS**

“SMART ON CRIME” REFORMS CAN

By Maggie Crosby

The ACLU continues to fight for funding for emergency re-

pairs to schools where conditions pose an urgent threat to the health and safety of students and teachers. These emergency repair funds are part of the historic settlement agreement in the ACLU lawsuit, Williams v. State of California. Though the Governor supported this funding, the Senate and Assembly disagreed, postponing funding for another budget.

AB 1900 (Skinner) would have ensured that incarcerated pregnant women are not shackled when being transported to and from a state or local correctional facility unless there is a safety issue. Currently, two-thirds of county jails shackle pregnant women in ways that could cause miscarriage or other injuries. The bill would develop uniform standards to ensure that these women are not shackled unless there was a legitimate safety reason. The Governor vetoed this legislation stating logistical concerns that we disagreed with. It is a reminder that the most simple civil liberties don’t come without a fight.

**SAFETY FOR STUDENTS, PREGNANT WOMEN, AND GOOD SAMARITANS**

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pairs to schools where conditions pose an urgent threat to the health and safety of students and teachers. These emergency repair funds are part of the historic settlement agreement in the ACLU lawsuit, Williams v. State of California. Though the Governor supported this funding, the Senate and Assembly disagreed, postponing funding for another budget.

The Governor also vetoed AB 2460 (Ammiano), which would have provided immunity for certain drug-related crimes to "good samaritans" who contacted emergency services about someone experiencing a drug overdose. The victim of the overdose would have received similar immunity for the crimes. Research has shown that fear of arrest or police involvement is the most significant barrier to people calling 911 for help in overdose situations. This didn’t seem to matter to the Gov-

**TALK ACTION ONLINE TO PROTECT CIVIL LIBERTIES: SIGN UP AT WWW.ACLUnC.ORG**
The ACLU of Northern California plays a direct role at the forefront of fights for civil liberties not only in our region, but across the nation. The following are ongoing examples of the ACLU’s leadership in taking a stand against abuses of government power for the rights of all.

CHALLENGING ‘NO FLY’

The ACLU of Northern California has joined with the National ACLU and ACLU affiliates in Oregon, Southern California, and New Mexico to file a legal challenge on behalf of several U.S. citizens and lawful permanent residents who cannot fly to or from the United States or over U.S. airspace because they are on the “No Fly List” — a component of the government’s watch list system.

None of the plaintiffs in the lawsuit, including a disabled veteran of the U.S. Marine Corps, a U.S. Army veteran, and a U.S. Air Force veteran, have been told why they are on the list or given a meaningful chance to clear their names. Yet, they have been prevented from visiting relatives, accessing employment and educational opportunities, and — for those stranded abroad — returning home to their families, jobs, and needed medical care in the United States.

As a result of the ACLU’s lawsuit, several of the plaintiffs who were stranded outside of the United States and wished to return were recently allowed to do so.

HERE IS A GLANCE AT A FEW OF THE COURAGEOUS PEOPLE WHO ARE PART OF THE LAWSUIT:

AYMAN LATHI, a U.S. citizen and disabled Marine veteran living in Egypt who has been barred from flying to the United States. As a result, he cannot take a required Veterans’ Administration disability evaluation or bring his two young children to visit family in the U.S.

ADAMA BAH, a citizen of Guinea who was granted political asylum in the United States, where she has lived since she was two, was barred from flying from New York to Chicago for work.

HALIME SAT, a German citizen and lawful permanent resident of the United States lives in California with her U.S.-citizen husband. She was barred from flying from Long Beach, California to Oakland to attend a conference and has since had to cancel plane travel to participate in educational programs and her family reunion in Germany.

IBRAHEIM (ABE) MASHAL, a U.S. citizen and veteran of the U.S. Marine Corps, is a traveling dog trainer and father of three. He is unable to serve clients who are not within driving distance of his Illinois home because he is unable to board a plane.

Thousands of people have been placed on the No Fly list in recent years. Those placed on the list while inside the United States have been prevented from traveling to visit relatives, for work, or access to educational opportunities.

The government has provided no process for individuals denied boarding on commercial flights to or from the United States or over U.S. airspace to find out the reasons for their inclusion on the No Fly List or to rebut the evidence or innuendo against them.

The Constitution does not permit such a fundamental deprivation of rights to be carried out under a veil of secrecy and in the absence of due process.
WHAT HAPPENS IN ARIZONA STOPS IN ARIZONA

The ACLU has been among the country’s most vociferous and unrelenting opponents of Arizona’s anti-immigrant legislation, SB 1070. Turning collective anger over the measure into creative action, ACLU affiliates across the country issued “travel alerts” on the eve of the Memorial Day holiday informing individuals of their rights should they be stopped by law enforcement when traveling in Arizona.

“Since this discriminatory bill was signed, we have seen cases of racial profiling and unlawful detentions increase, and our communities are acutely aware of what more could happen if the bill is enacted,” said Alessandra Soler Meertze, Executive Director of the ACLU of Arizona. “We believe the courts will ultimately find that all of SB 1070 is unconstitutional and strike it down. We filed this brief to show the court that there will be a terrible human cost if the partial injunction is lifted.”

WHAT’S GOING ON? RACIAL “MAPPING” AND SURVEILLANCE IN NORTHERN CALIFORNIA

Are federal agents creating a racial “map” of your neighborhood based on the ethnic makeup of the people who live there? If they are, then how, and why?

These are the key questions that underlie the ACLU’s desire to uncover details about a new FBI program created to collect and analyze information about racial and ethnic demographics, “behaviors,” cultural traditions, and “life style characteristics” in local communities with concentrated ethnic populations.

Thirty-two ACLU affiliates across the country, including the ACLU of Northern California, filed Freedom of Information Act (FOIA) requests about the program with Federal Bureau of Investigation (FBI) field offices in July.

In a different but related effort in August, the ACLU has taken another stand for transparency by filing a lawsuit against the FBI in hopes of speeding the release of FBI records on the investigation and surveillance of Muslim communities in the Bay Area.

The goal is to understand whether and how the FBI is investigating Islamic centers and mosques; using undercover agents and informants; training agents in Islam and Muslim culture; and using race, religion and national origin in deciding whom to investigate.

The call to share information with the public stems from concerns by the ACLU and others over whether surveillance tactics have had a chilling effect on the right to worship freely or to exercise other forms of expression as well as broader community concerns and anxiety over surveillance tactics.

The FBI agreed to expedited processing of the original FOIA request in March, but the government has yet to provide a single document.
WHY THE PROP. 8 DECISION MATTERS
By James Esseks

By now you’ve surely heard about the smashing victory in the Perry v. Schwarzenegger federal marriage case in San Francisco. It’s a historic ruling that strikes down Prop. 8 because it violates the federal Constitution. The decision makes some big contributions to the law, but it’s the court’s factual findings that are likely to be most important in terms of changing the dialogue in America about marriage.

What sets this case apart is that the court held a full trial, at which both sides got to present evidence, and the judge could then sort fact from fiction. The folks fighting marriage for same-sex couples are pushing a lot of fiction, so it’s great to have a judge bring a measure of reality back to the conversation.

Three of Judge Vaughn Walker’s factual findings stand out.

First, he rejected the assertion that kids need a married mom and dad, and that restricting marriage to different-sex couples ensures that more kids are raised in that kind of household. In his decision, Judge Walker wrote that the evidence at trial showed that “same-sex parents and opposite-sex parents are of equal quality,” and “Proposition 8 does not make it more likely that opposite-sex couples will marry and raise offspring biologically related to both parents.” State courts addressing challenges to parenting restrictions have come to the same conclusions, but it’s great to have a federal court reinforce those findings.

Second, the judge held that there is no material difference between same-sex and different-sex relationships. Judge Walker wrote in the decision:

Like opposite-sex couples, same-sex couples have happy, satisfying relationships and form deep emotional bonds and strong commitments to their partners. Standardized measures of relationship satisfaction, relationship adjustment and love do not differ depending on whether a couple is same-sex or opposite-sex.

Third, Judge Walker held that the Prop. 8 proponents could not identify any factually verifiable way in which allowing same-sex couples to marry would harm different-sex couples. Indeed, prior to trial, when the judge pressed the lead lawyer for the proponents about how straight people would be harmed, he responded: “Your honor, my answer is: I don’t know. I don’t know.” Stunning.

Those questions — whether gay people are bad for kids, whether our relationships are the same or different from those of straight people, and how exactly allowing us to marry would harm heteroexual marriages — are key touchstones of the marriage debate all across the country. To have them not only answered, but demolished on the facts after a full trial, is a turning point in the national discussion of this issue.

The ACLU, along with Lambda Legal and the National Center for Lesbian Rights, filed a friend-of-the-court brief in support of the plaintiffs. The trial has made plain that the other side’s arguments, and its passion on the issue, are based not on any real harm stemming from allowing us to marry, but on misconceptions about us and our relationships.

The decision is a time to celebrate, but our work is far from done. While this case makes its way to the Supreme Court, it’s critical that we continue to fight for same-sex marriage bills done. While this case makes its way to the Supreme Court, it’s critical that we continue to fight for same-sex marriage bills

LEGAL BRIEFS

By Rebecca Farmer

KEEPING YOUR GENETIC INFORMATION OUT OF GOVERNMENT HANDS

Activist Lily Haskell was forced to turn over a DNA sample after she was arrested at a peace rally in San Francisco, even though she was later released without any charges. Under Proposition 69, a voter-enacted law, anyone arrested on suspicion of a felony in California is required to provide a DNA sample. DNA samples that are collected are analyzed and uploaded to a criminal database accessible to local, state, and national law enforcement agencies.

An ACLU-NC lawsuit, Haskell v. Brown, is challenging the law because it violates constitutional guarantees of privacy and freedom from unreasonable search and seizure. The law also has a disproportionately harmful impact on communities of color. The firm Paul, Hastings, Janofsky & Walker LLP is litigating the case with ACLU-NC on a pro bono basis. The ACLU-NC recently argued the suit before the Ninth Circuit Court of Appeals, and is awaiting a ruling.

PROTECTING STUDENTS’ PRIVACY

The ACLU-NC’s lawsuit challenging a mandatory student drug testing policy in Redding is advancing, with pro-bono assistance from the law firm Pillsbury Winthrop Shaw Pittman LLP. The suit seeks to end the Shasta Union High School District’s policy of requiring students to submit to random drug testing in order to participate in school-related activities, including choir, the science bowl, and the mock trial team. This mandatory, suspicionless drug testing violates students’ right to privacy under the California Constitution.

The suit has won two early and promising rulings since its filing in December 2008. In May 2009, the trial court issued a preliminary injunction sought by the ACLU-NC, halting the district’s drug testing program as the case proceeds.

The latest victory came in September 2010, when the California Court of Appeal upheld the preliminary injunction, in an opinion written by California Chief Justice Justice nominee Tani Cantil-Sakauye. As the case continues, the ACLU-NC will continue to argue that the mandatory testing impedes students’ ability to participate in educational activities and intrudes on their privacy.

VICTORY FOR NATIVE AMERICAN STUDENTS

The ACLU-NC reached a settlement on behalf of Native American students on California’s remote far northern coast who were negatively impacted by a school closure on the Yurok reservation. Only one school in Del Norte County provides instruction in Yurok language and culture. A majority of the students who attend that school, Margaret Keating Elementary School, are Native American.

Yurok students suddenly faced a closure of grades 6-8 at their school in 2005, despite the fact that the school was the only one to be closed. The Del Norte County school district reassigned them to a school off the reservation in Crescent City, forcing students to spend up to three hours roundtrip each day on a bus.

After receiving community complaints, the ACLU-NC and the law firm Covington & Burling LLP filed a class-action lawsuit on behalf of Native American students impacted by the closure, arguing that it constituted racial discrimination. After negotiating with the district, the ACLU-NC reached a settlement that creates changes in school policy and practices that will ease the lingering burden on Native American students.

The district is also creating an after-school program that teaches Yurok language and culture and reducing transportation burdens by providing additional bus service for the students displaced from Margaret Keating Elementary School who live on the Yurok reservation.

Rebecca Farmer is the ACLU-NC Media Relations Director.

PROTECTING THE LEGAL RIGHTS OF IMMIGRANTS — CONTINUED FROM PAGE 1

is mandatory, when in fact, police and sheriffs may exercise discretion in responding to these requests.

In coalition with immigrant rights organizations, the ACLU has helped lead a national effort to stem the abuse of detainees, calling on ICE to revise its policy.

IN AUGUST, ICE HEAD JOHN MORTEN DECLARED THAT ICE’S POLICY ON DETAINEES WOULD BE REVISED, A MOVE THAT APPEARS TO BE IN DIRECT RESPONSE TO THE ACLU’S LAWSUIT ON BEHALF OF SONOMA RESIDENTS WHO WERE VICTIMS OF RACIAL PROFILING AND UNFAIRLY DETAINED. MORTEN’S DIRECTIVE IS ALSO A TACTIC ADMISSION THAT ICE HAS USED DETAINEES IN WAYS NOT AUTHORIZED BY LAW.

The victory is expected to have national impact. In a letter to Secretary Janet Napolitano of the U.S. Department of Homeland Security, the ACLU and allies have provided extensive input on detainee reforms to ensure that due process and equal treatment are restored.

Most importantly, the ACLU recommends that ICE issue detainees only after a conviction has been obtained, that youth be excluded from detainees, and that at the time a detainee is issued, that person who is detained receive a notice of their rights and a clear mechanism to challenge their detention.

By James Esseks

By Rebecca Farmer

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Dr. Sophia Yen's parents instilled a taste for philanthropy in her when she was quite young. “When I was in fourth grade, my parents told me they would match my donation to the organization of my choice. I saved up enough to give $50 to ‘World Vision’—which doubled to $100 with my parents’ donation.”

Since then, Dr. Yen’s charitable giving has taken new forms, but philanthropy continues to be a family affair. Her parents formed a family foundation based on a lifetime of hard work, success and a little luck. Every year, each member of the family decides how to allocate a portion of the foundation’s charitable budget. Last year, Dr. Yen directed a generous grant from the foundation to the ACLU Foundation of Northern California for our work protecting the rights of adolescents to reproductive health services and information.

Adolescents’ access to confidential reproductive health care is Dr. Yen’s passion. She serves on the Board of Directors for the Center for Reproductive Rights and works as a Clinical Instructor for the Teen and Young Adult Clinic at the Lucile Packard Children’s Hospital and the Stanford University School of Medicine.

Dr. Yen views speaking out on behalf of adolescents as her unique contribution to the reproductive rights movement. These young people don’t have the right to vote,” she says, “and they often don’t have a voice. I’m able to fight for them on their behalf, to make sure they have access to accurate information and the full range of contraceptive options.”

Dr. Yen also wants to release our cultural concept of “moral” from the grip of the religious right. She sees reproductive freedom as an extension of our freedom of religion. “America was founded on the freedom of religion and even people of the same religion disagree on when life begins or whether abortion is moral. Thus, the decision about abortion should be left to the individual and not to politicians.”

Dr. Yen believes the reproductive rights movement will be well-served to remember to include outreach to Asian-Americans. “During the No on 4 campaign, there was no planned outreach to the Asian-American media,” she said. “But most Chinese-Americans and Taiwanese-Americans are pro-choice. When this was brought up to the ACLU, action was taken.” In collaboration with Asian Communities for Reproductive Justice, the ACLU took immediate action to make sure a press conference was held. It was because of this fast response that Dr. Yen decided to become an ACLU donor.

She also helps ACLU-NC staff attorney Maggie Crosby as part of the inspiration for her donations to the ACLU. Crosby has been the leading legal force behind California’s pro-choice laws for over 30 years. “Maggie is absolutely amazing for what she’s done for young people. Under Maggie’s leadership,” Dr. Yen says, “the ACLU has a great track record for defending adolescents’ reproductive rights.”

FACEBOOK PRIVACY UPDATE

The social networking giant Facebook recently launched a new location-based service, called Places, which allows users to “check in” at restaurants, bars, concerts, and such, and to share these check-ins with their network. The company has come under a great deal of fire previously from the ACLU-NC and other privacy groups for leaving user privacy in the dust as it expanded its services. This time around, Facebook built in some safeguards to protect sensitive location-based information but failed to take other important steps to protect privacy. Read more about how to optimize your Facebook privacy settings at www.doright.org/social-networking.

The more people who join the ACLU, the more people can take action together to defend our Constitutional rights in their community in California — and across the country.

For more information or to register, visit www.myaclu.org.
CROSSING BORDERS, BORDERS CROSSING: A YOUTH INVESTIGATION INTO IMMIGRATION, MIGRATION HISTORIES, AND MIGRANT JUSTICE
THE HOWARD A. FRIEDMAN FIRST AMENDMENT EDUCATION PROJECT’S 2010 SUMMER TRIP

THANKFUL
By Poya K.

My parents always told me to be thankful.
Be thankful that you have food on your plate.
Be thankful that you have a roof over your head.
Be thankful for your bed,
Because some people are less fortunate than you are.
They said be thankful that you are here,
And for the longest time I never understood what they meant.
Now I realized it,
I should be thankful that my ancestors survived mass genocide,
Throughout the course of time.
That my culture never died.

I should be thankful that my mother survived revolution and war,
Took shelter while bombs would fall in the dead of night,
Shaking the very foundation of her world.
Dodged bullets flying back and forth while walking to school.

Be thankful that my father,
Who was a political activist,
Was able to avoid arrest.
That he came to America just in time,
Chose education and avoided being drafted,
I should be thankful that they met and had me.

Be thankful that they became citizens,
thankful that they didn’t have to run across the desert,
Risk deportation,
That they don’t live with the constant fear of ICE,
That they don’t have to live underground,
Always running,
Never resting.

So mom I know how thankful you want me to be,
That’s why I want to show you how thankful I am by adding to your list.

I should be thankful that I am in America.
I need to fight for those who have suffered from America’s lies and greed.

 Fight for those who are trying to survive,
Who came here for a new life,
Who came to feed their families.
To fight for those who made the ultimate sacrifice.
Forced to come here,
Then they lose their culture, land, and their family.

Cause the pain and hardships of a migrant in America are eternal.

This is a poem by a student on the summer trip.
The Friedman Project fosters free expression.
ALAMEDA’S PAUL ROBESON CHAPTER BRINGS LOCAL VOICES TO GOVERNMENT EARS
By Ashley Morris

With a region as large as the ACLU of Northern California, covering 48 counties and 53,000 members, it is critical that chapter leaders build relationships with public officials in their regions. These relationships help open the lines of communication between grassroots ACLU activists and other community members and decision-makers in times of importance.

The Paul Robeson Chapter of the ACLU-NC spans the large and diverse area of Alameda County (with the exception of the cities of Berkeley and Albany). Since 2008, the chapter has taken an active approach to civic engagement by meeting with elected and appointed officials to voice their concerns over policing, the death penalty, the state budget, and more. In Alameda County and in Sacramento, these personal connections have made the chapter increasingly influential in the community.

“My obligation towards civic engagement doesn’t end when I go to the ballot box,” said Chapter vice chair Derrick Wortes. “After that, there’s the equally important task of communicating what’s necessary to build a better society and to hold the officials accountable to those things.”

Members of the Chapter board met with Alameda County District Attorney Nancy O’Malley. A great deal of power lies in the hands of the District Attorney – as she decides whether...
ASK THE EXPERTS!
MARIJUANA LAW REFORM

California’s Proposition 19 is a turning point in the national conversation around criminal justice. Police Practices Director Allen Hopper explains why advocates for civil liberties have a stake in marijuana law reform.

Why is the ACLU involved in marijuana law reform?
Criminal justice reform is one of the most important civil liberties and civil rights issues of our time. Drug law enforcement in the United States is a driving force behind most of the problems we see in the criminal justice system, including the incredible racial disparities. Department of Justice figures show that over 800,000 people are arrested in the U.S. for marijuana offenses each year. The vast majority of these arrests are for low-level, non-violent simple possession offenses. We have a serious over-incarceration problem in this country.

At the local level, the proposition allows, but does not mandate, individual city and county governments to legalize, regulate, and tax the controlled sale of marijuana by adults, to adults.

Nearly everyone in California is concerned about the state budget crisis. Do current marijuana laws have a budget impact?
Absolutely. We’re missing out on significant potential tax revenues, and we’re spending far too much on the criminal justice system. Drug policy ought to be dealt with as a public health issue, not a criminal justice issue.

What are the collateral consequences that someone with a marijuana conviction faces?
The effects of a drug conviction can follow a person around for the rest of their life. People can lose their access to financial aid for college and be denied public housing, food stamps and other government services. Any drug conviction makes it very tough to get a job, even a minor marijuana conviction.

Some people, including lawmakers, argue that youth will have greater access to marijuana if marijuana reform moves forward. Is this a realistic concern?
There is no reliable data that shows that kids will have greater access to marijuana if it’s made legal. To the contrary, in places like the Netherlands where marijuana has been legal for some time now, there are much lower rates of use among youth than in the United States.

We know from talking to California parents how easy it is for young people to get marijuana. High school students report that it’s easier for them to get marijuana than alcohol. We might actually reduce youth access to marijuana by setting up a regulated system in which marijuana can only be bought from a licensed retailer. Unlike regulated liquor stores, drug dealers don’t check for I.D.

What are the substance abuse considerations of marijuana reform policy efforts?
Whether drug treatment is necessary at all for marijuana users is a hotly debated topic. Studies have shown that for the vast majority of marijuana users, the most significant marijuana-related problems they experience come from getting arrested. There are two ways you can deal with marijuana use. One is to deal with the rare addiction problems that might arise as a public health issue, and the other is to use the criminal justice system, make it a crime. We know that it is significantly cheaper and more effective to provide treatment to people who are having substance abuse issues than to send them through the criminal justice system.

California often leads the nation on social issues. How is California marijuana reform relevant in a national context?
As has often been the case, California is at the cutting edge of social justice policy. Back in 1996, California voters passed Proposition 215, allowing the use of medical marijuana. We were the first state to do anything like that. There are now 14 states and the District of Columbia who have enacted similar medicinal marijuana law reforms.

Whether or not Prop 19 passes, there will be significant marijuana law reform in California in the near future.