

ACLUnews

SPRING 2013

VOLUME LXXVII ISSUE 1

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ACLU TAKES MARRIAGE EQUALITY TO THE SUPREME COURT

By Jessie Seyfer

The U.S. Supreme Court moment that supporters of marriage equality have been waiting for—and that the ACLU has been tirelessly working towards—is finally within reach. All eyes are on the high court this spring as it hears two critical same-sex marriage cases that could result in an overturning of the federal Defense of Marriage Act (DOMA) and California's Proposition 8.



Courtesy of the NYCLU

Plaintiff Edie Windsor.

"All couples deserve the freedom to express their love and commitment to one another and protect their families through marriage—lesbian and gay couples are no exception," said Elizabeth Gill, staff attorney with the ACLU of Northern California. "We hope the Supreme Court agrees."

Last December, the high court agreed to hear the two cases—*Windsor v. United States*, the ACLU's challenge to DOMA, and *Hollingsworth v. Perry*, which challenges California's Proposition 8. Oral arguments are scheduled for March, and decisions are expected by late June.

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ROE V. WADE AT 40: BREAKING DOWN BARRIERS TO ABORTION ACCESS

By Rebecca Farmer

This year marks the 40th anniversary of *Roe v. Wade*, the landmark U.S. Supreme Court decision that legalized abortion. Women's fundamental right to reproductive health care has faced serious attacks, and a shocking 135 laws restricting abortion were passed around the country in the last two years. That's a record high—or maybe a new low.

In California we do things differently. Our state has some of the strongest laws protecting reproductive rights. But even here, women in rural and urban areas still face challenges in access to timely abortion care.

To celebrate the *Roe v. Wade* anniversary this year, the ACLU-NC and a coalition of groups supporting reproductive health introduced a bill that will actually improve access to abortion for women who need it. The bill, AB 154 authored by Assembly Majority Leader Toni Atkins (D-San Diego), will expand the number of trained health professionals who can provide early abortion care.

These are the stark realities:

- Women in 52 percent of California counties don't have an accessible abortion provider.
- There are only five abortion providers in the Central Valley between Stockton and Bakersfield.
- Women in rural areas often have to travel long distances. This can mean taking extra time off work and finding extended childcare.
- Women in urban areas face overburdened clinics and long wait times that result in delays to care.

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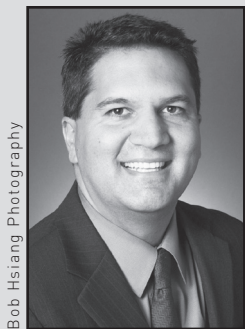
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AMERICAN CIVIL LIBERTIES UNION
of NORTHERN CALIFORNIA

LETTER FROM THE EXECUTIVE DIRECTOR



Bob Hsiang Photography

Lately I have been asking myself this very candid question: Have I spent my first four years at the ACLU as well as I spent my time in high school? After all, I packed in a lot of history, math, literature, science, debate, soccer, environmental club meetings, and neighborhood lawn-mow-

ing in those four years.

At the ACLU of Northern California, how have we done in these four years?

We have stepped up our efforts during a time of fiscal crisis to press for criminal justice reform, from stopping the expansion of jails to challenging the death penalty.

We are better serving the diverse populations of our entire region and state. We are deeply engaged in a range of litigation and advocacy throughout the Central Valley. Our collaboration with the other ACLU affiliates in our state as the "ACLU of California" is opening up new areas of work—such as voting rights.

And our colleagues here are having greater national impact. Our state model for access to contraception is part of the Affordable Care Act. The core issues of fair treatment of immigrants are part of the immigration reform debate. Our challenge to the exclusion of women in combat yielded a major step forward in the military. And the ACLU's long-term fight for marriage equality will be heard in the Supreme Court.

My favorite subject in high school was history, and I'm still a fan. I recently read *Bury the Chains* on the movement to abolish the slave trade in the British Empire, and watched the PBS series *The Abolitionists*. They emphasize a central element of the struggle for freedom and equality: Time. The most significant changes take a great deal of time to see through—sometimes decades. But within that slow march of time, there are periods of rapid progress. Now is one such time.

Abdi Soltani

Abdi Soltani
Executive Director

THE ACLU TALKS CIVIL LIBERTIES IN PALO ALTO



Photos by Jaeger Shots

A week after the November general election, the ACLU of Northern California headed to Palo Alto to discuss the impact of the election results on key civil liberties issues in California and nationwide. Top row, left to right: David Morrison, Chi-Kai Sin, L Peter Deutsch; Daniela Florescu, Roger Bamford, James Bamford. Bottom row, left to right: Riaz Moledina, Abdi Soltani, Lily Moledina; Dawn Abel, Griff Hazen, Pierre Vachon, Sally Stewart, Rebecca Farmer, Shayna Gelender.

THE DESILVER SOCIETY'S ANNUAL LUNCHEON



Photos by Gigi Pandian

At the annual DeSilver Society Luncheon, ACLU of Northern California supporters gathered for a post-election analysis. At right: Elaine Elinson and Thomas Perez.



ACLUnews

THE PUBLICATION OF THE
AMERICAN CIVIL LIBERTIES UNION OF NORTHERN CALIFORNIA

Membership (\$20 and up) includes a subscription to the *ACLU News*. For membership information call (415) 621-2493 or visit www.aclunc.org

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BOARD ELECTION RESULTS

Congratulations to ACLU-NC's new Board members, Officers and Executive Committee members!

Election Results: Board of Directors

The membership of the ACLU-NC has elected the following people to serve on the Board of Directors for the 2013 term [an asterisk (*) denotes an incumbent]: Maria Hekker, Ruben Lizardo, *Scotty McLennan, *Simin Shamji, David Oppenheimer, *Ismail ("Izzy") Ramsey, *Bianca Sierra, *Beverly Tucker, Francisco Ugarte and *Mickey Welsh. We also thank our outgoing at-large Board members Patrice Harper, Tal Klement, Tracy Weitz, David Berger and Steven Rosenbaum for their valuable contributions to our work and mission.

New Officers & Executive Committee Members

The ACLU-NC Board of Directors has elected Magan Ray as Affirmative Action Officer. The ACLU-NC Board of Directors has also re-elected Dennis McNally as Development Committee Chair, Ajay Krishnan as Legal Committee Chair, Farah Brelvi as Legislative Policy Committee Chair, Ken Sugarman as Finance Committee Chair (Secretary/Treasurer), and Allen Asch as Field Activists' Committee Chair. The 2013 Executive Committee will also include the following "at-large" members: Cherri Allison as National Board Representative, Beverly Tucker, Marlene De Lancie (member emerita); as well as Chapter representatives George Pegelow (Marin) and Elliot Ruchowitz-Roberts (Monterey).

ENDING DISCRIMINATION AGAINST WOMEN IN THE MILITARY

By Rebecca Farmer

Just two months after the ACLU filed suit a federal lawsuit in San Francisco challenging the U.S. Department of Defense's longstanding policy barring women from thousands of ground combat positions, Defense Secretary Leon Panetta lifted the combat exclusion policy. The suit continues for now, and the ACLU will be keeping a close eye on the Armed Forces as the change is implemented.

The ACLU lawsuit, *Hegar v. Panetta*, was filed on behalf of four servicewomen and the Service Women's Action Network, and charges that the outdated policy fails to recognize women's service and leadership in Iraq and Afghanistan. The combat exclusion policy was one of the last remaining relics of official government discrimination against women.

All four servicewomen in the suit have done tours in Iraq or Afghanistan—some deploying multiple times—where they served in combat or led female troops who went on missions with combat infantrymen. Their careers and opportunities have been limited under a policy that does not grant them the same recognition for their service as their male counterparts. The policy was military-wide and didn't recognize women for their individual qualifications. Among the many problems with this policy was the fact that it bears little relationship to the reality of modern warfare, which doesn't have a front line.

The people who shot down plaintiff Major Mary Jennings Hegar's combat helicopter during a rescue mission and engaged her crew with heavy ground fire in Afghanistan apparently hadn't read the policy.

Marine Corps Captains Zoe Bedell and Colleen Farrell commanded Female Engagement Teams in Afghanistan, who would live, work, and fight with ground infantry troops in tiny combat outposts. The teams frequently encountered combat situations, but were prevented from fully participating in training with the infantry troops they served alongside.

Army Staff Sgt. Jennifer Hunt served in Afghanistan, where she went with soldiers on combat missions in remote



Plaintiffs Captain Zoe Bedell, Captain Colleen Farrell, Staff Sgt. Jennifer Hunt, and Major Mary Hegar.

mountain areas, and in Iraq, where her vehicle was hit by an Improvised Explosive Device (IED). Hunt was awarded the Purple Heart for shrapnel injuries sustained in that attack.

"It's unfair that a serviceman can be promoted for putting his life on the line in a combat situation, but a servicewoman who performs just as well on the battlefield is told that her service doesn't count," said Elizabeth Gill, staff attorney with the ACLU of Northern California.

FOR MORE THAN A DECADE, WOMEN
HAVE BEEN RISKING AND, IN MORE
THAN A HUNDRED INSTANCES,
GIVING UP THEIR LIVES IN COMBAT.
IT'S LONG PAST TIME FOR THE
POLICY TO CATCH UP WITH REALITY.


As an Air National Guard search and rescue helicopter pilot, Major Mary Jennings Hegar flew Medevac missions in Afghanistan. In 2009, her helicopter was shot down while rescuing three injured soldiers, and she and her crew were forced to engage in combat. Hegar, who returned fire after sustaining shrapnel wounds, was awarded the Purple Heart and Distinguished Flying Cross with Valor, and was returned to flying status within a week. Despite that, the combat exclusion policy prevents her from seeking some combat leadership positions.

"Ever since I was a little girl I wanted to be an Air Force pilot, and I have proven my ability every step of the way," said Hegar. "The ability to serve in combat has very little to do with gender or any other generalization. It has everything to do with heart, character, ability, determination and dedication. This policy is an injustice to the women who have come before us and who continue to put their lives on the line for their country."

Women make up more than 14 percent of the 1.4 million active military personnel, yet the rule categorically has excluded them from more than 238,000 positions. Consequently, commanders have been stymied in their ability to mobilize their troops effectively.

Under the policy, servicewomen have been:

- Denied training and recognition for their service
- Put at a disadvantage for promotions
- Prevented from competing for positions for which they have demonstrated their suitability.

"Now is not the time for foot-dragging or more games about which jobs women are officially permitted to do. For more than a decade, women have been risking and, in more than a hundred instances, giving up their lives in combat," said Ariela Migdal, senior staff attorney with the ACLU Women's Rights Project. "It's long past time for the policy to catch up with reality." 

SACRAMENTO REPORT

By The ACLU California Legislative Office

The ACLU of California's legislative office returns in 2013 to familiar fights for reproductive health care, immigrants rights, and drug law reform. While these issues are familiar, there are 38 newly elected officials, a supermajority of Democratic members, and revised term limits allowing these members to stay up to 12 years in each of their respective chambers.

Expanding Abortion Access

On the 40th Anniversary of *Roe v. Wade*, state leaders and women's health and rights groups announced the introduction of Assembly Bill 154, a bill that would improve abortion access in California. AB 154 would improve abortion access in California by expanding the number of trained health professionals who can provide early abortions. See page 1 for more information about this bill.

Immigration Reform

With the federal government promising immigration reform, California is still battling unjust detentions of citizens, legal permanent residents, and undocumented immigrants. Two months after California Gov. Jerry Brown vetoed a bill known as the TRUST Act, Assembly Member Tom Ammiano, introduced version 3.0 of the bill. The TRUST Act seeks to mitigate the failures of the utterly broken federal immigration program, called

Secure Communities (S-Comm) that has resulted in the deportations of over 72,000 Californians. The TRUST Act aims to restore trust and transparency between communities and local police. It prohibits counties from holding people in jail on immigration-based detention requests when they pose no risk to public safety. The governor has promised to work with the legislature to create a bill that he would sign.

Drug Policy

A bill introduced by state Sen. Mark Leno would allow local prosecutors to charge possession of illegal drugs for personal use as a misdemeanor instead of a felony, saving counties millions of dollars that could be invested in the kinds of incarceration alternatives proven to reduce recidivism and create safe and healthy communities. Marijuana possession is already decriminalized under state law.


Education

The federal focus on school safety has also reached California. The ACLU is working on AB 420 (Dickinson) to reform suspensions and expulsions due to student's "willful defiance" of school administrators and staff. This bill would amend current law to prohibit districts from suspending students for willful defiance if they are in grades K-8. It would also require districts to use alternative means of correction at least two times before suspending older students for willful defiance. Finally, it would prohibit extended suspensions

(more than five days in preparation for expulsion) or expulsions for willful defiance.

The ACLU is following Senate Bill 744 (Lara), which would prevent involuntary transfers of students who have been accused of an expellable action but where the district or county has decided not to expel the student. This bill would also limit the circumstances in which students could be transferred to community day and county community schools, and would create ways for students sent to these schools to transfer back to mainstream schools.

Privacy

Whether we are in school or not, we all may be interested in learning how businesses share our personal information. In 2003, California lawmakers passed SB 27, giving Californians the right to know how businesses share their personal information for direct marketing purposes only, among other limitations. The law, however, has not kept up with technological advancements. AB 1291 will modernize the law to ensure that customers can access the personal information held by online businesses, know who has received the information, and what categories of information has been shared (i.e., health and financial, sexual orientation, etc.). 

The Sacramento Legislative Office works with the three California ACLU affiliates: Northern California, Southern California and San Diego.

MARRIAGE GOES TO THE SUPREME COURT

CONTINUED FROM PAGE 1

The *Windsor* case was brought by Edie Windsor, an 83-year-old New York City resident who was forced to pay more than \$363,000 in federal estate taxes after the death of her spouse, Thea Spyer, because their marriage was not recognized under federal law. Windsor and Spyer had been together 44 years. They were engaged in 1967 and finally married legally in 2007. Two years later, Spyer passed away. Their relationship captures the spirit of commitment, as Edie stood by Thea in sickness and in health. If Spyer had married a man instead of a woman, no estate tax would have been owed, because federal law recognizes heterosexual spouses as a family unit. *Windsor* and her ACLU attorneys argue that by excluding Windsor from this protection, DOMA is discriminatory and unconstitutional.

"When Thea and I met nearly 50 years ago," said Windsor, "we never could have dreamed that the story of our life together would be before the Supreme Court as an example of why gay married couples should be treated equally, and not like second-class citizens."

The *Hollingsworth* case centers on two same-sex California couples who argue that Prop. 8 violates the U.S. Constitution's guarantee of equal protection, and that the backers of Prop. 8 did not have the proper legal standing to defend it in court when the state of California chose not to. Same-sex couples could legally marry in California from June to November of 2008—between the ACLU of Northern California's victory in the California Supreme Court in *In re Marriage Cases* and the vote on Prop. 8. The measure inserted language into the state constitution excluding same-sex couples from marriage.

"Edie Windsor is already married—she just wants to stop the federal government from treating her marriage differently from everyone else's marriages," said James Esseks, Director of the ACLU's LGBT & AIDS Project. "The plaintiffs in the Prop. 8 case, on the other hand, want to get married. Each case marks spectacular progress for our movement."

A win in the *Windsor* case could end explicit federal discrimination. DOMA requires the federal government to discriminate against married same-sex couples by treating them as legal strangers for purposes of all federal statutes and programs. There are approximately 120,000 married same-sex couples in the U.S. today, and DOMA treats all of them as single in each of the 1,100-plus places in the




Plaintiff Edie Windsor.

workplace, to state parenting laws, to public schools across the country.

If the justices rule in favor of the California couples in *Hollingsworth*, the ruling could take a number of forms. It could overturn every state constitutional provision and law restricting marriage to heterosexual couples. It could also overturn just Prop. 8, limiting the effect only to California, as a federal appeals court ruled earlier this year. The Court could also avoid ruling altogether on the constitutional question and find that the backers of the measure have no standing to defend it in court, presumably meaning that a 2010 district court ruling striking down Prop. 8 would stand. On the other hand, if the court upheld Prop. 8, California couples would be unable to marry for the time being, but such a ruling would leave open the effort to secure fair marriage laws state by state. At present, 30 states—including California—have amended their constitutions to exclude same-sex couples from marriage.

Recent elections have indicated an indisputable sea change in public attitudes towards marriage for same-sex couples. In November, voters in Maine, Maryland and Washington approved ballot measures allowing lesbian and gay couples to wed.

"Ultimately," said Gill, "public opinion is changing so quickly that it's becoming hard to predict what the Court will do in the end. Whatever the outcomes in the Supreme Court, the ACLU is committed to seeing the day where marriage equality is the law of the land from sea to shining sea." 

federal code where being married makes a difference—from eligibility for family medical leave, to social security survivor's benefits to access to health care for a spouse.

"It's the last explicit federal declaration that gay people are inferior, which is reason enough to get rid of it," Esseks said.

When ruling on the *Windsor* case, the court could also endorse a "heightened scrutiny" standard for assessing discrimination based on sexual orientation. If the Supreme Court adopts the heightened scrutiny standard, it would help eliminate anti-LGBT discrimination in many different contexts, from

ROE V. WADE AT 40


CONTINUED FROM PAGE 1

"FRESH OUT OF LAW SCHOOL IN 1973, I NEVER DREAMED THAT ACCESS TO SAFE, LEGAL ABORTION WOULD STILL BE UNDER SUCH INTENSE ATTACK 40 YEARS AFTER ROE V. WADE."
—MAGGIE CROSBY, ACLU-NC STAFF ATTORNEY

AB 154 would improve abortion access by authorizing trained nurse practitioners, certified nurse midwives, and physician assistants to provide early abortions. These are the health providers that women already know and trust because they go to them for other reproductive health care services like annual exams and birth control.

The American Journal of Public Health recently published the results of a multi-year study that concluded that nurse practitioners, certified nurse midwives, and physician assistants can be trained to perform early abortions as safely as physicians. Conducted by researchers at the University of California, San Francisco's Bixby Center for Global Reproductive Health, the study also found that patients expressed high rates of satisfaction with the care they received from all practitioners.

By age 45, about half of American women will have an unintended pregnancy and nearly one in three will terminate her pregnancy. Seven in 10 women would have preferred to have their abortion earlier. But many women experience delays because they need time to raise money for transportation, childcare and the procedure itself.

"By passing AB 154, California can continue to lead the nation in supporting access to comprehensive reproductive health for women in their own communities by providers they know and trust," said Phyllida Burlingame, Reproductive Justice Policy Director at ACLU-NC. 

Rebecca Farmer is the Communications Director at the ACLU of Northern California.


MAKING THE BUSINESS CASE FOR PRIVACY AND FREE SPEECH

New technology has revolutionized the ways that we work and live. But as recent controversies show, when companies fail to take privacy and free speech rights into proper account, the result can be bad for users and bad for business.

To help companies get a fresh start in 2013, the ACLU of California released a new edition of *Privacy and Free Speech: It's Good for Business*. This practical, how-to guide illustrates how tech companies can build privacy and free speech protections into their products and services – and what can happen if they don't.

The guide encourages companies to respect users' data, stand up for users' rights, plan ahead, be transparent, and encourage users to speak freely. The guide features dozens of real-life case studies from A(mazon) to Z(ynga) and updated recommendations for policies and practices to take the guesswork out of avoiding expensive lawsuits, government investigations, and public relations nightmares.

Baking in strong privacy and free speech protections isn't just the right thing to do – dozens of recent controversies highlight just how important it is for business too. By learning from other companies' mistakes and building on their privacy and free speech successes, businesses can hopefully make 2013 a privacy- and free speech-friendly year for everyone.

The primer is available online at aclunc.org/business/primer. 



A VALIANT CAMPAIGN

By Miriam Gerace

Last November, 5.9 million Californians voted “YES” on Proposition 34 to say that the death penalty is broken, costly and will always carry the unacceptable risk of executing an innocent person. Unfortunately, the initiative did not pass, with the final tally of 48 percent “YES,” 52 percent “NO.” But the Savings, Accountability and Fair Enforcement for California Act of 2012 marked a milestone for national and state efforts to replace the death penalty with a sentence of life in prison without parole.

“The mere fact that the state is evenly divided is nothing short of extraordinary,” said Natasha Minkler, SAFE California Campaign Manager and the ACLU-NC’s Death Penalty Policy Director. “Californians voted in the Briggs Death Penalty Initiative in 1978 with 71 percent support. Now, after the first fact-based conversation on the issue in a generation, voters are split. Millions say they prefer the sentence of life in prison without possibility of parole to a wasteful and risky death penalty that is all cost with no benefit.”

From a handful of law enforcement professionals, innocent people who had been wrongfully convicted and murder victims’ family members, the SAFE California campaign grew to be a community of thousands: 800,000 people signed petitions to place the initiative on the ballot, over 10,000 people volunteered or donated to the campaign, and more than 1,400 organizations and community leaders endorsed the proposition.

Key to the public education success of the SAFE California campaign was the sheer diversity of its supporters. The unusual roster included Jeanne Woodford, a former Warden at San Quentin State Prison who oversaw four executions and who served as the official ballot proponent, former Los Angeles District Attorney Gil Garcetti, a self-described “convert” and




Yes on 34 staff and volunteers days before the election.

ardent spokesperson, and Ron Briggs, current Supervisor for El Dorado County and former pro-death penalty campaigner along with his father, former state Senator John Briggs.

While the narrow loss was deeply disappointing, general awareness of the death penalty was heightened thanks to a robust public debate. SAFE California’s “YES on 34” Facebook page hit the 10,000-member mark on Election Day and 48 newspapers ultimately endorsed the campaign (compared to

four in support and one abstention). The *Sacramento Bee* reversed its 150-year editorial stance on the death penalty to support Proposition 34 and the *New York Times* editorialized in support of the initiative twice.

Perhaps most importantly, more Californians than ever now know that the death penalty is exorbitantly costly, and that it costs far more than a sentence of life in prison without the possibility of parole. California’s independent Legislative Analyst’s Office determined that Proposition 34 would have saved the state \$130 million a year. A separate study by Federal Judge Arthur Alarcón and Loyola Law Professor Paula Mitchell estimated that California had spent \$4 billion since 1978 on the death penalty. They estimate that the state will spend \$5 to \$7 billion more on the death penalty in the next 35 years. And more Californians learned about the risks of executing an innocent person and the unmet needs of crime victims.

But the campaign for a SAFE California is not over. We will press on and continue to have an honest and clear-eyed conversation on the death penalty with policymakers and California voters. Because California deserves justice that works for everyone. 

Miriam Gerace is the Director of Strategic Initiatives at the ACLU of Northern California.

LEGAL BRIEFS

By Danielle Riendeau

Victory for UC Davis Protesters

The ACLU-NC reached a \$1 million settlement in a federal lawsuit on behalf of twenty-one students and alumni against UC Davis over the University’s treatment of protesters during a Nov. 18, 2011 demonstration, in which campus police were caught on video dousing seated protesters with pepper spray. As part of the settlement, UC Davis Chancellor Linda Katehi issued formal written apologies to each of the students and recent alumni who were pepper-sprayed or arrested. The University is working with the ACLU as it develops new policies on student demonstration, as required by the settlement.

Protecting Free Speech Online—For Everyone

The ACLU-NC and the Electronic Frontier Foundation filed a federal lawsuit challenging unconstitutional provisions in Proposition 35, a ballot measure passed by voters in November 2012. The measure sought to restrict the legal and constitutionally protected speech of anyone who is a registered sex offender in California—even people with decades-old, low-level offenses like misdemeanor indecent exposure and people whose offenses were not related to the Internet. The provisions at issue in the suit would also require them to turn over a list of all their Internet identifiers and service providers to law enforcement. In January, a federal judge agreed with the

ACLU suit, granting a preliminary injunction. The suit notes that Prop. 35’s stated goal of ending human trafficking is a worthy one, but that online speech restrictions like this won’t get us there. The government has appealed the injunction to the Ninth U.S. Circuit Court of Appeals.

The First Amendment is For Law Enforcement, Too

Trinity County Deputy Sheriff Mark Potts was censured at work after publishing controversial letters to the editor in the local newspaper on topics such as the war on drugs and gun control. Because of the importance of hearing from public safety employees on criminal justice issues, the ACLU stepped in to make sure that we hear opinions on all side of the debate. In August, the ACLU-NC sued on his behalf, and in November 2012, a judge issued a permanent injunction on behalf of Potts, protecting his free speech rights. The injunction means that the Trinity County Sheriff’s Department cannot censure Potts or any other employees for speaking out on civic issues.

ACLU + Tea Party = Free Speech


In 2011, the City of Redding adopted a policy restricting residents from sharing their ideas and opinions in front of the library through peaceful leafleting. To challenge the City’s effort to stop civic discourse in public spaces, the ACLU-NC joined up with the North State Tea Party to challenge the policy. In December 2012, the state Court of Appeal

affirmed an earlier ruling that granted a preliminary injunction. The Court of Appeal’s decision reaffirms the robust protections for speech under the California Constitution and the importance of public spaces as forums for speech.

Challenging Drone Surveillance

In October, the Alameda County Sheriff’s Office revealed that it was seeking funds to purchase a drone for aerial surveillance. If this goes forward, Alameda County would be the first local jurisdiction in the state to obtain a drone. The county must be transparent and allow public debate before it acquires a drone. The ACLU-NC has been working with the sheriff and the board of supervisors to ensure that, if the county decides to use drones, there are meaningful, enforceable privacy safeguards in place and that Alameda becomes a leader in privacy protections, not privacy violations.

Stopping Race-Based Traffic Stops

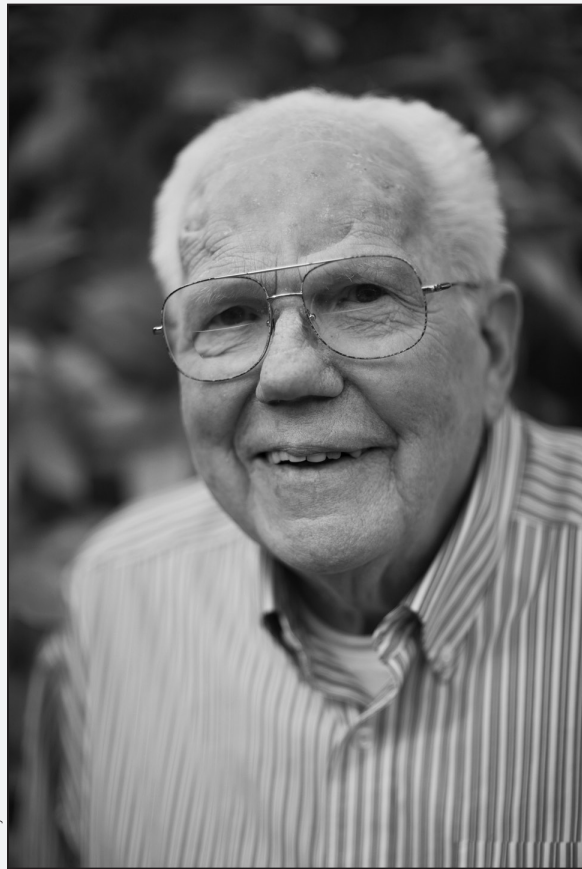
Central Valley communities have reported that California Highway Patrol officers in Fresno County routinely patrol near agricultural fields and stop farmworkers without reasonable suspicion of traffic infraction or crime. In December, The ACLU-NC and the American Friends Service Committee demanded an investigation into this unlawful and systemic targeting of Latinos and the vehicle impoundments that frequently result from such stops. The CHP responded, saying it will investigate. Fresno County residents report that the problems has decreased since the ACLU-NC stepped in. 

CREATING A LEGACY OF LIBERTY FOR FUTURE GENERATIONS

Throughout the ACLU's history, thousands of Americans have chosen to act as stewards of our constitutional heritage by including the ACLU as a beneficiary of their estate. Known as the DeSilver Society, this special group of ACLU supporters has made freedom, justice, and equality a personal legacy. These civil libertarians understand that each generation must do its part to secure liberty and pass on the guarantees of the Bill of Rights. Planned gifts are truly the bedrock of the ACLU and ensure our advocacy in generations to come. Meet two of Northern California's newest DeSilver Society members who have made the ACLU a personal legacy:

Meet Jack Garnett

Jack Garnett has supported the ACLU for decades and believes in securing its permanence as the leading defender of civil liberties. Jack has done his part in keeping the ACLU strong and principled beyond our lifetimes by providing for the ACLU Foundation in his will. Jack supports a number of organizations, but provided specifically for the ACLU in his estate plans because he sees the enormous importance of the permanence of the organization connected to advancing the purposes to which he feels most aligned. Jack gave special consideration to the ACLU because he hopes to help sustain the work of the ACLU far into the future.



There are many ways you can make a gift to the ACLU or ACLU Foundation through your will or living trust. You can arrange a gift of a specific amount, a percentage, or all or part of the residual of your estate. Contact us for sample language that will take care of your specific needs.

Meet Beverly Tucker

Beverly Tucker, longtime ACLU-NC Board member and supporter, sees the ACLU as an organization that has great influence on the civil liberties issues she cares most about, including immigration, drug policy, reproductive rights and access, privacy, criminal justice reform, education and voting rights. Beverly met with ACLU staff and learned that she could make a planned gift to the ACLU easily without hiring a lawyer or incurring any costs, so she decided to add the ACLU as a beneficiary of an existing life insurance policy. Beverly believes in the ACLU's mission to preserve and defend our constitutional rights and made her gift to support the ACLU's continued engagement in organizing, outreach, legislative advocacy and lobbying.



A beneficiary designation for the ACLU is a simple and meaningful way to help ensure a strong future for individual rights. Beneficiary designations can be made for retirement plans, life insurance policies, bank and brokerage accounts, and other types of deposit and investment accounts.

INTRODUCING THE LEGACY CHALLENGE

Through a generous commitment by the LuEsther T. Mertz Charitable Trust, by naming the ACLU to receive a bequest through your will or living trust or as a beneficiary of a qualified plan, the ACLU will receive up to a \$10,000 immediate cash match to support ACLU programs, while funds are available. The Legacy Challenge is an opportunity for you to help generate hundreds or thousands of dollars for the ACLU Foundation, without writing a check.

Both Jack and Beverly participated in the Legacy Challenge, so their future gifts truly have dual impact by ensuring that the ACLU has the resources necessary to defend freedom for generations to come and, at the same time, provided a cash match that helps us as we stand up against current assaults on liberty.

In the words of ACLU founder Roger Baldwin, "No fight for liberty ever stays won." We hope that you, too, will help the ACLU continue to fight by making the ACLU your personal legacy.

To learn more about the Legacy Challenge and how to participate, please contact our gift planning officer Susanna Chase at (415) 621-2493 or schase@aclunc.org, or visit www.aclu.org/legacy.

REPORTS FROM THE FIELD: YES ON 34 FELLOWS SHARE THEIR INSPIRATIONAL ASPIRATIONS

By Gigi Otálvaro-Hormillosa

For activist Jackie Kennedy, the ACLU of Northern California's Yes on 34 Field Fellows Program was an opportunity that has inspired her work as a young activist. She considers her participation in the program to be a significant learning process about how campaign work is a critical strategy for affecting social change.

Kennedy was one of eight remarkable young leaders selected for the ACLU-NC Yes on 34 Field Fellows Program. The ACLU established the program to provide these young activists with advocacy skills, leadership development, organizing tools, and critical insight into effective campaign strategies. The fellows worked in collaboration with the ACLU-NC and campaign staff.

Through their regular participation in retreats, weekly conference calls, email communications, street outreach, and other community events, the fellows served as leaders in their communities for Yes on 34, which lost by a very narrow margin. (See page 5 for more details about the election.) In October, the fellows visited Sacramento and met with a criminal justice lobbyist who spoke to them about different strategies for advocacy, career paths, and important civil liberties issues.

Through their dedication, commitment and hard work, the fellows significantly contributed to Yes on 34. In the aftermath of the campaign, the ACLU is proud to report that many of the fellows continue to remain active in various ACLU chapters, the Campus Network, and in their own communities. In December, three of them attended Bill of Rights Day and were honored on stage: Jackie Kennedy, Kimberly Soeiro, and Tess Ahmad. Below, two of these honorees and their colleague Miles Prince share their personal stories:

Tess Ahmad

My entire view of social reform has changed, from reform as an elusive ideal to reform as a practical, attainable community effort. The fellowship enhanced my sense of self-efficacy by providing me a quick overview of campaign organizing

"THE PERSONAL WAS POLITICAL EARLY ON. I'VE HAD PLENTY OF INSPIRATION TO BECOME AN ACTIVIST. NOW COMES THE PERSPIRATION."
—JACKIE KENNEDY, YES ON 34 FIELD FELLOW



Field Fellows Tess Ahmad and Jackie Kennedy.

and allowing me to witness my outreach efforts garner authentic support. Although Prop 34 didn't pass, the fact that millions of Californians recognized that the death penalty doesn't work attests to the quality of this cause and the hard work of those who supported it.


Miles Prince

Organizing in the greater Sacramento area during Yes on 34 connected me with voters from a wide spectrum of political, social, and economic orientations. Being able to engage with all of them showed me how universal our cause was and how the right messaging could lead to its inevitable success.

I have realized that no one faction or community

is enough when tackling an issue as massive as ours. For our most pressing causes, we must continue building coalitions and connections with groups and people across different lines. The more unlikely our allies, the more fruitful the results.

Jackie Kennedy

The moment that I'll carry with me forever was after the campaign, when we were analyzing the electoral loss. To learn that the campaign that I helped with had closed the public opinion gap in California on the death penalty from 40 to four percent crystalized for me that my work and time with the ACLU had produced real change, and invigorated me for the work ahead. After working directly with the ACLU and tasting the excitement of the campaign, I know that I will always be a direct agent of social change. After I get my bachelor's degree, I plan to pursue a Master's of Public Policy or Public Administration, so that I can work in an advocacy role against laws that reinforce systems of oppression, and for laws that increase equality and equity. 

Gigi Otálvaro-Hormillosa is a Policy & Organizing Program Assistant at the ACLU of Northern California.

BILL OF RIGHTS DAY



Photos by Gigi Pandian

The ACLU of Northern California's annual Bill of Rights Day celebration took place on December 9, 2012. Left to right: The Monterey County Chapter received the Dick Criley Activist Award; ACLU activist Barbara Brenner was honored with the Lola Hanzel Courageous Advocacy Award (pictured with former ACLU-NC Executive Director Dorothy Ehrlich presenting her the award); Anti-death penalty advocate Jeanne Woodford was awarded the Chief Justice Earl Warren Civil Liberties Award.

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ASK THE EXPERTS!

Criminal Justice & Drug Policy

The ACLU's statewide Criminal Justice and Drug Policy team, with staff in all three California affiliates and a dedicated advocate in Sacramento, strives to maintain safe and healthy communities by working to create a criminal justice system that is fair, protects the public's safety and which doesn't waste taxpayer resources. **Allen Hopper** is the director of the statewide team. He previously was the litigation director of the national ACLU's Drug Law Reform Project. **Micaela Davis** is a staff attorney who engages in local police practices advocacy and as well as the statewide advocacy efforts.

On Jan. 8, Gov. Brown declared that the prison crisis in California is over. What's your take on his announcement?

AH: It's hard to see how the prison crisis can be "over" when the state crams nearly 120,000 people into prisons designed to hold no more than 80,000 people. We have the second highest recidivism rate in the country. We spend over \$10 billion annually on prisons and jails. We spend much more on incarceration than on colleges, while dramatically hiking tuition rates at our public colleges every year. By any reasonable metric, this is a continuing crisis. It is a crisis, however, that can be solved.

California's prison realignment plan has helped the state make significant strides toward reducing its prison population by shifting responsibility for low-level offenders to the counties. What more needs to be done?

MD: The underlying problem that has yet to be adequately addressed is that California continues, at an enormous cost to taxpayers, to lock up far too many people in its prisons and jails, for far too long, who do not need to be behind bars to keep the public safe. Nearly two-thirds of the people in jail in this state are merely awaiting trial, and the vast majority of them have had bail set by judges who found them safe to release, but they remain locked up because they are too poor to post bail. We must seek alternatives to incarceration on the front end, and rehabilitation and re-entry services on the back end.

What other things could we do to further reduce the prison population?

MD: Sentencing reform, especially for low-level, non-violent drug crimes, is an obvious place to start. The California Department of Corrections and Rehabilitation has itself acknowledged that changing the penalty for some of these drug crimes from felonies to misdemeanors would further reduce the population in our crowded prisons. Nationally renowned prison expert James Austin recently testified in federal court that if made permanent and retroactive, this simple change would significantly reduce the state's prison population in just a matter of months.



Micaela Davis and Allen Hopper.

"WE SPEND MUCH MORE
ON INCARCERATION THAN
ON COLLEGES, WHILE
DRAMATICALLY HIKING
TUITION RATES AT OUR PUBLIC
COLLEGES EVERY YEAR."
—ALLEN HOPPER

Last year, you supported SB 1506, the bill in the state legislature that would have reduced the penalty for some drug crimes. What challenges did the bill face?

AH: Despite support from a broad coalition of community and advocacy groups and a wide swath of California voters across geographic location and political affiliation, the bill died on the Senate floor. The only opposition to the bill came from law enforcement, as the statewide associations of sheriffs, police chiefs and district attorneys all opposed the bill. But we are sponsoring a similar bill this year, and Sen. Mark Leno agreed to author it for us again. We plan to push our elected officials even harder this time to listen to the will of state voters and enact this modest but important sentencing reform.


What can be done to reduce California's high recidivism rate?

MD: We must start prioritizing rehabilitation over incarceration. Expanding earned time credits for all state prisoners and jail inmates who participate in the kinds of education, rehabilitation and job training programs proven to have a meaningful impact upon recidivism rates would also have a significant impact upon the size of the state's incarcerated population.

Bringing California's prison credit rules into line with other states would further encourage prisoners' good behavior and help ensure they successfully transition back into the community without committing additional crimes. It would shrink the total state prison population over time by tens of thousands of inmates.

What do you see as the biggest obstacle preventing the kinds of criminal justice reforms needed in California from being enacted?

AH: The law enforcement lobby in Sacramento continues to wield outsized influence contrary to the will of California voters who overwhelmingly support common sense criminal justice reform. California deserves better than the governor's insistence that nothing beyond realignment can be done, and a state legislature which, based on outmoded fears of being labeled soft on crime, refuses to enact common sense reforms that could work in conjunction with realignment to safely reduce the number of people behind bars.

Our leaders in Sacramento need to start listening to the people who elect them. There's no question that prison populations and crime rates can be lowered simultaneously. Since 2007 in California in fact, the prison population has been lowered by nearly 40,000 inmates at the same time overall crime has dropped by 11 percent and violent crime has decreased by 17 percent. But now our political leaders in Sacramento need to step up and follow through on further reforms. 

This interview was conducted and compiled by ACLU-NC Senior Communications Officer Will Matthews.