

ACLUnews

SPRING 2014

VOLUME LXXVIII ISSUE 1

WHAT'S INSIDE

2 Letter from Abdi Soltani

3 Civil liberties student artwork honored at Bill of Rights Day



4 Immigrants' rights victory

5 Voting rights in California

5 Know Your Rights training for homeless people

6 Marijuana and the war on drugs

7 ACLU chapters making an impact in their communities

STRIKING BACK AGAINST DISCRIMINATION, SEX HARASSMENT IN NORTH COAST SCHOOLS

By Jessie Seyfer

Imagine being in middle school and having your teachers do nothing when you get groped in the hallways every single week. Imagine being told that girls of your race “grow up to be hookers.” Or being called a “goat” or a “savage,” and being suspended repeatedly while white students doing the same things go unpunished.



Attorneys Linnea Nelson, Jory Steele, and Michael Harris.

Black and Native American students in Humboldt County have been enduring such treatment from their peers—and from school officials themselves—while their school districts have done nothing to stop it. That's why the community, with the help of the ACLU of Northern California, National Center for Youth Law (NCYL), and California Indian Legal Services (CILS) is taking action.

On Dec. 18, 2013, the ACLU-NC and NCYL filed a federal civil rights lawsuit against the school district in Eureka. CILS joined those groups to also file a federal civil rights complaint with the U.S. Department of Education Office of Civil Rights against the school district in the nearby town of Loleta.

CONTINUED ON PAGE 4

NEW TRANSPARENCY FROM AT&T AND VERIZON


By Matt Cagle

In today's modern world, our most sensitive information—from emails to health information and more—is often stored with companies and on-line services. Consumers need to know how often governments demand their information from these companies, and whether or not they fight on behalf of their customers. To provide this information, technology companies like Google and Yahoo! have issued “transparency reports” that explain government demands for customer information, their legal basis, and the number of customers they affected. But two of the largest telecommunications companies—Verizon and AT&T—lagged behind and had yet to issue these reports.

That's why the ACLU-NC, along with a coalition of investors, filed shareholder proposals with AT&T and Verizon calling on both companies to issue transparency reports. This is only the second time in ACLU history

THE ACLU ASKS FOR
TRANSPARENCY FROM
AT&T AND VERIZON—
AND GETS IT.

that the organization has used shareholder activism as a tool for change. As a result, both AT&T and Verizon responded to the ACLU-NC's proposals with first-ever reports detailing the demands they receive for customer information. These reports revealed that, for example, both companies received over 300,000 re-

quests for customer data in 2013, and that a majority of these demands did not include a warrant based on probable cause. While these reports are a great first step, they also highlight how protections for our personal data are lacking, and underscore the need to bring our privacy laws out of the digital dark ages. 

Matt Cagle is a volunteer attorney in the ACLU of Northern California's Technology and Civil Liberties Project.

Read more at www.aclunc.org/tech.

Non-Profit
Organization
U.S. Postage
PAID
Permit No. 4424
San Francisco, CA

American Civil Liberties Union Foundation
39 Drumm St.
San Francisco, CA 94111



ACLU

AMERICAN CIVIL LIBERTIES UNION
of NORTHERN CALIFORNIA

PRIVACY IN PALO ALTO

In the wake of the Edward Snowden revelations about the NSA spying on Americans, ACLU-NC supporters and staff gathered together in Palo Alto to discuss government surveillance—both online and offline—and the work the ACLU is doing to protect privacy.



Photos by Allison Garcia

Top to bottom: Lee Kanner and Nana Duffuor; Theres Rohan, Abdi Soltani, Dennis Rohan; Dana Dahlstrom, Beckie Callahan, Griff Hazen.

LETTER FROM THE EXECUTIVE DIRECTOR

The readers of the *ACLU News*—our members—vote in our Board of Directors, but after that you may not hear what the board itself accomplishes. So let me share one story now about the difference a great board makes in our work.

In this *ACLU News*, you will see an article about our shareholder activism to get AT&T and Verizon to disclose their sharing of customer data with the government. It was a breakthrough moment in the ACLU's longstanding advocacy to get these companies to take this step on the side of protecting customer data.

The shareholder strategy actually originated in a meeting of our board's investment committee with our investment manager John Harrington. The ACLU of Northern California itself has some funds to invest and owns stock in some companies as part of our fiscal management. Years ago, our board selected John because of his rigor in socially responsible investing. During an investment committee meeting, board members talked about what more we can do beyond our socially responsible investing. The answer? We should look at the stocks we own and consider shareholder advocacy. So that's what our investment committee chair, Jim Blume, recommended.

The board concurred that we should definitely go down that path and asked the staff to come back with a proposal that is aligned with our mission of protecting constitutional rights.

Our investment manager met with Nicole Ozer, ACLU-NC's Technology and Civil Liberties Policy Director. Once they connected, she came to my office and said, "we are cooking up a pretty good plan." That plan, as it turned out, landed on the front page of newspapers throughout the country. It's what ultimately tipped AT&T and Verizon to take the action of filing transparency reports. (You can read more about this victory on the front page and at www.aclunc.org/tech.)

This example is just one of the many ways our board makes a meaningful difference to the work of



Gigi Pandian

the ACLU every day. When we discussed our growing work in the Central Valley, the board encouraged us to take a long view to transform rights in the region. When we brought our work on transgender student rights to the board (which you can read about on the back page), our board members encouraged us to press forward. A member said, "This strikes at the heart of our mission, the right of each person to express themselves and define their own identity."

We have 45 board members who are very dedicated to the mission of the ACLU. And standing with them, are over 50,000 ACLU members in Northern California whose support makes our work possible.

Abdi Soltani
Executive Director

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

Michelle Welsh CHAIR
Abdi Soltani EXECUTIVE DIRECTOR
Rebecca Farmer EDITOR-IN-CHIEF
Gigi Pandian MANAGING EDITOR & DESIGNER
Jessie Seyfer PROOFREADER

39 Drumm Street, San Francisco, CA 94111
(415) 621-2493 | EDITOR@ACLUNC.ORG

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 2014 term [an asterisk (*) denotes an incumbent]: Allen Asch, *China Brotsky, *Cynthia Carey-Grant, Veronica Diaz, *Gautam Dutta, Savith Iyengar, *Ajay Krishnan, *Niki Solis, *Natalie Wormeli and Yomi Wrong. We also thank our outgoing Board members Cherri Allison, Farah Brelvi and Ken Sugarman for their valuable contributions to our work and mission.

NEW OFFICERS AND EXECUTIVE COMMITTEE MEMBERS

The ACLU-NC Board of Directors elected Beverly Tucker as Chair Elect, Alan Francisco-Tipgos as Finance Committee Chair (Secretary/Treasurer), Magan Ray as Legislative Policy Committee Chair, George Pegelow as Field Activists' Committee Chair and China Brotsky as Affirmative Action Officer. The Board has also re-elected Mickey Welsh as Board Chair, Dennis McNally as Development Committee Chair, Lisa Honig as National Board Representative and Ajay Krishnan as Legal Committee Chair. The 2014 Executive Committee will also include member Alicia Fernandez, Elliot Ruchowitz-Roberts; as well as Marlene De Lancie (*member emerita*).

MERTZ LEGACY CHALLENGE INSPIRES NEW BEQUESTS


From April 2012 until December 2013, the LuEsther T. Mertz Charitable Trust generously offered an immediate cash match of up to \$10,000 to support ACLU programs whenever donors made a new gift to us through their estate plan. This Legacy Challenge enabled our donors who planned for the ACLU to receive a bequest to have a dual impact. Their planned gifts help to ensure that the ACLU will have the resources necessary to defend freedom for generations to come, while at the same time the cash match helps to support the ACLU's current work.

The ACLU of Northern California (ACLU-NC) is proud to announce that we received the largest number of new bequests, highest estimated total dollar amount, and most matching funds of any ACLU affiliate in the country. In all, 79 donors made new bequests to the ACLU of Northern California. Our donors also led the way with more than \$10.9 million in total bequest funds and more than \$199,000 in matching funds.

The success of the Legacy Challenge and the funds raised are a true testament to the dedication of our donors here in Northern California. Right up until the Dec. 31, 2013 deadline, donors were choosing to include the ACLU as a beneficiary of their estates so that their bequest could qualify for a matching cash gift. One donor, for instance, contacted our office just days before the new

year to let us know that he had arranged for the ACLU to receive a portion of his estate, thereby triggering a \$10,000 match gift to the ACLU.

All gifts are generally shared between the ACLU-NC, the national ACLU, and ACLU affiliates in parts of the country with less local support. The matching funds of the Legacy Challenge are not an exception to this rule. Here in Northern California, our half of the matching funds is already helping to make possible our critical new efforts in the Central Valley. The Central Valley is a strategic priority because the area is home to some of the poorest counties in the state, making many of its residents vulnerable to rights violations. The region also has far fewer public interest legal resources than other parts of California.

The ACLU-NC is now running a satellite office in Fresno where we're building the capacity of local community forces to advocate for civil rights. Novella Coleman was recently hired as our first-ever staff attorney based in Fresno, where she'll be leading our Central Valley civil liberties advocacy, particularly on reproductive justice issues. Thanks to our donors who made bequests to participate in the Legacy Challenge, the ACLU of Northern California will remain a vital force in the Central Valley for years to come. 

TO LEARN MORE ABOUT PLANNED GIVING OPPORTUNITIES,
PLEASE CONTACT ROBERT NAKATANI AT
(415) 621-2493 OR
RNAKATANI@ACLUNC.ORG
OR VISIT WWW.ACLU.ORG/LEGACY

THE ACLU OF NORTHERN
CALIFORNIA RECEIVED



79

NEW BEQUESTS

\$10.9
MILLION


ESTIMATED TOTAL BEQUESTS

\$199,000

MATCHING FUNDS

THE ACLU-NC HONORS MANY FACES AT BILL OF RIGHTS DAY

- Justice Carlos Moreno, for his deep commitment to justice for all and his leadership in expanding civil liberties as Associate Justice of the California Supreme Court.
- Nancy Pemberton, for more than three decades of dedicated leadership at the ACLU and a lifetime of civil rights achievement.
- The Berkeley/North East Bay and Santa Cruz County Chapters, for their exceptional local advocacy.
- Field Fellows who worked on immigrants' rights.
- Art students who submitted civil liberties-themed art projects.

Art contest winner Nuku Pulu's art piece shows how California's broken criminal justice system breaks apart communities, wastes money that could go towards education, and silences the voices of the incarcerated. 

If you would like to purchase a poster-sized print of Pulu's art, please contact Tessa D'Arcangelew at tdarcangelew@aclunc.org.



Art contest winner Nuku Pulu (center), with his cousin (left) and ACLU-NC Organizing and Community Engagement Director Shayna Gelender.



Field Fellow Luz Gonzalez, who went on to become a Legal Fellow.



Emcee André Herron with honoree Nancy Pemberton.

NO MORE SHACKLING OF IMMIGRANT DETAINEES IN SAN FRANCISCO

By Jenny Zhao


It's hard to believe, but until recently, all detained immigrants appearing in the civil immigration court in San Francisco were forced to give critical testimony while restrained by shackles and chains at the wrists, waist, and ankles. The practice was particularly traumatic for immigrants who had suffered torture and domestic violence in the past—and was unnecessary since the majority of detained immigrants facing civil deportation proceedings are peaceful individuals.

In August 2011, the ACLU of Northern California, the Lawyers' Committee for Civil Rights, and Wilson Sonsini Goodrich & Rosati sued the federal government over its inhumane policy. After over two years of litigation, U.S. immigration authorities agreed to a near-total reversal of their shackling policy in San Francisco.

Going forward, detained immigrants will appear at their individual hearings free of shackles unless an emergency situation arises. Shackles will still be applied at preliminary hearings where immigrants appear in large groups, but even then, individuals will be able to request accommodations for special physical, psychological, or medical conditions.

The stakes are high for detained immigrants at their hearings. The testimony they give in court is their best chance to avoid permanent separation from family or deportation to countries where they fear for their lives. Immigrants have felt humiliated and demeaned when they appeared in court in shackles, often in front of their children. Some felt so agitated that they could not concentrate on their hearings. For others, the shackles brought back painful and distracting memories of past trauma.

This settlement, which will directly affect more than 6,000 immigrants over the next three years, affirms the basic dignity of immigrants in detention. In all aspects of detention, and especially in critical court proceedings, every person deserves to be treated like a human being.

This is one step in our work to ensure immigrants are treated according to our constitutional standards of due process and fair treatment. 

Jenny Zhao is the Arthur Liman Public Interest Fellow at the ACLU of Northern California.



DISCRIMINATION AND SEX HARASSMENT IN SCHOOL

CONTINUED FROM PAGE 1

School officials in those cities, home to some of the state's largest Native American communities, intentionally discriminate against Native American and Black students, and allow pervasive racial and sexual harassment to go unchallenged, according to the lawsuit and complaint. These legal actions are a key example of the ACLU of Northern California's commitment to education equity, and to helping rural students who can be especially vulnerable.

"Black and Native American students in Eureka are routinely subjected to unacceptable and unconstitutional racially discriminatory treatment," said Jory Steele, director of the ACLU-NC's Education Equity Project. "All students in California, regardless of race or gender, are entitled to receive equal educational opportunity and the chance to reach their full academic potential."

The federal lawsuit, filed in U.S. District Court in San Francisco, also charges that the district overly disciplines Black and Native American students for minor infractions and forces them out of mainstream schools at disproportionate rates. The school district also ignores—or even participates in—weekly traditions known as "titty-twisting Tuesdays" and "slap-ass Fridays," where students have their breasts and buttocks grabbed and hit in school hallways and locker rooms.

BLACK AND NATIVE AMERICAN STUDENTS IN EUREKA ARE ROUTINELY SUBJECTED TO UNACCEPTABLE AND UNCONSTITUTIONAL RACIALLY DISCRIMINATORY TREATMENT.

The U.S. Department of Education Office of Civil Rights complaint asked for the agency to investigate ongoing racial discrimination against Native American students by Loleta Union School District employees. The complaint was filed on behalf of the Wiyot Tribe of the Table Bluff Rancheria and with the support of the Bear River Band of Roherville Rancheria. It charges that staff at Loleta Elementary

School physically assault Native American students, use racial slurs in front of Native American students and routinely suspend or expel Native American students for minor behavioral infractions.


In response to the complaint, the Department of Education Office of Civil Rights has launched its own investigation, questioning witnesses and students in Loleta. Likewise, the federal lawsuit is proceeding.

The physical and verbal abuse that Native American students in Loleta are subjected to perpetuates the violence and systematic marginalization of Native Americans in the area that dates back over 150 years, according to the complaint. In one instance, the Loleta school superintendent grabbed a Native American student's ear and exclaimed, "See how red it's getting?" In another instance, school district staff referred to

SNOWDEN'S WHISTLEBLOWING WAS A SERVICE, NOT A CRIME

As a government contractor, Edward Snowden saw firsthand how the federal government's secretive and sprawling surveillance network collected information on innocent Americans with little to no oversight. So he decided to become a whistleblower and to provide journalists with documents detailing abuses, overreach, and violations of our civil liberties. Since then, Americans have learned how the NSA collects our calling records, taps into the databases of major technology companies, and more.

Snowden's disclosures are yet another example of how technology—and the government's ability to conduct surveillance with it—has outpaced our privacy laws and can pose threats to our civil liberties. Based on documents Snowden revealed, the ACLU filed a federal lawsuit challenging the NSA's collection of millions of innocent Americans' phone records. The ACLU also supports state measures that provide protection for our emails and location data, and federal bills like the USA Freedom Act, which would help roll back the NSA's spying programs. The ACLU is providing legal representation to Snowden, and in early March interviewed him in his first live video appearance before a packed audience at the South by Southwest convention in Austin, Texas.

In light of what we've learned and the public debate that has resulted, it makes little sense that Snowden faces charges under the Espionage Act and remains in Russia as an exile. Snowden has provided an invaluable service to our nation and to Constitutional principles. It would be an injustice if he were criminally prosecuted as a result. 


Take action to stop NSA spying at www.aclunc.org/action.



The ACLU interviewed Edward Snowden via live video at the South by Southwest convention.

Native American students during a school board meeting as "goats" and "sheep."


In Eureka, school curricula also ignore or disparage the cultural histories of Black and Native American students, according to the lawsuit. Despite the availability of culturally sensitive materials on the Black experience in America, and on the multiple massacres of Native American tribes right in Humboldt County, curricula use words like "savage," "negro," and "nigger" without helping students understand the offensiveness or historical context of those terms.

"The parents and families involved in this lawsuit and complaint are calling for the racial and sexual hostility to stop and for no more kids to suffer because of this," said Linnea Nelson, Education Equity staff attorney at the ACLU of Northern California. "They simply want the districts to meet their responsibility to protect these kids at school." 

ACLU CHARGES STATE WITH ILLEGALLY DISENFRANCHISING TENS OF THOUSANDS

Voting rights is a major ACLU priority nationwide. The ACLU is likewise taking on constitutional problems here in California.

All adult Californian citizens have a constitutional right to vote except while they are “imprisoned or on parole for conviction of a felony” or are mentally incompetent. But the California Secretary of State has expanded this exclusion to include people who are neither imprisoned nor on parole but are on new forms of community supervision created by California’s 2011 Criminal Justice Realignment Act. As a result, more than 58,000 Californians have been wrongfully disenfranchised.

In February, the ACLU of California and other civil rights organizations filed a lawsuit to ensure that these Californians can exercise their right to vote. The Secretary of State should be working to increase voter participation, not to undermine it. 



Plaintiff Michael Scott

ACLU PARTNERS WITH HOMELESS RIGHTS ACTIVISTS IN THE CENTRAL VALLEY

By Novella Coleman

In the Central Valley city of Tulare, 50 miles south of Fresno, homeless people are cited for sitting and panhandling in public spaces. In one recent example, one man said he was cited for panhandling, then had to panhandle to pay the \$100 fine. Homeless people, advocates, and other community members are coming together to organize a response to the city’s harsh practices of targeting the homeless. The ACLU of Northern California’s organizing and legal staff partnered with homeless people to develop leadership skills enabling them to advocate on their own behalf.

Through ongoing meetings with local criminal justice advocates, Pam Whalen, ACLU-NC Lead Central Valley Organizer, became aware of the city’s practice of issuing administrative citations to homeless people for “quality of life” violations.


As the first staff attorney in the ACLU-NC’s Fresno office, I have the opportunity to collaborate with our organizing staff to pursue strategic advocacy in the Central Valley. In Tulare, we filed public records requests. After receiving public records from the city, we shared this information with local advocates

THE KNOW YOUR RIGHTS TRAINING INCLUDED INFORMATION EXPLAINING THAT HOMELESS PEOPLE, JUST LIKE EVERYONE ELSE, HAVE THE RIGHT TO REMAIN SILENT AND TO BE FREE FROM UNREASONABLE SEARCHES AND DETENTIONS.

and homeless people. The ACLU conducted a Know Your Rights training to address the short-term impact of the city’s harsh practices.

The training included information that homeless people, just like everyone else, have the right to remain silent and to be free from unreasonable searches and detentions. In the training, homeless individuals practiced saying that they don’t agree to be searched, can exercise the right to remain silent, and may walk away if they are not being detained.

Our advocacy efforts captured the attention of city officials. Carlton Jones, vice mayor of Tulare, has stated that he is committed to ending the

city’s harassment of homeless people. We have partnered with him to alert city officials about Tulare’s harsh practices and the need to change the city’s administrative citation process. In the long term, we plan to develop leaders from among the city’s homeless population who bring first-hand experience to their advocacy. 

Novella Coleman is the first staff attorney at the ACLU of Northern California’s Central Valley office in Fresno.

LEGAL BRIEFS

By Shanelle Matthews

Sex Workers to Receive Same Support as Other California Victims


In December 2013, after urging from the ACLU and a coalition of sex worker groups and allies, the California Victim Compensation and Government Claims Board voted to repeal a regulation barring sex workers who had been victims of violent crime, including rape, from getting compensation from the Victim Compensation Fund. The California Victim Compensation Program is a vital state program that provides resources and financial assistance to California residents who have been victimized or have lost a loved one to murder. Before this vote, sex workers were excluded from receiving any compensation, sending a terrible message that some survivors of sexual violence are to blame. Repealing this discriminatory regulation sends a deliberate message that sexual violence toward any person is not tolerated in this state. The state board has now gone a step further, granting compensation to fourteen rape victims.

ACLU Back in Court on Challenge to Arrestee DNA Collection

In early December, ACLU-NC Staff Attorney Michael Risher argued in front of an 11-judge panel of the 9th U.S. Circuit Court of Appeals in *Haskell v. Harris*, which challenges California’s mandatory DNA-collection-at-arrest law. This was the second *en banc* oral argument in

this suit. The ACLU-NC filed the federal lawsuit seeking to stop California’s law of mandating that DNA is collected from anyone arrested for a felony, whether or not they are ever charged or convicted. The policy is a result of Proposition 69, which was enacted by voters in 2004 and went into effect on Jan. 1, 2009. In March, the 9th Circuit issued a ruling sending the case back to the district court. The ACLU will continue the lawsuit.

ACLU Presses for Open Government in the Mortgage Crisis


In December, the ACLU and the Center for Popular Democracy filed a lawsuit under the Freedom of Information Act request to compel the Federal Housing Finance Agency (FHFA) to provide details about the agency’s relationship with the financial industry and its efforts to block municipalities from using eminent domain to prevent foreclosures. Banks have foreclosed on millions of homes, and vast numbers of homeowners remain at risk of losing their homes to foreclosure because their mortgages are “underwater,” meaning homeowners owe more than their properties are now worth. Communities with large African-American and Latino populations such as Richmond, Calif., and Irvington, N.J., have been particularly hard hit. “The FHFA has taken an aggressive stance on this issue in a way that has harmed minority communities,” said ACLU staff attorney Linda Lye. “The public deserves to know why.” 

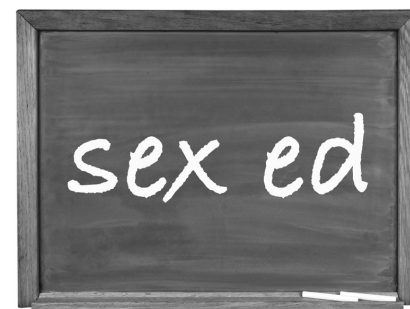
Get more legal updates at www.aclunc.org.

VICTORY FOR SEX EDUCATION

In February, the ACLU dismissed its lawsuit against the Clovis Unified School District, whose sex education curriculum was not in compliance with California state law.

As a result of the lawsuit, the district has made dramatic improvements to its sex education, including removing inaccurate and biased materials, adding important information about contraception, and training teachers.

The ACLU sued the district in August 2012, on behalf of parents and physicians, charging that the district’s abstinence-only-until-marriage curriculum violated California law and put teens’ health at risk by teaching misinformation and denying students instruction on critical topics. California state law requires that sex education be accurate, science-based, teach students about condoms and contraception, and be bias-free. 



LETTER FROM THE ACLU OF CALIFORNIA LEGISLATIVE DIRECTOR

In Sacramento, there are two types of years: election years, and non-election years. What distinguishes the two is that in an election year like 2014, legislators are more attuned to how their votes on legislation will be viewed by their constituents. This generally implies a bit more caution in pursuing controversial matters, but simultaneously means that the voice of ACLU members becomes even more important inside the Capitol building.

This year, our agenda will continue to be robust. After a successful legislative year in 2013, the Sacramento office is focused on issues that fell deeply into the cracks due to California's budget crisis and the economic recession. With increased funds from overall economic improvement and the passage of Proposition 30, more state dollars are being made available for needed services, especially for our education system.

With the passage of the new school funding measure in 2013, the Local Control Funding Formula, the legislature and governor have committed to focusing on the needs of California's most vulnerable student populations, including foster youth, English learners and low-income students.

The changes in school funding are promoted through the governor's budget proposal, as is a long-awaited commitment to pay down the debts owed to schools facing urgent health and safety needs. The promise, established through legislation in response to ACLU litigation in *Williams v. California*, is essential to the long term health of California students and schools. If the governor's budget proposal is implemented, the promise will be fulfilled within the next two years.

This year we will continue our other vital work in Sacramento: advocating for immigrants to gain meaningful access to professional licenses; encouraging reasonable school discipline policies that prioritize real solutions over suspen-

Stephanie Jaeger, Jaeger Shots



sions and expulsions; repealing the maximum family grant policy, which for 20 years has pushed families deeper into poverty and forced women to make coerced reproductive choices; strengthening the California Voting Rights Act; and, as always, we will work diligently to protect your privacy in the face of new technological advances.

We ask that you speak up! We are here working on behalf of our members every day to push California in a direction that will advance meaningful reform and provide further protection of civil liberties. We look forward to seeing you walk the halls at ACLU of California's Lobby Day and to your active responses to our action alerts. Thank you for your dedication and participation.

—Francisco Lobaco

Sign up for email action alerts at www.aclunc.org to tell your legislators to stand up for civil rights and liberties.

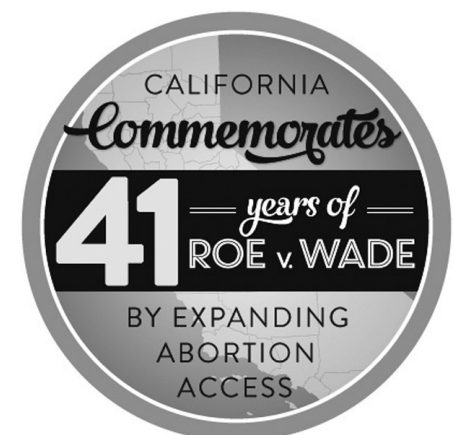
ABORTION ACCESS: IMPLEMENTING CALIFORNIA'S NEW LAW

California is now working to implement a new law that makes sure women in communities across the state have meaningful access to early abortion care. This law is the result of many years of work by the ACLU-NC and coalition partners. It improves access by authorizing trained nurse practitioners, certified nurse midwives, and physician assistants to perform early abortions safely.

"As we celebrate the 41st anniversary of *Roe v. Wade*, the single most important decision for women's autonomy, we should wish that society's image of women as intelligent, ethical human beings would also come of age. Why, when women are trusted to run corporations, perform brain surgery, serve on the Supreme Court—do politicians think that a woman is incapable of making a decision about her pregnancy that's right for herself and her family?"

—Maggie Crosby, ACLU-NC Staff Attorney

*Read more reflections on the 41st anniversary of *Roe v. Wade* at www.aclunc.org.*




NEWSOM: IT'S TIME TO STOP 'WALKING INTO THE FUTURE BACKWARDS' ON MARIJUANA

Lt. Gov. Gavin Newsom is chairing a blue ribbon commission, convened by the ACLU of California, studying the complex legal and policy issues that must be resolved as California considers legalizing, taxing and regulating marijuana for adults.

In a recent speech at the California Democratic Party convention in Los Angeles, Newsom argued that needlessly harsh sentences for low-level non-violent crimes have ravaged entire communities—particularly communities of color—and cost taxpayers billions of dollars. And, he said, the time has come to have a "serious debate among serious people" about legalizing, taxing, and regulating marijuana.

"Once and for all, it's time we realize that the war on drugs is nothing more than a war on communities of color and on the poor," Newsom said. "It is fundamentally time for drug policies that recognize and respect the full dignity of human beings. We can't wait. We've been walking into the future backwards for too long."

The panel's work will be designed to help voters and policy makers evaluate proposals for a strict tax and regulation system that will enable California to benefit from billions of dollars of new revenue while ensuring safe communities and protecting against underage use. Recent successful marijuana legalization ballot initiatives in Washington state and Colorado, and growing public support for such reform in California, indicate that a similar measure could succeed in California. 

Rebecca Farmer



Lt. Gov. Gavin Newsom speaking at the ACLU-NC press conference announcing the blue ribbon commission to study the issue of legalizing and regulating marijuana. "It's time we realize that the war on drugs is nothing more than a war on communities of color and on the poor," Newsom said.

FROM LAW TO REALITY: ACLU-NC CHAPTERS LEADING THE WAY

By Kiran Savage-Sangwan

Turning a good idea into a law is often only half the battle. The other part? Ensuring it's faithfully implemented. Immigrant advocates in Santa Clara County know this all too well. With federal immigration reform stalled and deportations at record levels, local leaders turned their attention to the problem of local law enforcement entangling itself with immigration enforcement. This not only leads to unfair deportations, but erodes trust between immigrants and local law enforcement, putting everyone's safety at risk.

Knowing that Santa Clara County could do better, a strong coalition of immigrant advocates lobbied the Board of Supervisors to pass a 2011 policy to stop holding people in local jails based solely on their suspected immigration status. But the fight didn't end there.

Jerry Schwarz of the ACLU of Northern California's Mid-Peninsula Chapter has been at the center of the ongoing campaign. "In 2011, we thought Santa Clara had decided to have one justice system for everyone," Schwarz said. Despite strong support from the community to maintain the 2011 policy, which is a national model, law enforcement leaders attempted to weaken it.


Schwarz and the coalition had work to do. They organized forums, lobbied the county supervisors, and testified before the county Board for over two years. This past November, the Board of Supervisors voted three to two to maintain the current commonsense policy.

"This shows that you have to continue to be vigilant and protect your wins," Schwarz said. "We are still working on this today, but so much good has come of having this policy and having the conversation."

The ACLU and our partners helped expand the Santa Clara County model by passing AB 4, the TRUST Act. Throughout Northern California, ACLU-NC chapter leaders are now working to implement the TRUST Act, which became law on January 1. The law limits the use of local jails to detain people solely based on their suspected immigration status. In Sacramento County, Allen Asch has been working with other local leaders to advocate with Sheriff Scott Jones. In Monterey, Mickey Welsh and Elliot Ruchowitz-Roberts are part of a long-standing coalition ensuring that immigrants in their community are treated fairly by the Sheriff's Department under this new law. And in the North Peninsula and Marin County chapters, advocates are working with coalition



partners to both educate community members about their rights, and pass local policies that are even stronger than the TRUST Act, like Santa Clara did in 2011. Across the state, we all worked hard to make the TRUST Act law and continue to work together towards the next step—making it a reality.

Through their community relationships and vigilance, our chapter leaders are vital to ensuring our policy victories become a reality for everyone. 

Kiran Savage-Sangwan is an organizer at ACLU-NC. Contact her at ksavage@aclunc.org to help implement the TRUST Act.

MAKING SCHOOL FUNDING WORK FOR CALIFORNIA FAMILIES

By Laila Fahimuddin

Last summer, Gov. Jerry Brown signed into law the Local Control Funding Formula (LCFF), a new and historic way of funding California schools that will ensure more state education dollars are spent on California's most vulnerable students. The law, which the ACLU supported and helped shape, builds on our decades-long quest to ensure educational opportunity.

In January, the California State Board of Education was tasked with reviewing and voting on rules that govern how school districts must use the funding they have received under LCFF and how they will be held accountable to ensuring that the promise of the LCFF becomes a reality.


On the evening of January 15, hundreds of parents and students gathered from across the state, sacrificing sleep, work, school and time with their families to spend hours riding a fleet of charter buses to Sacramento in order to raise concerns about the proposed rules to State Board members in person the following day.

The LCFF redefines school funding in California, shifting from a complex model that failed to meet the needs of California's diverse student body to a model that allocates higher levels of funding to high need students, with the goal of supporting improved student success. The LCFF shifts many spending decisions from the state to the local school board.

Unfortunately, under current proposed regulations, low-income students, English language learners and foster youth might not get the services and support necessary to reach their educational goals. Loopholes could allow local school districts to use LCFF funds on general programming or administrative overhead.

The ACLU-NC and our chapters are in conversation with districts and counties to ensure that implementation is



occurring in line with the intent and letter of the regulations, and will also speak up to the State Board of Education as they develop the permanent LCFF regulations. 

Laila Fahimuddin is an organizer at the ACLU of Northern California.

Are you concerned about how LCFF is being implemented in your district? Contact Laila Fahimuddin at lfahimuddin@aclunc.org.

GET INVOLVED WITH AN ACLU CHAPTER IN YOUR COMMUNITY!



Get more information at
WWW.ACLUNC.ORG/CHAPTERS
or by calling (415) 621-2493 x355

ALAMEDA COUNTY PAUL ROBESON CHAPTER

ANNUAL EVENT AND CHAPTER
BOARD ELECTIONS

Honoring local graduating high school
seniors and the 2014 Grover Dye
Activism Award recipient

Wednesday, May 14, 2014
6:30 PM

Oakland City Hall
1 Frank H Ogawa Plaza, Room 4

ASK THE EXPERTS!

Standing Up for Transgender Californians

Elizabeth Gill divides her time being a staff attorney for the ACLU of Northern California and a staff attorney for the National ACLU's LGBT & AIDS Project. In her national role, she's recently been traveling around the country working on cases and campaigns to win the freedom to marry for same-sex couples across the country. Locally, she's working to help protect the rights of transgender people.

What kinds of challenges do transgender people face?

The challenges that each transgender person faces are unique. Many people don't understand what it means to be transgender and lack a basic understanding of the complex nature of gender identity overall. Transgender people often encounter gender-based discrimination, harassment, violence, and in the case of dozens of transgender people over the last decade, deadly assault. Additionally, transgender people face a range of legal issues including identity documents not reflective of their gender, sex-segregated public restrooms and other facilities, dress codes that perpetuate traditional gender norms, and barriers to access to appropriate health care.

What does it mean to be transgender?

Transgender can be used as an umbrella term to describe anyone whose identity or expression falls outside of stereotypical gender norms. More narrowly defined, the term refers to an individual whose gender identity does not match the sex they were assigned at birth.

Being transgender does not imply any specific sexual orientation. Therefore, transgender people may additionally identify as straight, gay, lesbian, bisexual, or queer.

Tell us about some of the transgender youth you're working with.

We're doing work to ensure school districts continue to meet the education needs of students like Ashton, a 16-year-old transgender boy from Manteca. He lives as a boy but was assigned to a girls' gym class, which singled him out. After learning about the School Success and Opportunity Act (AB 1266), his school administrators met with him and his family to make a plan for him to join the boys' PE class—now he's happy and doing well at school. And Zoey, a 12-year-old transgender girl from the Los Angeles area who transferred out of her school after administrators refused to acknowledge her as a girl or let her use the girls' restroom. The law makes it easier for her to go to school and be herself.

Additionally, we will continue to educate Californians on the challenges and needs of the transgender community and the importance of eliminating gender identity discrimination.

Can you say more about the School Success and Opportunity Act?

The School Success and Opportunity Act, which went into effect on Jan. 1, 2014, provides guidance to schools so they can make sure that transgender students, like all students, have the opportunity to do well in school and graduate. Schools work to meet the needs of all



Elizabeth Gill.

ALL KIDS SHOULD HAVE THE
OPPORTUNITY TO DO WELL
IN SCHOOL AND GRADUATE—
INCLUDING KIDS WHO ARE
TRANSGENDER.

students, and this law is based on policies and practices that are already working well in school districts across California. The law gives guidelines for schools to do what's best for all students, and to work with students and families on a case-by-case basis.

Both state and federal law already prohibit discrimination against transgender students, and many school districts, including San Rafael and Los Angeles, have had supportive policies for transgender students in place for years. But before AB 1266 was enacted, many schools did not understand their legal obligations to support these students. Too often, transgender students were unfairly excluded from school programs and activities and, in some cases, unable to obtain the credits they needed to graduate.

For example, Logan Henderson graduated from Santa Monica High School last year and now attends Dartmouth College. He came out as a transgender boy his first year of high school, and he had to walk across campus to the nurse's office to change for PE, making

him regularly late to class. Ultimately, his administrators worked with him so that he could do well, and he is hopeful that the guidelines provided by AB 1266 will help support other transgender students.

How does the ACLU advance equality for transgender people?

The ACLU is committed to advancing civil liberties for all Californians, including those who identify as transgender. Every issue we work on helps sustain and expand the rights of transgender people, as is true for all people.

We are committed to supporting the implementation and accountability of already existing legislation that advances civil liberties for transgender people. The programmatic work we've engaged in recently that explicitly sustains and expands the rights of transgender people is combatting the efforts to effectively repeal AB 1266, which gives guidelines for schools to do what's best for all students, including transgender students.

What inspires your personal commitment to working to sustain and advance the rights of transgender people?

As an attorney, I am particularly moved to help transgender people, as they suffer the most discrimination of all my clients. Although my experiences are different, and more privileged, than those of transgender people, I definitely view the work as an extension of the work started by the women's rights movement to eliminate gender stereotypes for everyone. ACLU

This interview was conducted and compiled by ACLU of Northern California Communications Strategist Shanelle Matthews.

KNOW YOUR RIGHTS!

LGBTQ Student Rights at School
WWW.ACLUNC.ORG/LGBTQ

This and other Know Your Rights
resources can be found at:
WWW.ACLUNC.ORG/KYR