

ACLUnews

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WHAT'S INSIDE

CENTER INSERT: The Year in Review

- 2 Remembering Barbara Brenner
- 3 Stopping Police Searches of Cell Phones
- 5 Prison Crisis Update
- 6 Community Members Lobby Legislators in Sacramento
- 8 Immigration Reform Questions Answered

FREEDOM TO MARRY IS BACK IN CALIFORNIA

Marriage for same-sex couples has returned to California. Nearly five years after California voters stripped same-sex couples of their freedom to marry through Proposition 8, the U.S. Supreme Court restored that very same freedom. In *Hollingsworth v. Perry*, the Court ruled that opponents of same-sex marriage lacked standing to appeal a decision that struck down Prop. 8.


Meanwhile, in the ACLU's case *Windsor v. United States*, the Court struck down the part of the Defense of Marriage Act that prevented the federal government from recognizing the marriages of same-sex couples. That decision paves the way for married same-sex couples in California and elsewhere to receive all federal benefits, rights, and responsibilities that other married couples receive.

Just days after the Supreme Court ruling, the U.S. 9th Circuit Court of Appeals lifted the stay on marriage for same-sex couples in California. Shortly after that wedding bells started ringing.

The ACLU has been working toward the freedom to marry for same-sex couples and full equality for LGBT people for decades. Now, a full 30 percent of people in this country live in a freedom-to-marry state.

We cheered and celebrated these victories. And we recommitted to our work for full equality for same-sex families, for LGBT immigrants, for transgender communities, and for LGBT youth who face harassment and discrimination.

We're in the Central Valley and Inland Empire making sure LGBT youth are protected from discrimination, harassment, and biased instruction. And we're working to pass a California bill (AB 1266) that supports transgender students by ensuring they are not excluded from facilities and activities like sports teams that match their gender identity.

Together, we're winning equality.  More coverage of the freedom to marry rulings at www.aclunc.org.



Lauren Reid

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AMERICAN CIVIL LIBERTIES UNION
of NORTHERN CALIFORNIA

BOARD ELECTION NOTICE

The ACLU-NC Board of Directors, in accordance with changes adopted in the bylaws in 2003 (Article VI, Section 3 and Article VI, Section 4), have an election schedule as follows:

Nominations for the Board of Directors will now be submitted by the September Board meeting; candidates and ballots will appear in the Fall issue of the *ACLU News*; elected board members will begin their three-year term in January.

As provided by the revised ACLU-NC bylaws, the ACLU-NC membership is entitled to elect its Board of Directors directly. The nominating committee is now seeking suggestions from the membership to fill at-large positions on the Board.

ACLU members may participate in the nominating process in two ways:

1. They may send suggestions for the nominating committee's consideration prior to the September Board meeting (Sept. 12, 2013). Address suggestions to: Nominating Committee, ACLU-NC, 39 Drumm Street, San Francisco, CA 94111. Include your nominee's qualifications and how the nominee may be reached.
2. They may submit a petition of nomination with the signatures of 15 current ACLU-NC members. Petitions of nomination, which should also include the nominee's qualifications, must be submitted to the Board of Directors by Oct. 2, 2013 (20 days after the September board meeting). Current ACLU members are those who have renewed their membership during the last 12 months. Only current members are eligible to submit nominations, sign petitions of nomination, and vote. No member may sign more than one such petition.

ACLU members will select Board members from the slate of candidates nominated by petition and by the nominating committee. The ballot will appear in the Fall issue of the *ACLU News*.

LETTER FROM THE EXECUTIVE DIRECTOR

Bob Hsiang Photography



Pride. There is nothing quite like what I experienced on June 30: marching in the San Francisco Pride Parade with my son Cyrus and 300 ACLU supporters, celebrating Supreme Court victories on Proposition 8 and the Defense of Marriage Act (DOMA) with thousands of others.

I was proud to march with Mickey Welsh of Monterey, who first got involved in the ACLU in 1978, when she stepped up to help defeat the anti-gay Briggs initiative. That led to a lifetime of civil liberties leadership, with Mickey currently chairing the ACLU-NC board. Mickey epitomizes persistence. ACLU supporters stay the course.

I was proud to march with Luis Ojeda of Fresno. Luis and the Fresno Immigrant Youth in Action are leaders in the movement for immigration reform. The ACLU victory over DOMA makes way for LGBT married couples to sponsor their spouses in immigration. Luis epitomizes inclusiveness: ACLU supporters embrace the connections between civil liberties issues to make our movements even stronger.

I was proud to march with Ashton Lee from Manteca. Ashton faced a committee of the state legislature to testify for a bill to support transgender youth in California schools. Ashton epitomizes courage: ACLU supporters are willing to speak up to those in power.

We celebrate the victories on Proposition 8 and DOMA, but we still have work ahead of us: to secure full LGBT equality from coast to coast, to protect reproductive rights, to defend the privacy rights of all Americans from invasive surveillance programs, to secure immigration reform that provides a pathway to citizenship, to defend the fundamental right to vote.

Guiding this broad array of work will be Natasha Minsker, who has stepped up from her leadership on the ACLU-NC's death penalty work to serve as our Associate Director. Natasha and I are proud to do this work with Mickey, Luis, Ashton and you: with persistence, inclusiveness, courage, and most of all, pride.

Abdi Soltani

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

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2013 BENEFACTORS DINNER

Generous ACLU supporters gathered at the City Club of San Francisco for the ACLU of Northern California's 2013 Benefactors Dinner. The evening's program, "Sex, Love & Liberty" focused on landmark Supreme Court cases and featured ACLU-NC Executive Director Abdi Soltani, Staff Attorney Maggie Crosby, Reproductive Justice Policy Director Phyllida Burlingame, and Staff Attorney Elizabeth Gill.



Photos by Susana Millman

TOP ROW (from left to right): Beverly Tucker, Dale Brodsky, Patricia Guthrie; Madeline Mixer and Joe Mixer.
BOTTOM ROW (from left to right): Pamela Merchant, Raj Desai, Helen Desai, Farah Brelvi; Sahar Houshdaran and Roozbeh Pournader.

IN MEMORIAM: BARBARA A. BRENNER, 1951-2013

Barbara Brenner, a much-loved activist and the 2012 recipient of the ACLU-NC's Lola Hanzel Courageous Advocacy Award died from complications of ALS (amyotrophic lateral sclerosis) on May 10, 2013 at age 61.


The ACLU-NC honored Barbara for her decades of work on behalf of civil liberties and civil rights. She held numerous ACLU roles: a staff person at the Women's Rights Project at the ACLU of Southern California, legal intern at ACLU-NC, ACLU National board as the ACLU-NC representative, and as an ACLU-NC board member.

Undoubtedly her ACLU background prepared her well for the work she is most known for, leading Breast Cancer Action and helping define a new kind of cancer activism, one at the intersection of health, civil liberties, and social justice.

Under her leadership, Breast Cancer Action joined the national ACLU's lawsuit to stop patenting of the "breast cancer genes." The U.S. Supreme Court recently ruled in favor of the ACLU in a 9-0 decision. BCA was the only breast cancer organization that would join as a plaintiff in the suit.

Barbara's vision led BCA to become the first breast cancer organization to refuse to accept funding from any corporation that profits from or contributes to breast cancer by polluting the environment. She was also the driving force behind the Think Before You Pink campaign, which challenged pink ribbon cause marketing and companies that raise money for breast cancer causes but also make products linked to the disease.

Dorothy Ehrlich, former director of the ACLU-NC said, "Barbara and the ACLU have always been a perfect fit: she had that lawyer's love of precision—getting the policy exactly right—and the activist's passion about the issues of social justice. She is the most courageous advocate I have ever known."

Barbara's legacy as a truth-teller and a fierce advocate for justice lives on in the work of the organizations she loved dearly and the activists she mentored. 

—Rebecca Farmer



Barbara Brenner.

CHALLENGING WARRANTLESS CELL PHONE SEARCHES

By Rebecca Farmer

Privacy rights aren't just violated by the NSA. They can also be trampled right here at home by local law enforcement agencies.

Millions of Americans carry smartphones with us everywhere we go. These devices hold our emails, text messages, and social media accounts and information. They have information about our health, finances, and intimate details of our lives. That's sensitive information that police shouldn't be able to get without a warrant—right? That's what civil rights activist Bob Offer-Westort thought. But then San Francisco police officers searched through his phone and read text messages out loud after he was arrested for peaceful civil disobedience.

Offer-Westort was arrested after pitching a tent in San Francisco's Castro neighborhood to protest a proposed city law that unfairly targeted homeless people. A longtime local activist, Offer-Westort worried that some of his community relationships could be damaged if private text messages he sent, and the people he communicated with, were made public.

The ACLU of Northern California sued the City and County of San Francisco and San Francisco Police Chief Gregory Suhr to stop this practice. The lawsuit on behalf of Offer-Westort and San Francisco resident Elizabeth Zitrin, charges that warrantless cell phone searches at the time of arrest violate the constitutional rights not only of arrestees but also of their family, friends, co-workers, and anyone whose information is in their phones.


"The Constitution gives us the right to speak freely and know that police won't have access to private communications in our cell phones unless there is a good reason,"

said Linda Lye, staff attorney at the ACLU of Northern California. "When police search cellphones without a warrant, it violates our right to privacy, and the right to speak freely without police listening in to what we say and who we talk to."

The lawsuit points out that cell phones today function like virtual home offices that contain personal, professional, and financial information. Just as police need a warrant to search a home office, cell phones searches should require a warrant.

"I rely on my cell phone to communicate. We shouldn't have to worry that our personal information, and that of everyone in our phone, will be up for grabs every time we go to a political protest," said Offer-Westort.

This is the first civil suit in California to challenge warrantless cell phone searches at arrest. In 2011, the California Supreme Court ruled in *People v. Diaz* that the police can search the cell phones of arrestees without violating the Fourth Amendment to the Constitution. This suit brings a challenge under the California Constitution's stronger guarantees of privacy and freedom from unreasonable search and seizure, as well as a challenge under the federal and state constitutional guarantees of freedom of speech and association.

Ultimately, the technology we use needs the same strong protections as the documents in our homes and offices. 

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

JUST AS POLICE
NEED A WARRANT
TO SEARCH A HOME
OFFICE, CELL PHONES
SEARCHES SHOULD
REQUIRE A WARRANT.



Emery Jones

ACLU-NC client Bob Offer-Westort, whose cell phone was searched after he was arrested for peaceful civil disobedience.

ACLU-NC MAILING PREFERENCES

To Our Members:

Mailings to our members and the general public provide opportunities to describe complicated legal and political issues in ways not possible in other media and to describe strategies we plan to use for future actions. They enable us to explain, in detail, the benefits and provisions of the Constitution and the Bill of Rights, the ways our rights can be protected in today's world, and the costs of preserving those rights. We use the mail to inform people of the importance of our legal work and to solicit funds that enable us to continue our litigation, public education, and legislative lobbying.

Sometimes, as part of our program to find and recruit members, we exchange or rent our list of members' names to like-minded organizations and publications. We do this so that we will be able to send our membership letters to their lists.

The ACLU never makes its list available to partisan political groups or those whose programs are incompatible with the ACLU's mission. Whether by exchange or rental, the exchanges are governed by strict privacy procedures, as recommended by the U.S. Privacy Study Commission. Lists are never actually given into the physical possession of the organization that has rented them or exchanged for them. No organization ever possesses our list and no organization will ever see the names of the members on our list unless an individual responds to their mailing.

While mailings—under strict privacy guidelines—form the basis of our new member acquisition program, and are key to our growth, we understand some members do not wish to receive solicitations from other groups and we gladly honor requests from our members to be removed from the process. Once you make this election, you do not need to do so again unless you wish to change your preference back.

If you do not wish to receive materials from other organizations, please complete this coupon and send it to:

ACLU Membership Department
125 Broad Street, 18th Floor
New York, NY 10004

☐ I prefer not to receive materials from other organizations. Please eliminate my name from membership exchange/rental lists.

Member # _____

Name _____

Address _____

City, State, Zip _____

FEDERAL COURT DELIVERS HISTORIC VICTORY FOR EQUAL OPPORTUNITY

By Will Matthews


In a sweeping victory for equal opportunity, a federal appeals court ruled earlier this year that a California Department of Transportation program aimed at combating discrimination against women- and minority-owned businesses seeking federal contracts is constitutional.

In its decision, the U.S. 9th Circuit Court of Appeals ruled the state agency's outreach program rightly addresses well-documented discrimination against businesses owned by women and minorities in the awarding of federally funded contracts. The case was litigated by the ACLU of Northern California, the Lawyers' Committee for Civil Rights of the Bay Area, the Equal Justice Society and the law firm Bingham McCutchen, LLP.

"This is an important victory that ensures that businesses owned by women and minorities have the same shot as anyone else at competing for federally funded contracts. Without this decision, these businesses would be locked out of fair competition," said Jory Steele, the ACLU of Northern California's Managing Attorney.

The Associated General Contractors of California filed a lawsuit in 2009 challenging Caltrans' Disadvantaged Business Enterprise program, which seeks to ensure that businesses owned by women and minorities can compete on equal footing for federally-funded contracts.

In 2006, Caltrans suspended the program's race- and gender-conscious elements after the U.S. 9th Circuit Court of Appeals ruled that states had to document the existence of discrimination in the awarding of contracts in their own regions. As a result, women- and minority-owned business participation on Caltrans' federally funded projects plummeted—from nearly 11 percent in 2005 to just under 3 percent in 2008.

An extensive disparity study commissioned by Caltrans in 2007 documented discrimination against small businesses owned by women and minorities in federally funded contracts. In August 2008, the U.S. Department of Transportation approved a subsequent effort by Caltrans to reinstate the program, noting that Caltrans has a duty to ensure that taxpayer dollars are not funneled into an exclusionary contracting system. 

Will Matthews is the Senior Communications Officer at the ACLU of Northern California.


SFPD ABANDONS LATEST EFFORT TO EQUIP OFFICERS WITH NEW WEAPONS

By Will Matthews

This spring, the ACLU of Northern California helped beat back the most recent effort by the San Francisco Police Department to equip its officers with Tasers. It also represents a victory for community members and advocates who tirelessly voiced their concerns about these potentially lethal weapons.

Faced with strong community opposition, Police Chief Greg Suhr and the city's Police Commission conceded that Tasers are not an appropriate option for San Francisco right now.

The fact remains that Tasers are not a simple alternative to firearms, and the idea that Tasers are harmless is false. Even when used as intended, Tasers carry a risk of serious injury or death. Additional risks include the risk of overuse and unnecessary use, the risk of disproportionate use on communities of color, as well as the costs and training diverted.

But the work is not over. The ACLU-NC is committed to working with Chief Suhr and members of the police commission to ensure that policing practices will protect both officer and community safety. 

LEGAL BRIEFS

Challenging Lethal Injection

The California Court of Appeal has held that the state's lethal-injection procedure violates California law. For most of a decade, judges on both state and federal courts have repeatedly held that California's execution procedures are fundamentally flawed and illegal. Unless the California Supreme Court overturns it, this decision means that no executions by lethal injection can occur in California until the state issues new regulations. The state must go back to the drawing board, and it is unclear if California will be able to secure legal execution drugs to carry out executions. Following the ruling, advocates called on Gov. Jerry Brown to officially end the death penalty in California.

Hands Off Our DNA

The U.S. Supreme Court delivered a blow to genetic privacy when it upheld a Maryland law allowing arrestee DNA testing. The ruling allows the police to seize the DNA of innocent Americans who have never been convicted of any sort of crime, without a warrant. The ACLU-NC is litigating a challenge to California's much broader arrestee DNA testing law, and will press on in that suit, *Haskell v. Harris*. DNA says more about us than a fingerprint—it's our entire genetic blueprint. Ultimately, a single police officer's decision to arrest someone for a minor offense should not justify this intrusion into genetic privacy. The ACLU argues that warrantless DNA testing at the time of arrest violates constitutional guarantees of privacy and freedom from unreasonable search and seizure.

Victory for Detained Grandmother

Bertha Mejia, a grandmother with deep family ties in California, had been detained by U.S. Immigration and Customs Enforcement without due process for nearly a year and half. The ACLU-NC and Mejia's immigration attorney petitioned the court for an end to her unlawful, unreviewed detention by ICE. Mejia finally had her day in court after a federal judge ordered a bond hearing where an immigration judge would determine whether her detention was justified. The ACLU continues working to end unjust detentions.

No Blank Checks for Drones

After successfully advocating to keep the Alameda County Sheriff's Office from rushing into adopting drones, the ACLU-NC turned its attention north to Redding. The Redding City Council was considering whether to apply to become a domestic drone testing site. The ACLU pointed out that drones pose a significant privacy threat because they can be used for warrantless mass surveillance. Though the City Council voted in favor of the drone proposal, the ACLU will continue advocating in Redding and elsewhere to ensure meaningful privacy safeguards.

"Stingrays" Allow Technology to Trump the Fourth Amendment


The ACLU-NC obtained documents showing that the FBI used location tracking devices called "stingrays" hid the full scope of this technology when seeking court warrants to use them. This happened over the course of several years in untold numbers of cases. Stingrays are

devices that pose serious privacy concerns—they mimic cell towers and sweep up data of everyone nearby, not just of the criminal suspect.

The ACLU-NC's amicus brief in the case of Daniel David Rigmaiden argued that the government should be required to be fully forthcoming about the technology it uses. The brief also argued that stingrays violate Fourth Amendment protections against unreasonable search and seizure. A federal judge issued a disappointing ruling that gives a green light to the government to keep using this invasive tracking device. The ACLU-NC continues its strong work in the courts and legislature to ensure that privacy protections keep pace with technology.

Legal Representation for Vulnerable Immigrants

The ACLU recently won a victory on behalf of immigrant detainees who suffer from severe mental disabilities. The class action lawsuit, *Franco v. Holder*, was filed in 2010 after ICE and the Obama Administration refused to provide an attorney to these vulnerable individuals even though they obviously cannot understand, let alone defend themselves in, their deportation hearings.

The ACLU filed the suit on behalf of José Antonio Franco Gonzalez, an immigrant with a cognitive disability who was detained for nearly five years without a hearing or lawyer. The recent ruling ensures that immigrant detainees with mental disabilities will get the legal representation they need. 

CALIFORNIA'S PRISON CRISIS ISN'T OVER YET

By Allen Hopper

After the U.S. Supreme Court's 2011 order for California to reduce the population of its overcrowded prison system, Gov. Jerry Brown and the state legislature enacted prison realignment. This has shifted some people convicted of low-level, non-violent offenses from state prisons to county jails. It also encouraged counties to invest in more cost-effective alternatives to incarceration that help reduce recidivism. Leaders at both the state and county levels would be wise to emulate San Joaquin County, which recently rejected plans to expand its jail and instead committed to investing in the kinds of community-based rehabilitation, counseling and job training programs proven to help people get back on their feet and stay out of the criminal justice system for good.

In an act of political theater, in January Gov. Brown laid bare the challenges facing criminal justice reform advocates when he proclaimed that California's "prison overcrowding crisis is over."

What followed was several months of Gov. Brown refusing to take further steps to reduce the prison population, which in turn prompted a three-judge panel to order the state in June to enact further reductions, which the governor has now appealed.

It's hard to see how Gov. Brown can consider the prison overcrowding crisis over while the state crams nearly 120,000 people into prisons designed to hold no more than 80,000. California has the second highest recidivism rate in the country, and spends over \$10 billion annually on prisons and jails.

It's no coincidence that California also ranks 43rd in the nation in per-pupil spending for our public schools and spends much more on incarceration than on colleges, while dramatically hiking tuition rates at our public universities every year, pushing the dream of a college education further and further out of reach for all but kids from the wealthiest families.

By any reasonable metric, this is a continuing crisis. It is a crisis, however, that can be solved. All that is lacking is political will.

The underlying problem is that California continues to lock up 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. This comes at an enormous cost to taxpayers. There are many common-sense reforms on the table that would substantially cut the state's unsustainable incarceration rate.

Sentencing reform, especially for low-level, non-violent drug crimes, is an obvious place to start. The California State Department of Corrections and Rehabilitation has acknowledged in its own legal briefs in *Plata v. Brown* that changing the punishment 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 testified in federal court that if made permanent and retroactive, this simple change would reduce the state's prison population by nearly 2,000 in short order. A full review of our state sentencing laws could result in significantly reduced prison populations.

A bill authored by state Sen. Mark Leno (D-San Francisco), making its way through the state legislature, is a good step in that direction. Supported by a broad coalition of community and advocacy groups, the bill, SB 649, would give local prosecutors the ability to charge simple possession of illegal drugs as a misdemeanor rather than a felony. It's a move that is widely supported by California voters. Polling commissioned by the ACLU revealed that nearly 70 percent of Californians favor making simple possession of drugs a misdemeanor, as 13 states and the federal government do already.

Law enforcement opposed a similar bill last year. The statewide associations of sheriffs, police chiefs and district attorneys all opposed the 2012 bill, which did not pass the Senate as a result. But the news is better this year: in May, the Senate approved SB 649 and sent it on to the state Assembly for consideration.

Other common sense reforms also exist. Expanding earned time credits for all state prisoners who participate in education, rehabilitation and job training programs would reduce the state's prison population by reducing recidivism. California unreasonably limits the amount of these credits to a maximum of six weeks, compared to other states that allow as many as 18 months. Bringing California's prison credit rules more into line with other states would further encourage good behavior during incarceration and help people successfully transition back into the community without committing additional crimes.

Even in the face of a law enforcement lobby in Sacramento that continues to wield outsized influence contrary to the will of state voters who overwhelmingly support common-sense criminal justice reform, Gov.


Brown could bring his considerable influence to bear if he so

chose. Any governor able to convince voters to raise their own taxes, as Brown did this past November with his ballot initiative to secure permanent funding for realignment, can surely stand up to law enforcement and enact modest sentencing reforms. If the governor put a fraction of the energy he put into his criminal justice realignment or his tax measure on solutions like drug sentencing and good time credits, he could really solve California's prison crisis.

Instead, the governor insists that nothing beyond realignment can be done, and California should just learn to live with permanently overcrowded prisons. The state deserves better. Sacramento politicians' refusal to enact common-sense reforms that could work in conjunction with realignment to safely reduce the numbers of people behind bars is a policy choice based on outmoded fears of being labeled soft on crime.

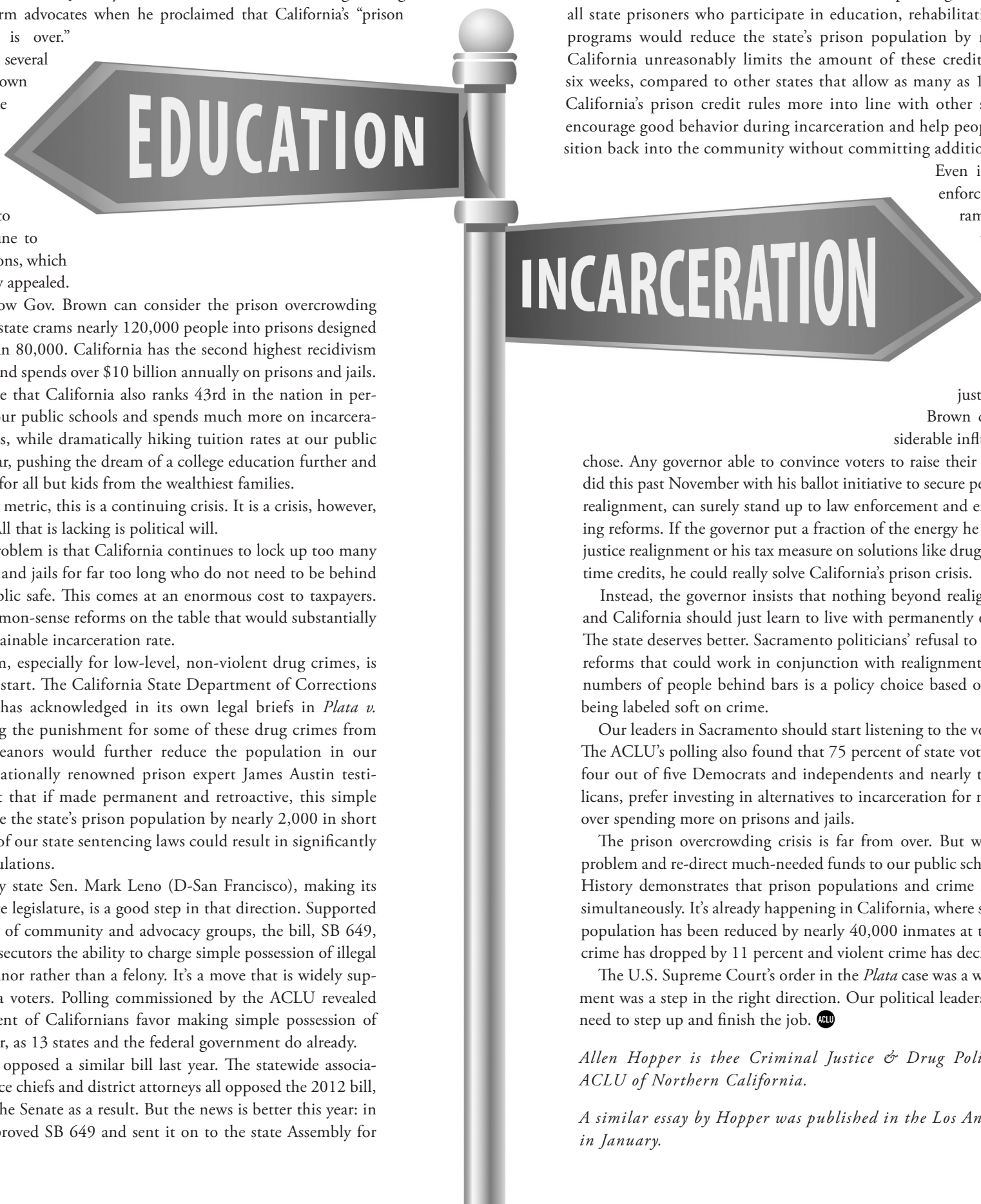
Our leaders in Sacramento should start listening to the voters who elect them. The ACLU's polling also found that 75 percent of state voters overall, including four out of five Democrats and independents and nearly two-thirds of Republicans, prefer investing in alternatives to incarceration for non-violent offenders over spending more on prisons and jails.

The prison overcrowding crisis is far from over. But we can still solve this problem and re-direct much-needed funds to our public schools and universities. History demonstrates that prison populations and crime rates can be lowered simultaneously. It's already happening in California, where since 2007 the prison population has been reduced by nearly 40,000 inmates at the same time overall crime has dropped by 11 percent and violent crime has decreased by 17 percent.

The U.S. Supreme Court's order in the *Plata* case was a wake-up call. Realignment was a step in the right direction. Our political leaders in Sacramento now need to step up and finish the job. 

Allen Hopper is the Criminal Justice & Drug Policy Director at the ACLU of Northern California.

A similar essay by Hopper was published in the Los Angeles Daily Journal in January.



2013 CONFERENCE & LOBBY DAY: CALIFORNIA UNITED

By Tessa D'Arcangelew

On the evening of April 6, a steady flow of activists and volunteers arrived in Sacramento for the ACLU of California's 2013 Conference & Lobby Day. Over 250 attendees participated in this year's collaborative conference, bringing with them stories and experiences spanning the state of California. Organizers from the ACLU's three California affiliates worked together to bring people from every corner of the state to Sacramento to learn from each other and meet with legislators. The result was a fusion of ACLU knowledge with participants' stories, and amplified community voices on behalf of all Californians' rights.

At the opening reception, ACLU of Northern California Executive Director Abdi Soltani asked, "If you are from San Diego & Imperial counties—the very southern reaches of our state—please stand up. If you are from Bakersfield, please stand. If you are from the Central Valley or Central Coast, please stand up." Soltani listed far-reaching areas of the state to the very northern border with Oregon. With every region, large sections of the crowd proudly stood to represent their communities. Some of the participants had not yet graduated high school, while others were well into their 80s; but they shared a common desire to learn and to advocate for fairness, equality, and justice.

A group of Richmond High School Law Academy students concluded a month-long collaboration with the ACLU on immigration law and policy by bringing their experiences, knowledge, and voices to Sacramento as part of the event. The students shared their own families' experiences with immigration enforcement to educate their state legislators. One youth described the story of his uncle: a routine traffic stop led to his deportation. These experiences create fear of local



Stephanie Jaeger, Jaeger Shots

Richmond High School Law Academy students who lobbied on immigrants' rights at the ACLU of California's Conference & Lobby Day.

police among immigrants, which is why the students came to Sacramento to lobby for the Trust Act. Law Academy student Magdalena Hernandez, who aspires to become an immigration attorney, will continue her advocacy with the ACLU this summer through an internship sponsored by the Center for Youth Development through Law.

Participants had the opportunity to hear from over 50 of the ACLU's leading experts on such topics as education equity, reproductive justice, and immigrants' rights. They also learned how to advocate and organize. Most importantly, they were able to learn from each other.


In one of the workshops, participants from Santa Clara County shared successful strategies and tactics to advocate for immigrants' rights. Participants from San Bernardino took the lessons home with them. (San Bernardino is one

of four California counties participating in the 287(g) program, which permits local law enforcement officers to act as immigration enforcement officers, leading to increased deportations at disproportionate levels.)

Perhaps the most exciting aspect of Conference & Lobby Day was the final day, when participants made over 100 visits with their representatives in California's state legislature. For many, this was their first visit to the Capitol. What better way to see it than from the very offices where decisions are made that will impact their communities for years to come? (See the *Sacramento Report* for more information.)

Lobby Day was kicked off by a special welcome from Ruth Montañó, an ACLU client from Bakersfield who was placed into deportation proceedings after neighbors called the police on New Year's Eve to complain that her dogs were barking too loudly. Due to the cooperation between local law enforcement and federal immigration enforcement that

currently exists in California and throughout the country, this incident meant Montañó was almost deported, which would have taken her away from her three children. Montañó, two of her children, and ACLU members talked with legislators about the TRUST Act (AB 4), which would go a long way toward addressing this problem.

Our members and activists are true guardians of liberty across the golden state of California. The power of our work lies in the power of the people—the power of their experiences, their unique communities, and their voices. When brought together, this power is amplified to an unstoppable level. 

Tessa D'Arcangelew is an Organizer at the ACLU of Northern California.

SACRAMENTO REPORT

Every year the ACLU of California protects and advances civil liberties and civil rights in the State Capitol. These are some of the key pieces of legislation we're supporting this year.

By the ACLU California Legislative Office

Criminal Justice & Drug Reform

State senator Leno re-introduced a common sense drug sentencing reform bill. SB 649, the Local Control in Sentencing Act, would reform California's drug sentencing laws for simple possession so that a felony penalty is not automatic. Instead, district attorneys will be able to decide when use a misdemeanor charge. This would reduce incarceration costs for counties and help the state end its ongoing prison crisis.

STATUS: The state senate passed the bill, and the full Assembly will vote on it this summer.

Immigrants' Rights

The TRUST Act (AB 4), reintroduced this year by Assemblymember Ammiano, would restore community relationships with local police by making clear that local jails cannot hold people on immigration-based detention requests when they pose no risk to public safety.

STATUS: The bill passed the Assembly and has moved to the state Senate's Public Safety Committee.

Reproductive Justice

The Early Access to Abortion bill (AB 154, authored by Assembly Majority Leader Atkins) would improve abortion access by increasing the types of trained health professional who can provide early abortions. Women in both rural and urban areas of the state face barriers to access, which this bill addresses.

STATUS: The bill passed the Assembly as well as the Senate's Health and Business, Professions & Economic Development committees.


Education Equity

AB420, authored by Assemblymember Dickinson, will help keep kids, and particularly kids of color, in school by eliminating the ability of school officials to suspend elementary school students and expel any students for the vague reason of "willful defiance." There were nearly 400,000 suspensions given out in California last year, half of which were for "willful defiance." Of those, a disparate number were given to students of color, significantly reducing their likelihood of graduating and increasing their likelihood of coming into contact with the criminal justice system later on in life.

SB 744 (authored by Senator Lara) would prevent school districts from forcing students to be transferred to non-mainstream schools after actions for which they could have been expelled. This practice has a disparate impact on students of color.

STATUS: This bill passed the Senate Floor and scheduled to be heard in the Assembly Education Committee.

As part of the 2013-2014 budget process, the Legislature voted to approve an amended version of the governor's Local Control Funding Formula, which dramatically redefines school finance in California. Under the formula, school districts and county offices of education that serve high concentrations of English Learner, low-income and foster youth students will receive supplemental funding to provide the additional services to improve outcomes for these vulnerable students.

STATUS: The 2013-14 budget has been signed by the governor. Further accountability provisions will be drafted by the State Board of Education through March 2014. 

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


RETHINKING PRISON SPENDING

The ACLU-NC has held town hall meetings across the state, in communities and on college campuses, about the ways that California's outsized prison spending has a direct impact on education budget cuts.

"Since 1980, California has built 20 new prisons and only one new university. It's time to rethink California's priorities," said Caitlin O'Neill, Criminal Justice and Drug Policy Associate at the ACLU-NC.

At a recent event organized by the ACLU-NC's Sacramento County Chapter, local Assembly-member Roger Dickinson joined the discussion. The chapter invited a diverse group of community members and college students, which culminated in a lively discussion about our state's budgetary

priorities. O'Neill and David Moss, ACLU-NC's Criminal Justice and Drug Policy Educator, spoke about how our criminal justice system should keep communities safe, treat people fairly, be cost-effective and use our taxpayer dollars wisely.

O'Neill and Moss have toured the state talking about ACLU-NC's Think Outside the Box challenge. "There are choices we can make to reduce wasteful criminal justice spending and improve public safety," O'Neill said. 



LEFT TO RIGHT: Sacramento State University ACLU Club President Maryam Ahmad, ACLU Sacramento County Chapter Board Member Tessnim Ahmad, ACLU Sacramento County Chapter Chair Betty Williams, and ACLU-NC Policy Associate Caitlin O'Neill.

IT WAS INSPIRING TO SEE A HOST OF ENGAGED CITIZENS DEVOTE THEIR EVENING TO DISCUSS HOW WE CAN ACHIEVE SOCIAL JUSTICE AND MAKE BETTER USE OF TAXPAYER DOLLARS.

—TESSNIM AHMAD,
ACLU SACRAMENTO COUNTY
CHAPTER BOARD MEMBER

COMMUNITIES CREATING SCHOOLS FOR ALL

When people come together to improve their communities, the results can be tremendous. Community and ACLU-NC chapter activists can play a crucial role in local advocacy. Activists have stepped up to address high rates of suspension that students—especially students of color—face in public schools for behavior that used to mean a trip to the principal's office.

Spotlight on Marin County

Marin County Chapter Chair George Pegelow has been active in local advocacy, especially around schools and youth, for well over a decade. He got involved after back-to-back incidents of anti-LGBT bullying and race-based harassment in Marin County high schools. Pegelow urged the Marin Human Rights Commission to take action. He also began working closely with the Marin County Office of Education to address issues of bullying, harassment, and school discipline policies that negatively impact students of color. He and chapter activist Don Carney have also advocated for restorative justice as an alternative to harsh discipline.


School discipline work in Marin schools has focused on involving students in the discipline process so they can have an impact on the types of policies that are developed. In Novato, the Marin Chapter has collaborated with Novato Blue Ribbon for Youth to push the county to adopt a district wide policy. The result is a program called No Bully which was instituted in middle schools and high schools in San Rafael and Novato three years ago.

As Pegelow explains, a restorative approach to school misconduct shifts the focus from punishment to reflection, and provides young people with the means to correct their behavior while reinforcing that they are valued. Peer Courts and Youth Courts are two examples. Pegelow and Carney co-founded the Marin County Youth Court in 2004. High school students serve as advocates at their schools and sit on the Chapter board. Pegelow's local advocacy has helped change the way that Marin schools approach the discipline process.

Spotlight on Stockton

Until community activists and the ACLU stepped in, two Stockton high schools had an alarming 90 percent suspension rate, and huge racial disparities in both suspensions and expulsions. The Stockton Education Equity Coalition, of which the ACLU is a member, has yielded remarkable results over the past three years. In the past year alone, the district has reduced expulsions by 66 percent.

The advocacy in Stockton schools got a boost after Gov. Jerry Brown signed AB 1729 last year. This ACLU-NC-sponsored bill encourages school leaders to seek more effective policies to address misconduct that address the core issues behind a students' behavior.

The result of these efforts is a trend toward a better school environment for all students. 

GET INVOLVED! CHAPTERS AND CLUBS IN YOUR COMMUNITY

Northern California Chapters

Alameda County Paul Robeson
Berkeley/North East Bay
Chico

Greater Fresno
Mt. Diablo
Marin County
Mid-Peninsula
Monterey County

North Peninsula (Daly City to San Carlos)
Redwood (Humboldt County)
Sacramento County
San Joaquin County
Santa Clara Valley
Santa Cruz County
Shasta-Tehama-Trinity Counties
Sonoma County
Yolo County

Campus Clubs

Golden Gate University
Santa Clara University Law
Stanford University
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UC Davis King Hall Law

Get contact information at
WWW.ACLUNC.ORG/ACTION/CHAPTERS
or by calling (415) 621-2493 x369

ASK THE EXPERTS!

Comprehensive Immigration Reform

As the U.S. Congress takes on the historic task of comprehensive immigration reform—which has the potential to improve the lives of millions of immigrants and their families and to make our country stronger—the ACLU is deeply engaged in ensuring that reform is guided by America’s core values of fairness, equal protection, and due process for every person in this country. Three ACLU staff in California explain these efforts. **Norma Chavez-Peterson** is the Associate Director of the ACLU of San Diego & Imperial Counties, **Stephanie Kamey** is the Central Valley Regional Organizer at the ACLU of Northern California, and **Julia Harumi Mass** is a Staff Attorney at the ACLU of Northern California.

President Obama and Congressional leaders have pledged to reform our immigration system this year. What could the potential impact of this be?

NCP: We are a country of immigrants. Many of us are immigrants ourselves, or children or grandchildren of immigrants, so immigration reform is more than a political issue. The system is so broken today that 11 million immigrants

in the United States are denied basic rights, children are separated from their parents, immigrants are unlawfully detained, and there is a vast expansion of enforcement at the border. So the impact of reform is potentially huge. A pathway to citizenship is so fundamental to keeping families together and ensuring rights for all people. And this really does seem like the year to get it done. But it is not without challenges.

Many organizations are speaking out about immigration reform this year. What is the ACLU’s perspective and role?

JHM: The ACLU is working to ensure a pathway to citizenship that is as broad and inclusive as possible. People should be not excluded from citizenship because of old or minor crimes, or based on employment or income tests at odds with the realities of our workforce. In addition, we are fighting against further degradation of civil liberties at the border and imposition of mandatory electronic employment verification that would create something akin to a national ID system. In line with our core values, the ACLU is also working to restore due process in deportation and detention through immigration reform.

What about the impact in California?

SK: With the largest immigrant population in the country, California has the most to gain and the most to lose through immigration reform. California is also a



Norma Chavez-Peterson, Stephanie Kamey, Julia Harumi Mass

border state, and home to many industries with large immigrant workforces, including technology and agriculture. In the Central Valley we see the real need for reform every day. From mothers and fathers swept up for minor offenses and quickly deported, to farmworkers being racially profiled while driving to work and having their cars impounded, to families without healthcare or access to basic services due to their immigration status, we see how undocumented status undermines civil liberties and equal protection under the law daily. But the other thing we see is a community ready to organize for change. Our Fresno ACLU office is working in close collaboration with the ACLU offices throughout the state to provide information about immigration reform to community members and lift their voices into the dialogue so that they can impact this process.

We hear a lot about additional resources needed to secure the border. What might we see from immigration reform in terms of the border and what could the impact be here?

NCP: The immigration reform bill proposal currently includes billions more in funding for border enforcement for surveillance, fencing, and agents. We already spend billions at the border, and it has been declared secure by the President, the Secretary of Homeland Security, and other law enforcement leaders. This additional funding is not only unnecessary, but makes us all vulnerable to

further degradation of civil rights and civil liberties. So it is a major concern for the ACLU. We are working to include protections of civil rights and civil liberties in the legislation, and to shift the focus from rampant spending on enforcement to strategic spending on infrastructure at ports of entry, which are in fact woefully neglected.


What is happening to the bill right now?

What’s next?

JHM: A bipartisan comprehensive immigration reform bill passed out of

the U.S. Senate with 68 votes on June 27. This was a historic moment and the ACLU, along with many others, fought hard to ensure that the bill preserved a pathway to citizenship. At the same time, the bill included mandatory implementation of E-Verify, and unprecedented border enforcement. We are still waiting to see what the House will do, and will continue to monitor developments on the ACLU’s core immigration issues, and to fight for the best immigration reform possible.

Are there ways for ACLU members and supporters to get involved in the work for immigration reform?

SK: Definitely! Immigration reform has a lot of momentum and its prospects are better than ever, but we still have a long way to go. It is going to take all of us to get this done. We need to make sure that our voices are heard for just and effective immigration reform. ACLU offices all over California are deeply engaged in this work, visiting legislators and educating the community. 

ACLU of Northern California Organizer Kiran Savage-Sangwan conducted this interview.

GET INVOLVED

Contact Kiran Savage-Sangwan at the ACLU-NC at (415) 621-2493 or ksavage@aclunc.org