

ACLUnews

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WANT TO PHOTOGRAPH PUBLIC ART? THE FBI MIGHT COME KNOCKING ON YOUR DOOR

In July, the ACLU of California and coalition partners filed a lawsuit challenging the federal government's Suspicious Activity Reporting program—a vast expansion of the federal government's domestic intelligence network. The SAR program supposedly facilitates the collection and sharing of information about activity that appears “suspicious,” but in practice, it targets First Amendment-protected activity, encourages racial and religious profiling, and violates federal law. The plaintiffs are five U.S. citizens whose information has been entered into counterterrorism databases for engaging in lawful conduct, and who have been subject to unwarranted law enforcement and scrutiny. Below is the story of one of our plaintiffs, in his own words:

My name is James Prigoff. I am 86 years old and a retired senior corporate executive, having been president of a Levi Strauss division and previously the senior vice president of the Sara Lee Corporation in Chicago. I am also a professional photographer—in fact, I have been a photographer for most of my life. My specialty is photographing murals, graffiti art, and other community public art. I am the co-author of three books utilizing my photographs, one of which, *Spraycan Art*, has sold over 200,000 copies. My photographs appear in countless other publications and my photography has been exhibited at the Smithsonian in Washington and in many other galleries. I have lectured on photography and public art in museums, universities, and venues worldwide.



Emery Jones

Plaintiff James Prigoff

CONTINUED ON PAGE 5

VOTE YES ON PROP 47!

**YES
ON
47**

CALIFORNIANS FOR
**SAFE
NEIGHBORHOODS
& SCHOOLS**

This November, Californians have an historic opportunity for criminal justice reform. Vote YES on Prop 47, the Safe Neighborhoods and Schools Act.

Here's why this reform matters. It would change the lowest-level, nonviolent crimes, such as simple drug possession and petty theft, from felonies to misdemeanors.

This reform will focus our law enforcement resources on violent and serious crime, and use the savings from prison spending for crime prevention, such as improvements to K to 12 schools, victim services, and mental health treatment.

**NO on
46**

Proposition 46 is a violation of privacy and breaks the single-subject rule for ballot measures. The initiative improperly asks voters to consider three different subjects under the guise of one initiative. Part of the initiative would require physicians to submit to random, suspicionless drug testing. This kind of drug testing is unnecessarily intrusive and fails to deter drug use. Vote No on Prop 46.

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AMERICAN CIVIL LIBERTIES UNION
of NORTHERN CALIFORNIA

BOARD OF DIRECTORS ELECTION

VOTING INFORMATION

WHO CAN VOTE:

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

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

HOW THE CANDIDATES WERE NOMINATED:

As explained in the summer 2014 issue of the *ACLU News*, our by-laws specify two methods for nominating candidates for directorships. Candidates may be nominated by the current Board of Directors after the Board considers recommendations from its Nominating Committee. Candidates may also be nominated by petition bearing the signatures of at least 15 of our members in good standing.

INSTRUCTIONS FOR VOTING:

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

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

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

ADDRESS THE ENVELOPE TO:

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

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

In order for your ballot to be counted, we must receive it at the address shown above by noon on Dec. 4, 2014.

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

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

ACLU-NC BOARD OF DIRECTORS BALLOT

Please vote by marking one square next to each candidate you support.
You may vote for up to 10 candidates on this ballot. If you share joint membership with another member, use both squares.

<input type="checkbox"/>	<input type="checkbox"/>	ANGELA CLEMENTS
<input type="checkbox"/>	<input type="checkbox"/>	BENJI DELGADILLO
<input type="checkbox"/>	<input type="checkbox"/>	LISA HONIG
<input type="checkbox"/>	<input type="checkbox"/>	JACKIE KENNEDY
<input type="checkbox"/>	<input type="checkbox"/>	AMANDA KETON

<input type="checkbox"/>	<input type="checkbox"/>	DENNIS MCNALLY
<input type="checkbox"/>	<input type="checkbox"/>	MARC PILOTIN
<input type="checkbox"/>	<input type="checkbox"/>	ZONA SAGE
<input type="checkbox"/>	<input type="checkbox"/>	MICHAEL WASHINGTON
<input type="checkbox"/>	<input type="checkbox"/>	CINDY WATHEN

Please clip and send along with your address label to:

Elections Committee
ACLU of Northern California
39 Drumm Street
San Francisco, CA 94111

Ballots must be received by noon on Dec. 4, 2014

CANDIDATE STATEMENTS



ANGELA CLEMENTS

I would be honored to serve a second term on the Board of the ACLU-NC. I became involved with the ACLU over 10 years ago as a student organizer in Nebraska, where I founded a youth organization to campaign against an anti-LGBT ballot initiative. Now, the ACLU is positioned to win the freedom to marry for same-sex couples nationwide, thanks to a winning grassroots and litigation strategy. I

look forward to working with the ACLU-NC on similar initiatives, especially those involving underrepresented youth and immigrants. In my pro bono practice, I assist asylum seekers and unaccompanied minors navigate the immigration system. As a young, LGBT lawyer who has settled in Oakland with her family, I bring my passion for advocating for underrepresented communities to the ACLU-NC's work.



BENJI DELGADILLO

It is an honor to be nominated to serve on the ACLU of NC's Board. I come from a background of queer and trans youth organizing, and I owe my activist beginnings to the work of the Gay-Straight Alliance Network. Currently, I am serving as Volunteer Development Associate at Transgender Law Center and as a Commissioner on the Community Health Commission for the City of Berkeley. I work at the

Multicultural Community Center on UC Berkeley's campus, and I facilitate the student-led course "FemSex: A Community Space to Critically Explore Sexuality, Identity and Empowerment." As a genderqueer youth of color, rooted in intersectional means of cultural resistance and decolonization, I would love to explore what this kind of activism looks like for ACLU-NC's Board.



LISA HONIG

I have been connected with the ACLU for more than 40 years, from seeking its assistance as a teenager, to serving on the Board as an adult. In the more than 20 years that I have served on the Board, I have been a member of the Executive Committee, served as Treasurer and Chair of the Legislative Policy Committee, and served on various other committees.

I also have the honor of serving as Northern California's representative to the National ACLU Board. As a former lawyer and political activist, I have always sought to bring both an intellectual and a pragmatic approach to the ACLU's work. My commitment to the organization's work has never been greater. I hope to have the opportunity to serve on the Board once again.



JACKIE KENNEDY

It has been an honor serving on the ACLU Board for the past year, and I am proud to be nominated for the Class of 2017. I first connected with the ACLU-NC for the inaugural class of the Field Fellowship Program in 2012, working on the SAFE California campaign to repeal the death penalty. Since then, I've been on three different committees, currently including development and chapter

program implementation. I came to the board with a professional background in fundraising, and a history in activism stemming back to being president of my high school's Gay Straight Alliance. It would be an honor to continue serving the ACLU as a board member as the ACLU leads on queer and trans* rights and equality.



AMANDA KETON

I am honored to be nominated as a board member for the ACLU of Northern California. I am the legal director of Tides, a social justice organization that promotes change toward a healthy society, broadly shared economic opportunity, a robust democratic process, and sustainable environmental practices. I also serve as the co-chair of the San Francisco LGBT Community Center Board of

Directors. I am a long-time supporter of the ACLU, and I have been privileged to collaborate with the ACLU-NC on various issues. The ACLU-NC has been a leading advocate in the fight for justice, fairness, equality, and freedom in California and at the national level. I look forward to catalyzing these efforts and serving those most vulnerable in our communities. Thank you for considering my nomination.



DENNIS MCNALLY

My service to the ACLU is one of the more important satisfactions in my life. I've been around long enough to be entirely confident not only in the ACLU's mission but also in the very high level of expertise that the Northern California affiliate brings to the defense of civil rights and liberties. The staff is extraordinarily motivated, extremely well led, and supremely worthy of support. And that's what

I've tried to do as a member and current Chair of the Development Committee. It takes both ACLU supporters and staff to make the process work—as much as activist laypeople can do in the political arena, it takes really good lawyers to defend our rights, and I'm happy to do my part in helping laypeople support their work.



MARC PILOTIN

I am deeply humbled by the nomination to serve on the Board of the ACLU-NC. I have long sought to ensure fairness, equality, and justice for all. I started my career as a fourth grade teacher, working alongside other dedicated educators seeking to provide a quality education to students at one of the 10 lowest-achieving schools in Los Angeles Unified. Thereafter, while in law school, I continued to

pursue education equity and worked for the ACLU of Southern California on enforcing the landmark *Williams v. California* settlement. Now, as an associate at Lieff Cabraser Heimann & Bernstein, I advocate on behalf of consumers, employees, and small businesses. I am excited to work with the ACLU-NC to achieve equity in our schools and to advance individuals' rights.



ZONA SAGE

I would be honored to continue my service on the Board. I attended Boalt Hall law school, and, with a Fulbright, the University of Stockholm law school, where I studied laws affecting women. During my career I worked as a legal services attorney in Richmond, a staff member of the National Lawyers Guild projects on Grand Juries and Electronic Surveillance, in the State Bar Legal Services department, for the

City of Berkeley Rent Stabilization program, and then in private practice representing primarily poor tenants (largely undocumented and monolingual Spanish) living in sub-standard housing. I have also been active politically for women's and LGBT rights. My broad interests in social justice align me with this magnificent organization.



MICHAEL WASHINGTON

It is an honor to be nominated as a candidate in the election of the ACLU of Northern California at-large Board of Directors. With your vote, I will bring my 20 years of professional experience, specifically in non-profit accounting and finance, to support the work of the dedicated staff of the ACLU of Northern California. I am especially interested in the work of the ACLU-NC in the areas of voting rights,

racial justice and immigrant issues, areas where historically communities of color have been disenfranchised and/or marginalized. The ACLU-NC has always been on the forefront of defending civil liberties in these areas, and I would work passionately to strengthen the organization's capacity so that it will continue to do this important work. Thank you for your vote.



CINDY WATHEN

It's a tremendous honor to be nominated to the ACLU-NC. As a Juris Doctor graduate of San Joaquin College of Law, a lifelong Central California resident, and the sole proprietor of a marketing, media and public relations firm, I hope to bring greater attention and awareness to the unique needs of the Valley. It is also my goal to expand the ACLU's reach into the Central California community. The ACLU is a perfect fit

for the Valley. With its high poverty, unique demographics and challenges, the Greater San Joaquin Valley deserves a stronger voice. My previous and current nonprofit board work includes the Fresno Arts Council, the Fresno Art Museum, the Fresno Historical Society, Fresno Filmworks, and Central California Writers.

REMEMBERING RUDY HURWICH

The ACLU remembers Rudolph Hurwich with fondness and respect. A serial entrepreneur, inventor, philanthropist, investor and generous supporter of liberal causes and creative endeavors, he died peacefully at his Oakland home on Aug. 2, 2014. He was 92 years old.

Abdi Soltani, the ACLU-NC's Executive Director, said, "I was honored to know Rudy for the past five years. In every interaction with Rudy I could see two things in his eyes: kindness and commitment."

Rudy was admired by business leaders for his expertise as a manager and for his calm demeanor. He developed and led a number of successful businesses, including Dymo Industries (legendary maker of the hand held rotary label embosser). He was also involved with Hibbard Aviation and Metropolitan Furniture. Rudy most recently co-founded and led the PolyPlus Battery Company (based on a new battery technology chosen by *Time* as one of the 50 Best Inventions of 2011).

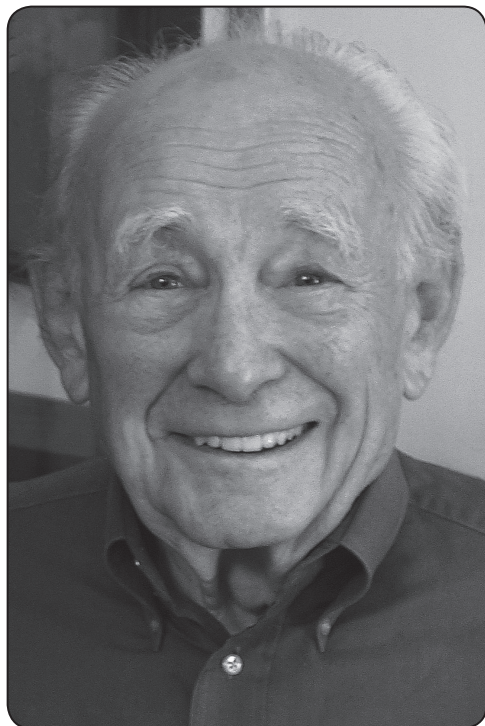
Rudy and his beloved wife Janet met in 1974 as she was getting off an elevator at the Dymo headquarters in San Francisco. They became inseparable partners in love, family business investments, and philanthropy for 40 years.

Rudy was born in Chicago and his career began as an after-school clerk at his parents' neighborhood department store. Rudy learned his management style from his parents and brought their respect for customers and employees into all his businesses. One long-time Dymo employee said, "If CEOs and politicians in this day and age could follow in this man's footsteps, the world would be a better place."

Rudy earned his engineering degree at MIT and served in World War II in the South Pacific. He moved to the Bay Area in 1948.

The Abiding Abbot of the San Francisco Zen Center, Ed Sattizahn, notes that "Rudy exemplified the ideals of a Buddhist life—wisdom and compassion skillfully expressed in the ordinary circumstances of everyday life."


Rudy gave substance to his personal values with financial support for social advocacy and humanitarian organizations, including the ACLU, MoveOn, Planned Parenthood and the Union of Concerned Scientists. He also supported a number of progressive politicians and was a keen observer of the national scene. Rudy often said that he made money so that he could give it away to organizations and people, and improve community where government "wasn't doing its job."



For all of his business and philanthropic accomplishments, Rudy used to say that his proudest achievement was his listing on President Nixon's second "enemies list." Rudy's name likely made the list because of his leadership role in a national organization of business executives opposed to the Vietnam War.

The ACLU is proud that Rudy's family thought to honor his commitment to social justice by suggesting gifts to the ACLU as a way for family and friends to remember him. Memorial gifts are a meaningful way to recognize a loved one. Rudy's wife and family request that friends consider performing an act of kindness in Rudy's memory, or make a memorial donation in his name to the ACLU of Northern California,

MIT/Rudolph Hurwich Undergraduate Scholarship Fund or the San Francisco Zen Center.

Says Dorothy Ehrlich, former Executive Director of the ACLU-NC: "Rudy was a deep thinker and creative inventor, yet so extraordinarily modest and sweet. He and his wife Janet have had such enthusiasm for defending civil liberties—that it can only be described as a truly joyful commitment to the ACLU. His joy inspired all of us, and he will be sorely missed." 

DONATING IN HONOR OF A LOVED ONE



For friends of Rudy Hurwich, or for anyone wishing to honor or remember a loved one, now or in the future:

Please indicate on checks or online who your gift is honoring.

Checks should be made out to "ACLU Foundation of Northern California" and sent to:

ACLU
39 Drumm Street
San Francisco, CA 94111

Web page for online credit card donations: <https://www.aclunc.org/donate/tribute-gifts>.

Gifts are tax deductible.

ACLU DONORS GATHER TO LEARN ABOUT REPRODUCTIVE JUSTICE ISSUES

In the wake of the U.S. Supreme Court's *Hobby Lobby* decision, ACLU supporters gathered for an evening program, "Ending the Use of Religion to Discriminate: Advancing Reproductive Justice," featuring ACLU Deputy Legal Director Louise Melling and ACLU-NC Reproductive Justice Policy Director Phyllida Burlingame, as they discussed the complex intersection of reproductive justice and religious freedom.



Photos by Susana Millman

Top row: André Herron and Cheri Bryant; Ben and Mary Feinberg.
Bottom row: Sharon and Edward Jay; Phyllida Burlingame, Louise Melling, Abdi Soltani.

ACLUnews

THE PUBLICATION OF THE
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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

SUSPICIOUS ACTIVITY REPORTING

CONTINUED FROM PAGE 1

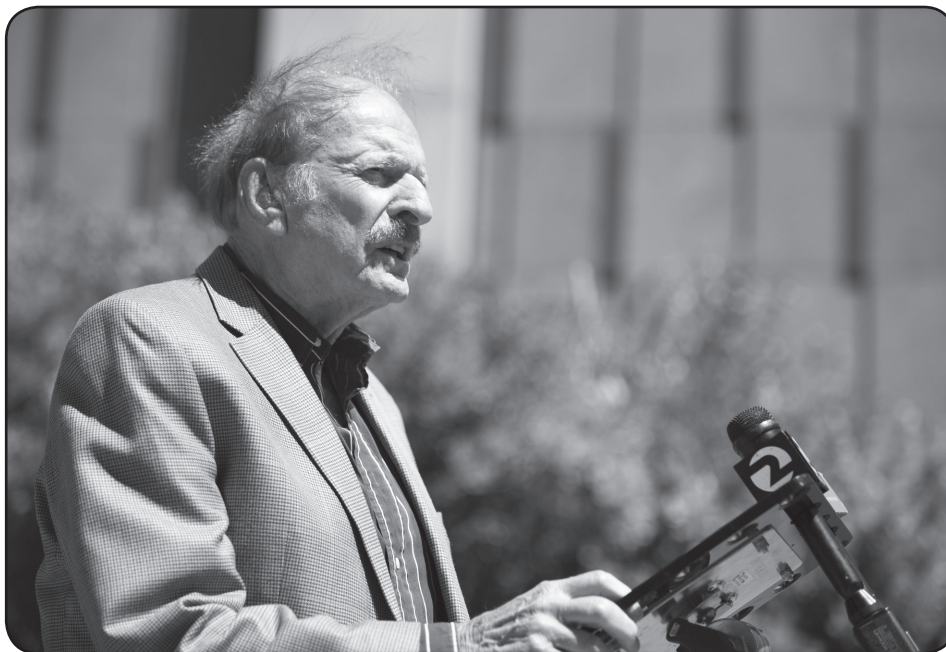
I have never had an experience like I had when attempting to photograph the “Rainbow Swash” outside Boston in 2004. Let me explain.

The Rainbow Swash is an iconic piece of public art near Boston painted on the circumference of a 140-foot-high liquefied natural gas storage tank in 1971 and repainted in 1992 at an adjacent site. It is actually one of the largest copyrighted pieces of art in the world. The original artist was Korita Kent.

I went to Dorchester, Mass., to photograph it, but before I could take a picture, I was confronted by two security guards who came through their gate and told me I could not because the tank was on private property. I pointed out that I, being well outside the fenced area, was not on private property—but they insisted I leave. If one goes to Wikipedia, there are number of excellent close-up shots for the entire world to see.

A few months later, I found a business card on the front door of my home in Sacramento from Agent A. Ayaz of the Joint Terrorism Task Force, asking me to call him. One of my neighbors, an elderly woman, told me that two men wearing suits had come to her door to ask her about me, her neighbor.


When I called Agent Ayaz, he asked if I had been in Boston recently. At that moment I realized that the



security guards at the Rainbow Swash site must have taken down the rental car license plate number and reported me to a law enforcement agency. I never gave the guards any information about myself, so I must have been traced across country via my rental car record.

So, consider this: A professional photographer taking a photo of a well-known Boston landmark is now considered to be engaged in suspicious terrorist activity?

I lived through the McCarthy era, so I know how false accusations, surveillance, and keeping files on innocent people can destroy their careers and lives. I am deeply troubled that the SAR program may be recreating that same climate of false accusation and fear today.

Photography is an important part of my life, and I plan to keep photographing public art and public places that contain WPA murals and other architectural sites—as I have been doing for 69 years. Why have my artistic pursuits landed me in a national database potentially linking me to “terrorist” activities? There is no reason for it. This program must be stopped. 

James Prigoff is a client in Gill v. DOJ, challenging the government’s Suspicious Activity Reporting program.

I LIVED THROUGH THE MCCARTHY ERA, SO I KNOW HOW FALSE ACCUSATIONS, SURVEILLANCE, AND KEEPING FILES ON INNOCENT PEOPLE CAN DESTROY THEIR CAREERS AND LIVES.
—JAMES PRIGOFF

LEGAL UPDATES

By Will Matthews

Sacramento Homeless Organizing Committee v. County of Sacramento

The ACLU of Northern California filed a lawsuit charging that an ordinance adopted by the Sacramento County Board of Supervisors that significantly restricts panhandling is unconstitutional.

Filed in July on behalf of the Sacramento Homeless Organizing Committee and two homeless individuals, the ACLU alleges the ordinance violates the First Amendment rights of anyone seeking to panhandle or solicit for donations within the unincorporated areas of Sacramento County.

The ordinance discriminates against poor people by exempting charitable solicitors from the restrictions. It also criminalizes people who ask for donations to support themselves financially. “Criminalizing panhandling is the wrong way to address homelessness,” said ACLU-NC Legal Director Alan Schlosser.

Latif v. Holder

The ACLU filed suit more than four years ago on behalf of 10 Americans who found themselves on the No Fly List without any notice, reasons or meaningful way to get off of it.

In a landmark ruling in June, a federal judge in Oregon struck down as unconstitutional the government’s procedures for people to challenge their inclusion on the No Fly List.

The government has an official policy of refusing to confirm or to deny whether anyone is on the list, even after people are publicly prevented from boarding. People placed on the list have no meaningful way to contest whatever secret evidence the government uses as a basis for inclusion, to correct bad information, and to clear their names.


“Finally I will be able to challenge whatever incorrect information the government has been using to stigmatize me and keep me from flying,” said plaintiff Imam Kariye.

Chamberlin v. Mims

In July, the ACLU of Northern California filed a lawsuit charging officials at the Fresno County jail with unconstitutionally denying prisoners access to food that complies with their religious dietary restrictions.

Several Jewish prisoners in the jail contacted the ACLU after their requests for kosher food were denied.

State and federal law require jails to provide inmates with diets that accommodate their religious beliefs. Jail officials in Fresno, however, are violating the law by requiring inmates to prove not just that their religious beliefs are sincere but also that their beliefs and practices conform to the government’s view of what religion should be.

In one instance, the jail denied a kosher diet to one Jewish man because his mother was not Jewish. In another, the jail refused the request because the man was not affiliated with a local synagogue. 

Read more about the ACLU-NC’s legal docket at www.aclunc.org.

THE NO FLY LIST HAS DEPRIVED PEOPLE OF THEIR FUNDAMENTAL RIGHTS WITHOUT ANY NOTICE OR OPPORTUNITY TO OBJECT.
THAT IS UNFAIR AND UNCONSTITUTIONAL.

KNOW YOUR RIGHTS: FREE SPEECH, PROTESTS

When you know what the law says, you can better protect yourself, your family, and your community. The ACLU of Northern California has created Know Your Rights guides across a range of issues. Here's an excerpt of our guide on free speech and demonstrating in California. Find this and more at www.aclunc.org/kyr.

You have the right to speak out. Both the California Constitution and the First Amendment to the United States Constitution protect your right to free expression. But there are many questions you face when you decide to organize and speak out. When do you need a police permit? Are there things you cannot say or do? Are there any limitations on when or where you can demonstrate? What about civil disobedience?

THREE PRINCIPLES TO REMEMBER

1. CONDUCT, NOT CONTENT

Your right to express your opinion is protected no matter what beliefs you hold. What matters is how you use that right. In most cases, the government can't restrict your rights simply because they don't like what you say. It's not what you say—it's the way that you say it.

2. FREE SPEECH IS FOR EVERYONE

Young or old, anarchist or evangelical, pacifist or hawk, Mormon or Muslim, these rights apply to you. It doesn't matter whether you're of voting age, whether you speak English, or whether you're a U.S. citizen or undocumented. Free speech rights are for everybody. Don't let anyone tell you otherwise.



JUNE 24, 1963. Demonstrators leave the First A.M.E. Church in downtown Los Angeles on their way to join a march of more than 1,000 people that culminated with a protest against school segregation in front of the Los Angeles Board of Education building.

3. WHEN, WHERE AND HOW

Consider when, where and how you use your free-speech rights. If you organize a rally that causes violence or unnecessary disruption, your event may be disbanded. Every municipality has regulations, and it's your responsibility to understand them. You must observe reasonable regulations on time, place, and manner when you exercise your rights to demonstrate and protest.

CAN YOU SAY THAT? WHERE PROTECTIONS END

WHAT IF OTHERS REACT VIOLENTLY TO WHAT I SAY?

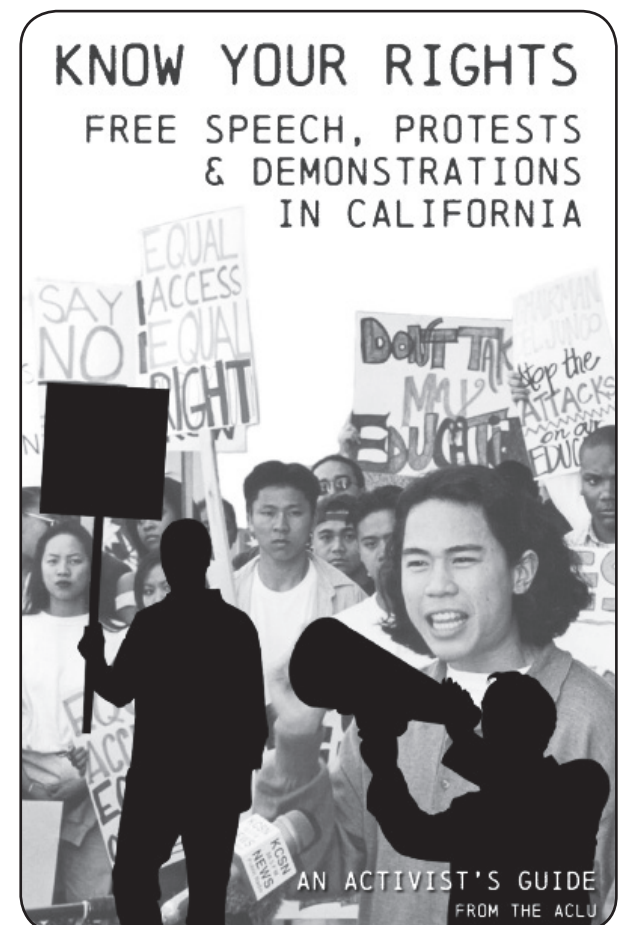
You can't be held responsible for the way that counter-demonstrators or your own supporters react, as long as your words don't directly incite violence or law-breaking. It's the responsibility of the police to control the crowd.

IS ALL SPEECH PROTECTED?

The First Amendment protects your right to express your opinion, even if it's unpopular. You may criticize the President, Congress, or the chief of police without fear of retaliation. But this right doesn't extend to libel, slander, obscenity, true threats, or speech that incites imminent violence or law-breaking.

CAN I TALK ABOUT GOVERNMENT OVERTHROW OR TAKING OVER THE STREETS?

Yes, for the most part. In the 1940s and 1950s, suspected subversives or Communists were often charged with "incitement to illegal activity" and convicted. Subsequent courts have interpreted the government's ability to prohibit speech as incitement more narrowly. The government can't stop you from talking generally about ideas or future events. But it may ban speech that's "directed to inciting or producing imminent lawless action and is likely to incite or produce such action."



STS, AND DEMONSTRATIONS IN CALIFORNIA

TIPS FOR DEMONSTRATORS

Speech rights are for everyone. Don't let anyone tell you otherwise. Nobody can discriminate against you or stop your protest because of the content of your speech.

Plan your activity carefully. Apply for your permit ahead of time if possible. But remember, permit ordinances should allow for spontaneous demonstrations.

Excessive noise or disruption, obstructions of sidewalks or doorways, or harassment of unwilling passersby may give police grounds to end your activity.

Avoid advocating violence or imminent lawless activity. This may cause the police to intervene to stop your demonstration and land you in trouble.

Keept a valid ID and a list of phone numbers on your person. You may request an attorney and make up to three local phone calls if you are arrested.

Observe traffic rules and other reasonable restrictions. You have a right to be heard. Officials should not direct you to a route that doesn't reach your target audience.

Understand your rights before you leave for a demonstration.

There are different rules for different locations. Make sure you know who owns the venue and which rules apply before your activity begins.

Know Your Rights!

- ♦ Navigating the Permit Process: permit ordinances and challenging overbroad ordinances
- ♦ Beyond the Spoken Word: music, noise, leafleting, flag desecration
- ♦ Brushes with the Law: civil disobedience, your rights on arrest, limits to power
- ♦ Locations: public property, schools, universities, medical centers, houses of worship, private property

More details at www.aclunc.org/RightsOfDemonstrators.



Michael Rauner

APRIL 11, 2008. Demonstrators and the police converged as the Olympic Torch passed through San Francisco.

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

–The First Amendment to the U.S. Constitution

“Every person may freely speak, write and publish his or her sentiments on all subjects, being responsible for the abuse of this right. A law may not restrain or abridge liberty of speech or press.”

–Article I, Section 2 of the California Constitution

DRIVING CALIFORNIA FORWARD

By Daisy Vieyra

Until 1994, all California residents had access to a driver's license in California, regardless of immigration status. Then a law was passed that barred undocumented immigrants from obtaining a California driver's license. As a result, immigrants and advocates, including the ACLU, have spent the last 20 years fighting to restore access to licenses.

While this is an issue of road safety and basic fairness, the ACLU has additional civil liberties concerns. Over the past two decades, living without a license has led to many civil liberties problems and significant financial strain for thousands of Californians, including being profiled and stopped on the road, having cars impounded, and being stranded at the side of the road, oftentimes with young children.

Last year, we won this hard-fought battle. Beginning Jan. 1, 2015, undocumented immigrants across California will finally be able to apply for a driver's license just like any other Californian.

"We'll finally be able to get to work, drive our kids to school, and if there's an emergency, get to the hospital," said Antonio Urbina, a construction worker from Milpitas. Antonio is one of nearly 1.5 million undocumented Californians who will benefit from AB 60, the Safe and Responsible Driver Act.

Although this hard-fought dream has been long in the making, the passing of AB 60 last year was only the beginning of the journey to achieve safer roads and improve immigrant integration in California. And as January approaches, the ACLU and our partner organizations are working to ensure that this new law is implemented the right way.

This means making sure the rules regulating what documents can be used to prove identity and California residency are as accessible as possible, that the marking distinguishing AB 60 licenses from others is as discreet as possible, and that all eligible immigrants are ready to apply when the time comes.

Drive California is a statewide coalition of civil and immigrants' rights organizations. Through the coalition, the ACLU is working to ensure the successful implementation of this historic law. "Dozens of local community members are turning out to educational forums to get information about the process, the tests, and how they can use an AB 60 license," said ACLU Field Fellow Jose Quezada, after participating in a public education event in Sacramento.


When the DMV released its draft regulations for identity and residency requirements for AB 60 licenses in May, the coalition mobilized community members to submit over 2,000 comments to the agency.

The coalition has also been busy working to convince the Department of Homeland Security to approve the driver's license design submitted to them by the state. The federal government rejected the design, stating that the special marking was not obvious enough. In response, the Drive California coalition secured support from 19 California congressional representatives in urging DHS to approve the proposed design, and secured additional support

from Los Angeles Mayor Eric Garcetti and Santa Clara County Sheriff Laurie Smith, among others.

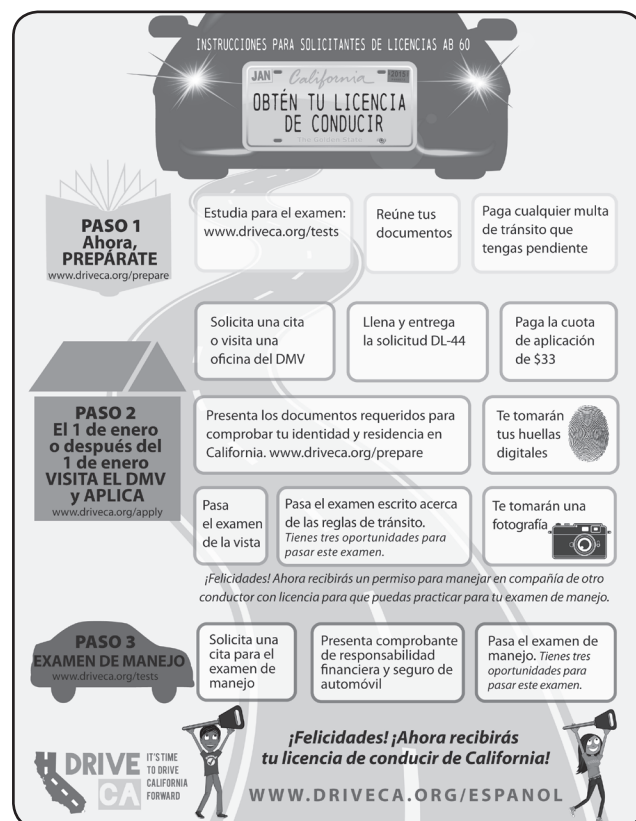
As a result of this collaborative effort, DHS and the state of California came to a reasonable compromise and the DMV can now move forward to produce AB 60 licenses.

Equally important are efforts to ensure that as many eligible Californians as possible have all the information they need to successfully apply for driver's licenses next year. The coalition is holding public education events and providing a driver's license test preparation curriculum to community members like Antonio.

We all stand to benefit when we allow as many Californians as possible become licensed, tested, and insured drivers. 

Daisy Vieyra is a Communications Associate at the ACLU of Northern California.

WE ALL STAND TO BENEFIT
WHEN WE ALLOW AS MANY
CALIFORNIANS AS POSSIBLE
BECOME LICENSED, TESTED,
AND INSURED DRIVERS.




Public education materials are being distributed throughout the state.

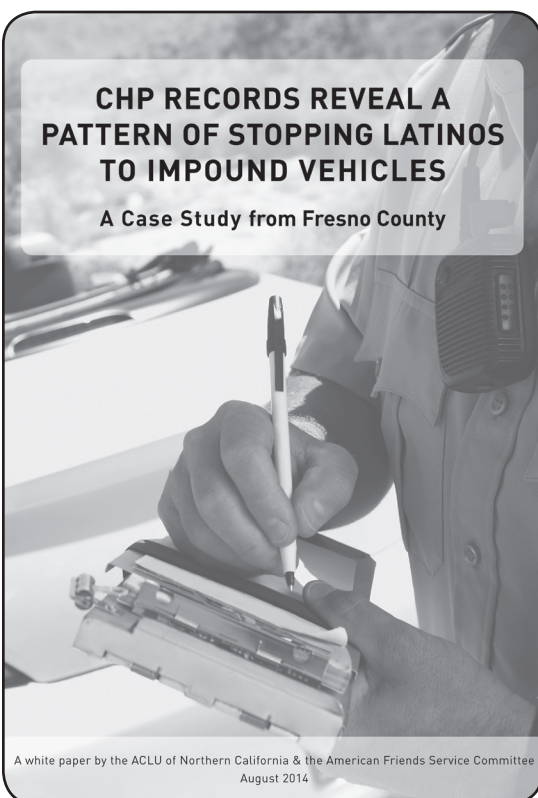
Learn more at www.driveca.org.

CHP VEHICLE IMPOUNDMENTS DISPROPORTIONATELY IMPACT LATINOS

In August, the ACLU of California and the American Friends Service Committee released a report confirming the Latino community's experience of being targeted for suspected unlicensed driving by California Highway Patrol officers in Fresno County, with two officers being largely responsible for the racially disparate impact.

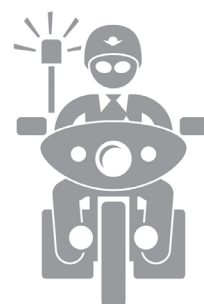
The report found that Latinos were issued citations and had their cars impounded by CHP officers in a racially disproportionate manner. Non-Latinos were almost twice as likely as Latinos to keep their cars—rather than lose them to impoundment—when cited for driving without a license. 

CHP RECORDS REVEAL A
PATTERN OF STOPPING LATINOS
TO IMPOUND VEHICLES
A Case Study from Fresno County



CITATIONS FOR DRIVING WITHOUT A LICENSE RESULTING IN IMPOUNDMENT

89%
to Latinos



Two bad apples:
Just two officers gave
69%
of those citations

STINGRAYS: THE MOST COMMON SURVEILLANCE TOOL THE GOVERNMENT WON'T TELL YOU ABOUT

Federal and state law enforcement entities across the country are using a powerful cell phone surveillance tool commonly referred to as a “StingRay.” These devices are capable of locating a cell phone with extraordinary precision, but to do so they operate in dragnet fashion, scooping up information from a target device as well as other wireless devices in the vicinity.

In addition, these devices can be configured to capture the content of voice and data communications.

Although the federal government has been using these devices since at least 1995, and use by state and local governments is quite widespread, there are only a handful of published court opinions addressing their use.

At this juncture, few criminal defense attorneys are aware of these highly intrusive but extremely common surveillance tools. This is entirely understandable because the federal government has a policy of not disclosing information about this device.


The government appears to be withholding information from criminal defendants. It even appears to be providing misleading information and making material omissions to judicial officers when it seeks purported court authorization to use this device, inaccurately referring to it by some other name (such as a pen register device) and failing to alert courts

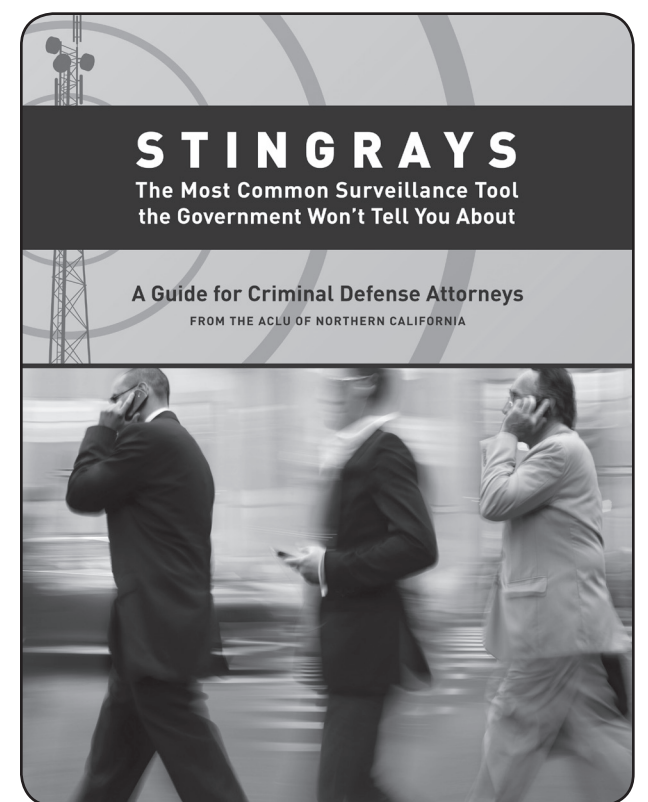
to constitutionally material facts about the technology, such as the full breadth of information it obtains from a suspect and its impact on third parties.

As a result, courts are probably not aware that they are authorizing use of this device and have not had an opportunity to rule on its legality, except in very rare instances.

The secrecy surrounding these devices is deeply troubling because this technology raises grave constitutional questions. There is a compelling argument that StingRays should never be used. Because they operate in dragnet fashion, they engage in the electronic equivalent of the “general searches” prohibited by the Fourth Amendment. But at a minimum, law enforcement should obtain a warrant.

The ACLU-NC created a guide to provide criminal defense attorneys with a basic introduction to the devices,

allowing them to assess whether the devices may have been used in their cases and to outline potential arguments for a motion to suppress. 



The ACLU-NC created this guide to inform criminal defense attorneys about StingRay technology being used by the government without being disclosed.

“IMAGINE IF THE GOVERNMENT HAD A DEVICE THAT COULD CAPTURE ALL THE INFORMATION YOUR CELLPHONE TRANSMITS — WHERE YOU ARE, WHAT YOUR TELEPHONE NUMBER IS, WHO YOU ARE CALLING, WHO CALLED YOU, HOW LONG YOU SPOKE AND, POSSIBLY, EVEN WHAT YOU SAID TO THEM. YOU DON'T NEED TO IMAGINE VERY HARD. THE FEDERAL GOVERNMENT, AS WELL AS STATE AND LOCAL LAW ENFORCEMENT AGENCIES ACROSS THE COUNTRY, HAVE EXACTLY SUCH A DEVICE. IT'S CALLED A 'STINGRAY.'”

—ACLU-NC SENIOR STAFF ATTORNEY LINDA LYE, *WASHINGTON TIMES*, JULY 18, 2014

IS THIS HOW WE TREAT CHILDREN?

Justice and fairness. These are the two core values upon which our country was built. Unfortunately, when faced with an opportunity to live up to and honor these values, our government is turning its back on some of the most

vulnerable: unaccompanied children fleeing extreme violence in their home countries.

These kids face a long and extremely dangerous journey for a chance at a future. Some don't make it. Others fall into the hands of traffickers, where they can be robbed, raped, kidnapped, abused, or abandoned.


Those who do survive the trip are arriving in greater numbers than ever before—as many as 90,000 are expected by the end of this year. Although the Obama Administration has described the increase in minors fleeing Central America as an “urgent humanitarian situation,” the Administration nonetheless abandons these children in court.

The majority of children in immigration court do not have an attorney and are forced to navigate our country's

complex immigration system alone. That means children as young as four have to face an immigration judge alone.

Because we are firmly committed to ensuring that everyone has fair chance at fighting their case, the ACLU filed a class action lawsuit against the federal government earlier this year to secure legal representation for refugee children.

Although California recently passed a measure to set aside \$3 million dollars for legal representation for these children, the Obama administration must also step up and ensure that no child is deported without a fair hearing that includes legal representation.

Anything short of that would represent a deep betrayal of our country's beliefs in justice and fairness for all. 



THE MAJORITY OF CHILDREN IN IMMIGRATION COURT DO NOT HAVE AN ATTORNEY AND ARE FORCED TO NAVIGATE OUR COUNTRY'S COMPLEX IMMIGRATION SYSTEM ALONE.

LETTER FROM THE ACLU OF CALIFORNIA LEGISLATIVE DIRECTOR

I will be stepping down as the Legislative Director of the ACLU of California at the end of the year. My journey with the ACLU began in 1980 working as a legal intern in the Northern California office and for 35 years there is no place I would have rather been.

Twenty years as Legislative Director and six years as an Advocate add up to a lot of bills reviewed and thousands of letters written in support or opposition. Trust me when I tell you that defending and advancing civil liberties in the California Legislature all these years has not been easy, but it has always been interesting, intriguing, and usually entertaining. The old adage of “laws are like sausages—it’s better not to see them made” is not far removed from reality. But the reality has been that the ACLU, with the help and support of its members, has accomplished enormous legislative victories during my tenure.

To name just a small handful:

- ◆ **SB 1361:** (2002) The Reproductive Privacy Act—codifying *Roe v. Wade* standards in California law.
- ◆ **SB 1342** (2000): the DNA Innocence Act—granting inmates the right to DNA testing to help establish their innocence.
- ◆ **AB 2675** (2004): The historic *Williams* implementation legislation providing for equal opportunities in our schools.
- ◆ **AB 4** (2013): The Trust Act, protecting immigrant communities from deportation for minor crimes.

None of these laws, the hundreds of others we have helped enact, and even more importantly, the thousands of terrible civil liberties bills we have helped defeat, would have been possible without the remarkable work of my principal colleague in-arms for the past 20 years—Valerie Small-Navarro. A more dedicated and fierce advocate could not be found in Sacramento. I always gave her the hardest bills, because no one was better. Val has decided to retire this Fall. I wish her the very best in her future journeys.

The Legislative Office will remain in the best of hands. Our ACLU-NC Associate Director Natasha Minsker has agreed to become the new Director of the Sacramento Office. A better choice there cannot be. Along with the newly hired Legislative Director



Photos by Stephanie Jaeger

and the rest of the legislative staff, I expect the Sacramento Legislative Office to become even more productive and effective in advancing our interests. In the meantime I am headed to walk the Camino de Santiago. A bit of quiet reflection is in order. I will return in a part-time, temporary role to help in the transition. The new team will not need too much of that.

—Francisco Lobaco

The ACLU-NC family sends a tremendous thank you to Francisco and Valerie for their dedication, tenacity, and impact.

ABORTION IS BASIC HEALTH CARE

By Maggie Crosby

The California Department of Managed Health Care recently clarified that health plans sold in the state must cover abortion. The agency’s straightforward instruction to insurance companies, based on decades of California law, contains three important concepts that have all but disappeared with the erosion of abortion rights across the country. These are the same principles at the center of the ACLU’s decades-long advocacy for abortion rights:


Abortion is basic health care. A pregnant woman has two medical options: childbirth or abortion. Abortion is a safe medical procedure—indeed, safer than childbirth at every stage of gestation. The risk of death associated with childbirth is approximately 14 times higher than that with abortion. One in three women will have an abortion by age 45.

Abortion is a constitutionally protected personal decision. In California, our Constitution and our Reproductive Privacy Act guarantee that each woman has a right to decide about her own pregnancy. It’s not the boss’s business, it’s not the insurance company’s business, and it’s not the government’s business. Abortion and prenatal care must be treated equally.

Restricting abortion coverage is discrimination. Control over reproduction is fundamental to women’s ability to participate in social, economic and political life. Discriminatory policies (covering all prenatal care but only certain abortions) reinforces the archaic message that a woman’s role is motherhood.

The immediate effect of the agency’s guidance is to restore insurance benefits for the staff and faculty at Loyola Marymount University and to block efforts to restrict coverage at Santa Clara University. These large institutions, which receive public funds and employ people of different faiths, purchased plans that covered abortion only for life-threatening pregnancies. This restrictive definition of “medically necessary” abortions is a relic of the era when abortion was a crime.

The long-term effect of the Department of Managed Health Care’s decision is to ensure that as more California residents have health insurance, access to abortion will remain a reality. The Department deserves applause because in protecting abortion access, it conveys simple truths that have become obscured in the political effort to stigmatize abortion: abortion is basic health care, childbearing is a personal decision, and control of reproduction is critical to women’s autonomy.

This is what it means to take seriously the principle that access to abortion is a fundamental right. 

Maggie Crosby is a Senior Staff Attorney at the ACLU of Northern California.



UPDATE ON KEY ACLU OF CALIFORNIA BILLS

- ✓ **SIGNED: SB 1010**, to eliminate the racist sentencing disparity between crack and powder cocaine
- ✓ **SIGNED: AB 420**, to limit the use of harsh, exclusionary discipline practices in schools as a step toward stopping school push-out
- ✗ **HELD: SB 899**, to eliminate the maximum family grant rule in CalWORKS
- ✗ **VETOED: AB 1327**, to require warrants for drone surveillance

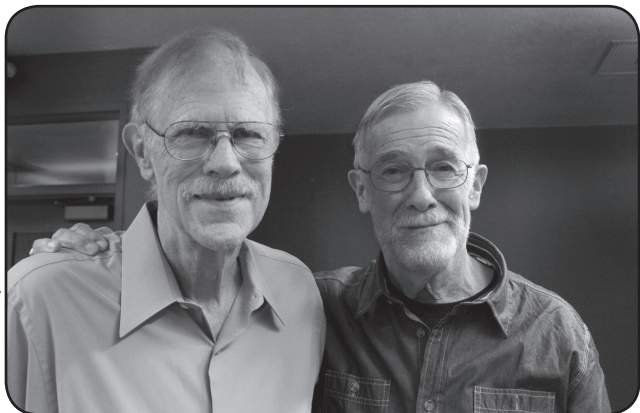
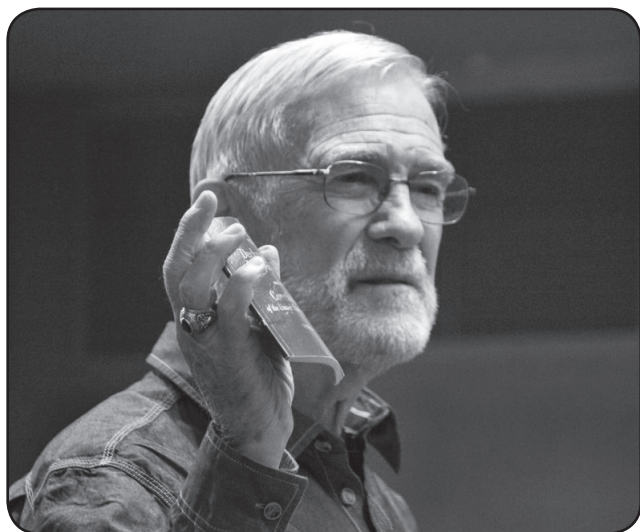
LOVE WINS AGAIN! CELEBRATING PRIDE & MARRIAGE EQUALITY VICTORIES



Photos by Lauren Reid

Above, ACLU supporters marching at the San Francisco Pride Parade in June.

As the ACLU News went to press, the U.S. Supreme Court let lower court decisions on marriage equality stand, and the Court of Appeals for the Ninth Circuit ruled in favor of marriage equality, which is expected to bring the number of states in which same-sex couples can marry to 35. "This is another great legal moment for loving and committed couples," said James Esseks, director of the ACLU Lesbian Gay Bisexual Transgender Project. "The unstoppable legal momentum toward full marriage equality is a reality. We are thrilled that love has won out again."



Photos by Karen Laslo

The Shasta-Tehama-Trinity, Chico, Redwood, Sacramento County, and North Peninsula Chapters partnered this fall to bring Ray McGovern, retired CIA officer turned whistleblower and privacy activist, to their communities for a speaking tour on government surveillance. Mr. McGovern completed over 10 stops on the tour, speaking at local universities. Above, Bob Bowman of the Chico Chapter with Ray McGovern.

GET INVOLVED WITH AN ACLU CHAPTER IN YOUR COMMUNITY!

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

JOIN US FOR THE ACLU OF NORTHERN CALIFORNIA'S BILL OF RIGHTS DAY CELEBRATION SUNDAY, DEC. 7, 2014

2 PM (DOORS OPEN AT 1 PM)

HONORING

PROFESSOR PAMELA SAMUELSON for her contributions to advancing civil liberties in the digital age and commitment to training new generations of attorneys to support the public interest.

QUINN DELANEY for her dedication to women's equality and passion for racial justice, demonstrated by decades as an activist and leader within and outside the ACLU.

ILWU Local 34 Union Hall (801 Second Street in San Francisco, next to AT&T Park)
Reception to follow at Paragon Restaurant (701 Second St.)

\$10 - \$25 sliding scale admission

To register online please visit www.aclunc.org/bord

For more information, contact asalem@aclunc.org 415-621-2493 x386

LETTER FROM THE EXECUTIVE DIRECTOR

Whenever I talk to ACLU members and supporters, pretty early in the conversation I start talking about the Central Valley.

In fact, I started so early I put it in my cover letter when I applied for the position as executive director. And then in the interview. And now here.

Almost six years into my tenure at the ACLU of Northern California, I am very proud of the steps we have taken in that region, but there is even more to be done. Much more.

My interest in the Central Valley involves a story and statistics. I will start with the story and spare you most of the statistics.

When I was a college student at Stanford—in the heart of the Silicon Valley—I learned one of my most important lessons in a small town called Kettleman City—in the heart of the Central Valley.

The small community of farmworkers there already lived next to a toxic waste landfill, and a company proposed also building an incinerator in the town. The community organized. They enlisted lawyers. They involved scientists. And the student group I was a part of was one of many that joined to support the community. Finally, the company bowed to the pressure and withdrew its proposal.

The community held a celebration. As we marched through the streets that day and then celebrated in the local gymnasium, I realized that change doesn't happen just because one expert speaks out. It was not just David vs. Goliath. And their slingshot wasn't a slingshot at all—it was the First Amendment. The freedom of speech, association, and press, coupled with the right to petition their government.

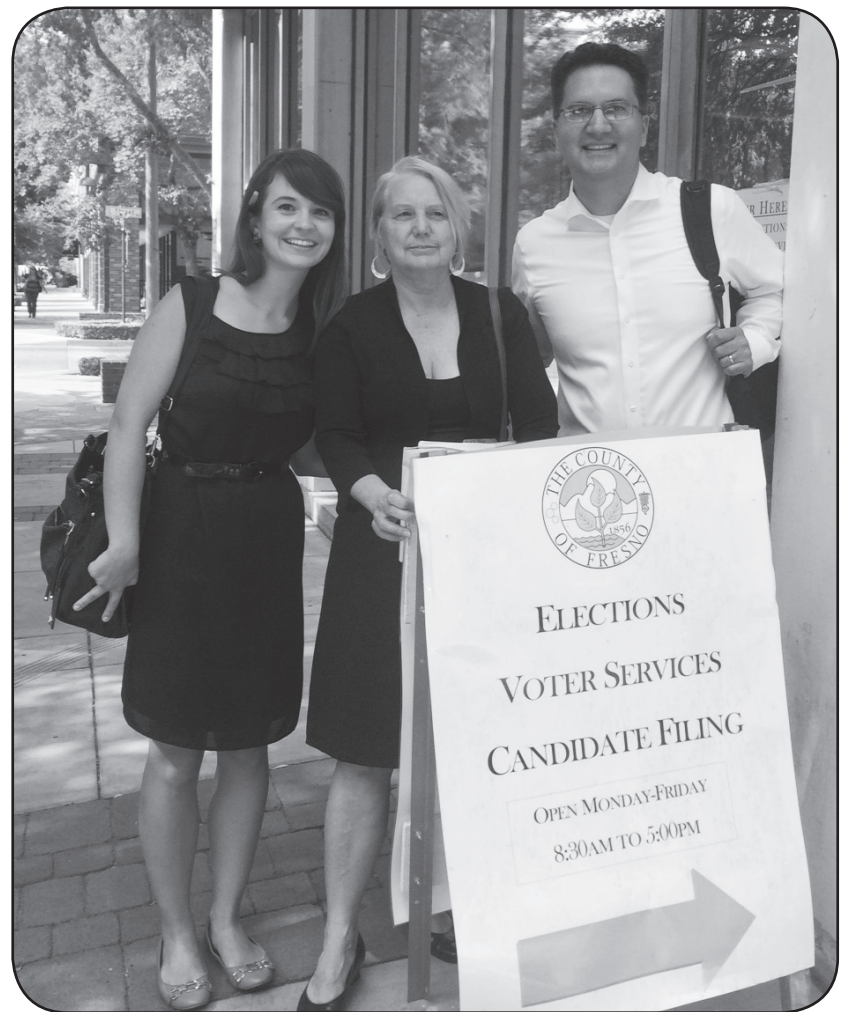
That experience 20 years ago seared into my consciousness the needs and possibilities for social change and civil rights in the Central Valley.

When I came to the ACLU, we had just settled an important case addressing the rights of homeless people.

Now, we're reaching out to leaders in Fresno and other cities and towns in the Central Valley about the needs and issues in their region. Which brings me to just a one key statistic: if the Central Valley were a state on its own, it would be the poorest state in the country.

Many of the civil liberties and civil rights violations facing our state hit people harder in the Central Valley.

- ◆ More people sit in jail waiting for trial, because they can't afford to post bail.
- ◆ More people rely on public defenders, since they can't afford to hire a lawyer.
- ◆ More kids leave high school before graduation.
- ◆ More immigrants languish in detention or face deportation because they have fewer resources to get a fair hearing.
- ◆ Fewer people have access to reproductive health care.
- ◆ And to top it off, there are far fewer non-profits to provide legal services.



Executive Director Abdi Soltani (right) with Legal-Policy Operations Manager Evonne Silva and Lead Central Valley Organizer Pam Whalen.

But what the region lacks in resources, it makes up for in commitment—the commitment of local residents who speak up for freedom and equality in one of our country's most important regions.

The ACLU now has a small but growing team of staff based out of Fresno filing cases and partnering with communities. Our chapter leaders throughout the region are active on important issues. Our staff in San Francisco are involved in more projects in that region. More Central Valley residents are joining us each year to lobby the state legislature. All that work is only possible because of the generosity of our members and supporters. In that way, you are very much a part of this story.

Abdi Soltani
Executive Director



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