

ACLU NEWS

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OF NORTHERN CALIFORNIA
FALL 2020
VOLUME LXXXIV ISSUE 4



VOTE FOR RACIAL JUSTICE: YES ON PROPS 16 AND 17 — NO ON 20

BY TAMMERLIN DRUMMOND

The November elections are just three weeks away and the stakes could not be higher. The COVID-19 pandemic has killed more than 210,000 people in the U.S. in just six months—a disproportionate number of them Black, Brown, and Indigenous people—and shows no sign of abating. The murder of George Floyd by Minneapolis police has sparked a social protest movement not seen since the battle for racial justice in the 1960s. Although we may be restricted in our movements due to social distancing, it is nevertheless critical for all of us to be engaged.

Many of you, our ACLU of Northern California members, took part in the demonstrations demanding police reform. You joined the call for an end to the government-sanctioned killing of people of color by those whose sworn duty is to protect all of us. Now it's time to build upon that momentum and take action at the ballot box. We have no doubt

that you are energized about voting for president. But there are also important local and state issues that demand our attention. Vote your ballot from the top down. Support new laws that will promote racial and social justice. Reject those that will turn the clock back on our gains. (See below for ACLU recommendations.)

CONTINUED ON PAGE 6

WHAT'S INSIDE:

2 From Slavery in California to Black Lives Matter ♦ 3 Gov. Newsom Signs Key ACLU of California Bills
4 Legal Updates ♦ 10 Vote in the ACLU NorCal Board Election ♦ 12 Voting on Nov 3: What You Need to Know

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☒ VOTE YES ON PROP 15

Vote YES on Prop 15 to reclaim \$12 billion every year for California's schools and critical local services by closing corporate commercial property tax loopholes—all while exempting homeowners, renters, small businesses, and agricultural land—so we can all have healthy and thriving communities.

☒ VOTE YES ON PROP 16

Vote YES on Prop 16 to directly address systemic racism and gender discrimination and ensure everyone in California has equal access to good jobs, good wages, and quality schools.

☒ VOTE YES ON PROP 17

Vote YES on Prop 17 to restore voting rights to 50,000 people who are returning home after finishing their prison terms and reverse a racist form of voter suppression that has plagued California since the era of Jim Crow segregation.

☒ VOTE YES ON PROP 18

Vote YES on Prop 18 to create a more inclusive electoral process and expand voting rights to 17-year-olds by allowing them to vote in a primary or special election if they will be 18 by the time of the next general election and are otherwise eligible to vote.

☒ VOTE NO ON PROP 20

Vote NO on Prop 20 to stop the police unions from rolling back reforms to our criminal justice system and ratcheting up the criminalization, incarceration, and oppression of Black and Brown communities in California.

☒ VOTE YES ON PROP 21

Vote YES on Prop 21 to allow local communities to limit rent increases to preserve affordable housing, prevent displacement, and keep families housed!

☒ VOTE NO ON PROP 24

Vote NO on Prop 24 to reject a fake privacy law that benefits big companies and harms the privacy of vulnerable communities.

☐ NEUTRAL ON PROP 25

A YES vote would end discriminatory money bail but replace it with a system that perpetuates racism in pretrial detention. A NO vote would maintain the current unjust system and make it more difficult to eliminate money bail. Neither path is just. We will continue the work necessary to build an equitable pretrial system.

Learn more at [ACLUNC.ORG/VOTE](https://aclunc.org/vote)



GOLD CHAINS | THE HIDDEN HISTORY OF SLAVERY IN CALIFORNIA

GOLD CHAINS: FROM SLAVERY IN CALIFORNIA TO BLACK LIVES MATTER

BY TAMMERLIN DRUMMOND

Last November, the ACLU Foundation of Northern California and our partners launched **Gold Chains: The Hidden History of Slavery in California**. The **Gold Chains** multimedia public education campaign documents how California's government institutions conspired to keep Black and Native people enslaved through violence, racist laws, and the courts. We examine how slavery in a "free state" left a toxic legacy of systemic racism.

Six months after Gold Chains was released, George Floyd was killed by a police officer in Minneapolis. Millions protested the never-ending cycle of violence against Black people—by both law enforcement and white supremacists who feel empowered to take Black lives with impunity. These massive demonstrations, under the rallying

cry of Black Lives Matter, are the largest social justice movement in U.S. history.

Yet nearly 200 years before Black Lives Matter, African Americans were demanding an end to racially motivated violence and calling for full citizenship rights guaranteed under the constitution. **Gold Chains** highlights the work

of the Colored Conventions, one of the earliest national civil rights movements.

From the 1830s until 1855, Black men and women held political meetings across the country to organize and advocate for full citizenship rights. This was at a time when most Black people were enslaved and those who were free had almost no legal protections that any white person was bound to respect. There were four such meetings in California between 1855 and 1865.

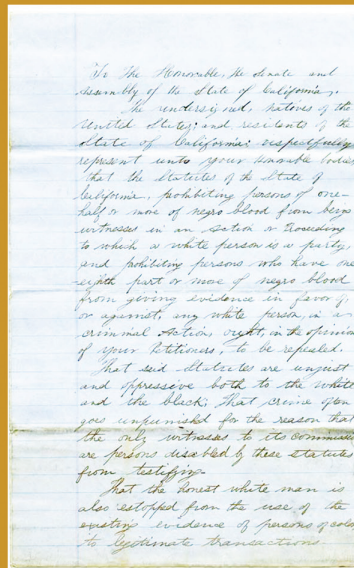
The Colored Conventions' biggest battle in California was a campaign to repeal the so-called testimony laws that prohibited Black people from giving sworn testimony against whites. This meant that African Americans had no legal protection in criminal or civil matters. After an 8-year-struggle, the racist law was finally overturned. The repeal movement was galvanized by the murder of one of the Colored Convention delegates—a civil rights activist named George Gordon. Gordon was shot to death in his San Francisco barbershop by a white man who became enraged over Gordon's wife's verifiable complaint to the police accusing him of stealing money from her shop. A judge in the defendant's murder trial refused to allow eyewitness testimony from Black eyewitnesses, leading to a very lenient sentence.

A Demand for Equal Rights

At a time when many black people were enslaved, and those who were free had almost no legal protections that any white man was bound to respect, the Colored Conventions were a monumental organizing effort by black people across the country to fight for full citizenship rights.



Artistic rendition of Colored Convention in Washington D.C.
The Jim Casey Collection



A petition for legal recognition of Black Californians
AD, 1852-62? (p.2 of 3), MS 169A;
California Historical Society

A small snippet of the Colored Conventions content on the Gold Chains website.
Read more at www.GoldChainsCA.org.

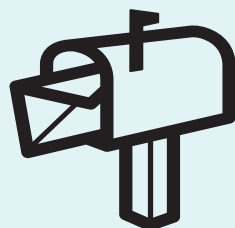
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CALIFORNIA REPARATIONS

California Assemblywoman Shirley Weber says it's time for the state to atone for its complicity in the enslavement of Black people and anti-Black racism. She introduced AB 3121 that creates an 8-member task force to study and develop reparations proposals for African Americans whose ancestors were enslaved. Governor Gavin Newsom signed the bill, which was supported by the ACLU of Northern California.

Task force members will collect evidence about the exploitation of Black people for free labor in the years between the state's early founding and the end of the Civil War and establish connections between slavery in California and current racial disparities.

California is the first state to create a body to develop reparations proposals. 

Tammerlin Drummond is a Communications Strategist at the ACLU of Northern California.

GOV. NEWSOM SIGNS KEY ACLU OF CALIFORNIA BILLS

SIGNED! AB 901 (GIPSON): “VOLUNTARY” YOUTH PROBATION

AB 901 eliminates the practice of placing young people on probation for normal youthful behavior such as getting poor grades or being late for class, instead ensuring that youth receive the support and services they need to stay on track.

SIGNED! SB 1383 (JACKSON): JOB PROTECTION FOR PAID FAMILY LEAVE

Almost all California workers pay into the state's Paid Family Leave program through a tax on every paycheck. But low-wage workers and workers of color—who are far more likely to work for smaller employers—often do not use the leave benefits they pay for because of the risk of being fired while taking leave to bond with a new baby, care for their own illness or that of a close family member. SB 1383 helps promote a healthier California by closing this racial and socioeconomic gap by ensuring that people who work for small employers have the right to return to their jobs if they take a family or medical leave. The bill also expands the definition of family members to cover domestic partners, grandparents, grandchildren, siblings, and parents-in-law.

SIGNED! AB 732 (BONTA): STRENGTHENING REPRODUCTIVE HEALTHCARE FOR PEOPLE IN JAILS AND PRISONS

California's legacy of unjust mass incarceration has a devastating impact on the health and well-being of pregnant people in the state's custody. AB 732 ensures that pregnant people who are incarcerated receive comprehensive, unbiased information about their reproductive options, get access to timely prenatal and postnatal care, and receive reasonable accommodations and support that help ensure a safe and healthy pregnancy.

SIGNED! AB 1185 (MCCARTY): SHERIFF OVERSIGHT

AB 1185 clarifies that a County Board of Supervisors may establish a Sheriff Oversight Board or an Office of Inspector General to review the actions of that County's Sheriff. It would also clarify that the Board and Inspector General have subpoena power over the Sheriff. The bill also ensures that all counties are equally able to exercise their oversight and supervisory authority over its Sheriff Department.

SIGNED! AB 1869 (TING): FAMILIES OVER FEES ACT

AB 1869 (formerly SB 144) will end the harmful and costly collection of 23 administrative fees imposed against people in the criminal system. By eliminating these fees, California will dramatically reduce the suffering caused by court-ordered debt and enhance the economic security and wellness of populations with system involvement. The bill represents years of advocacy led by system-impacted people working in the Debt Free Justice Coalition on the Families Over Fees Campaign to move local, state and federal policies to eliminate fees in the criminal system.

SIGNED! SB 132 (WIENER): TRANSGENDER RESPECT, AGENCY, AND DIGNITY ACT

SB 132, the Transgender Respect, Agency, and Dignity Act, will require the California Department of Corrections and Rehabilitation to search and house transgender, nonbinary, and intersex people in its custody based on each person's assessment of their own health and safety. By housing incarcerated transgender people based on their perception of health and

safety, SB 132 will decrease their likelihood of experiencing targeting and violence. The bill also requires that facility staff, contractors, and volunteers use the gender pronouns and honorifics specified by incarcerated transgender people in all written and verbal communications.

SIGNED! AB 3121 (WEBER): REPARATIONS


AB 3121 creates a task force to study and develop reparations proposals for African Americans whose ancestors were enslaved.

VETOED BILLS

VETOED. AB 3216 (KALRA): RIGHT TO RECALL FOR FRONTLINE WORKERS

AB 3216 would have provided the right to recall and retention for California workers in key industries that were systemically impacted by the COVID-19 crisis, such as hospitality, event centers, and airports. This protection is critical for providing economic stability to California workers and their families that rely on these paychecks and health benefits to keep their families sheltered and healthy.

VETOED. AB 2054 (KAMLAGER): CRISES ACT

This bill would have established the Community Response Initiative to Strengthen Emergency Systems (C.R.I.S.E.S) pilot program to scale up community-based organizations as first responders. Expanding the role of community partners empowers groups that have demonstrated an ability to protect their communities, while freeing the police to focus on issues more suited to law enforcement training. This bill would have established the framework for reimagining emergency response centered on community responses to value BIPOC lives. 

ACLU TOOLKIT FOR COMMUNITIES TO FIGHT SURVEILLANCE

The demonstrations in response to the police murders of George Floyd, Breonna Taylor, and too many more Black people have sparked a national reckoning with how we approach policing, and by extension, how we approach surveillance.

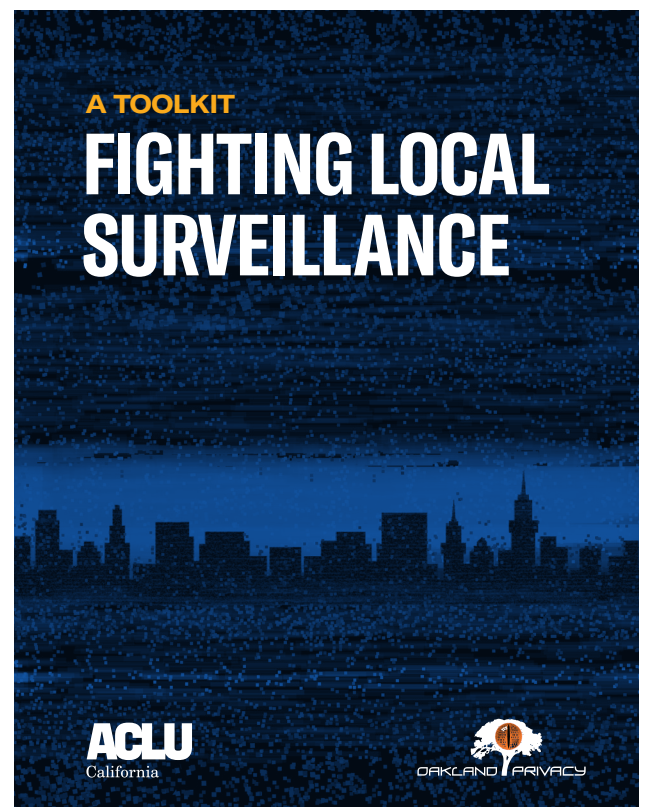
Surveillance expands police power, often exposing our private lives and First Amendment activity without justification and supercharges abusive investigations and harm to people. We can refuse to live in a nation where people like Robert Williams, a Black man and Detroit resident who was wrongly accused of a crime due to a facial recognition system, have their lives upended because of a police surveillance state.

Communities across America are passing local legislation to rein in tech-powered surveillance by governments, and sometimes to ban it altogether. As part of our ACLU campaign, seven Northern California cities and counties have passed laws

that give the public and elected leaders a decisive voice in decisions about government surveillance. Among these laws: San Francisco's ban on government facial recognition, the first such law in the United States and that we know of globally, which the ACLU of Northern California led the effort to pass in coalition with community partners.

The ACLU of Northern California's new toolkit, Fighting Local Surveillance, can help you effect similar change in your community. The toolkit describes the methods and strategies to uncover local surveillance programs, organize and build political power around surveillance and its impacts, and effectively push for policy and legal reforms. It includes a set of sample letters, messages, and model legislation.

**LEARN MORE AT [WWW.ACLUNC.ORG/
SURVEILLANCETOOLKIT](http://WWW.ACLUNC.ORG/SURVEILLANCETOOLKIT)**



LEGAL UPDATES

BY TIM CLARK

THE UNITARIAN UNIVERSALIST CHURCH OF FRESNO V. BRANDI L. ORTH, FRESNO COUNTY CLERK/REGISTRAR OF VOTERS

ACLU SETTLES SUIT AGAINST ELECTION OFFICIAL FOR REMOVING CHURCH POLLING PLACE IN DISPUTE OVER BLACK LIVES MATTER BANNERS

In a free speech victory, the ACLU Foundation of Northern California settled a lawsuit with Fresno County over the chief elections official's removal of a polling place at Unitarian Universalist Church of Fresno—because the church refused to cover up Black Lives Matter (BLM) banners on church property.

The removal of the Church as a polling place was spurred by a complaint calling Black Lives Matter a “terrorist” group.

Under the settlement, the county will designate Unitarian Universalist Church as a voter ballot drop-box location for at least four years. The congregation will continue to display its signs during the elections.

“The settlement affirms our commitment to participating in the democratic process while continuing to display our BLM banners. We will continue to highlight the racial injustice against Black people,” said church minister Rev. Tim Kutzmark. “We’re thrilled that the church will be able to serve voters again, now as a ballot drop box location.”

In its lawsuit filed in June 2019, the ACLU argued that Brandi Orth, Fresno County Registrar of Voters, violated the church's right to free speech when she ordered the polling place be removed. She said BLM banners prevented the church from being a “safe and neutral” voting place for the November 2018 election.

“Ironically, a year later, community activists have emblazoned Black Lives Matter on a street in front of Fresno City Hall, encouraged by city officials,” said Christina Fletes-Romo, voting rights attorney with ACLU Foundation of Northern California.

“When vote-by-mail is more crucial than ever due to COVID, this additional ballot drop-box will ensure that voters don't have to choose between their health and their right to vote,” said Steve Hankins, partner with Riley, Safer, Holmes and Cancila LLP, the ACLU's co-counsel.

ACLU DEMANDS TWITTER STOP ITS DEVELOPERS FROM AIDING POLICE SURVEILLANCE

Battling harmful surveillance, ACLU Foundation of Northern California, ACLU Minnesota, Color of Change, and MediaJustice demanded that Twitter take immediate action to prevent its developers from facilitating government surveillance of its users. Dataminr, a Twitter developer, has provided law enforcement with tweets by users on the ground discussing the ongoing demonstrations against police violence.


People across the country protest systemic racism and police murders of Black people and use Twitter to connect and communicate as they march.

Police surveillance poses an immediate threat to Twitter users, and it counters Twitter's stated commitments to racial justice and free speech.

“Twitter is vocally supporting Black Lives Matter and marketing themselves as a tool for organizing against injustice, while sharing data with associates who use the information to aid police surveillance,” said Brandi Collins-Dexter, campaign director with Color of Change. “Twitter can't have it both ways.”

“It's troubling that Twitter allows special data access to Dataminr, which compiles and sends cops these posts,” said Steven Renderos, MediaJustice executive director. “This is just the latest example of how tech companies are fueling racist policing.”

This is not the first time Twitter has allowed developers to exploit the speech of its users for police surveillance. In 2016 an ACLU of Northern California investigation uncovered Dataminr and others selling surveillance software to police and marketing their ability to track protesters, all in violation of Twitter's own policies.

“We said that we would be watching these companies, and we are and will continue to do so,” said Matt Cagle, an attorney with the ACLU of Northern California. 

Tim Clark is a volunteer writer for the ACLU of Northern California.

WHAT I LEARNED ABOUT LAW AND LIFE FROM RUTH BADER GINSBURG


A PERSPECTIVE FROM SHILPI AGARWAL

Ruth Bader Ginsburg leaves behind a profound and remarkable legacy from her years fighting for justice as an ACLU attorney, a scholar, and as a judge. Few individuals have achieved the breadth and depth of her influence: she is revered in elite legal circles for her fierce intellect and analytical rigor, and she is also a pop culture icon who is the subject of books, movies, and Halloween costumes galore.

I have benefited in immeasurable ways from RBG's tireless efforts. As a woman and as a civil rights litigator, I have long considered RBG one of my professional heroes and icons. She loomed large in the halls of Columbia Law School, where I spent three years studying to become a lawyer. She'd visit the school often. Upon seeing her for the first time, I took particular interest in the fact that legal titans can be of small stature. (I stand at 5 feet tall with no heels).

But I recently came to appreciate RBG's legacy and example in a different way. Although I am a woman of color and a child of immigrants who grew up with limited means, nothing has felt as challenging to my career as a litigator as my decision to become a mother. The daily struggle

of balancing the rigors of my profession and the physical and emotional demands of parenting two small children has, at times, felt impossible. I have taken comfort in the perspective of RBG, who saw her own balancing act as an asset—in her words, each part of being a mother and a lawyer “provides respite from the other” and gives one a sense of balance and proportion. That beautiful and powerful framing resonates deeply. Moreover, RBG believed that all humans stood to gain from the fight for gender equity, that it would free us all to pursue our talents and exist in our families and communities unconstrained by predetermined roles. This idea, once so radical, has enabled me to embrace both parts of my identity as a lawyer and as a parent partly because it has also freed my husband to do the same.

RBG has had a profound effect on me not just because of her work, but because of how she did it: with excellence, diligence, and in harmony with the many aspects of her life that made her a complete and remarkable human. 

Shilpi Agarwal is a Legal-Policy Co-Director at the ACLU of Northern California



Ruth Bader Ginsburg, 1933–2020

PROTECTING CIVIL LIBERTIES DURING COVID-19

BY NASREEN JOHNSON

ENSURING ACCESS TO COURT PROCEEDINGS

The public’s right to access court proceedings and records are a cornerstone of our democracy—to ensure criminal defendants are not prosecuted in secret. As courts across California closed their doors to the public to mitigate the spread of COVID-19, many moved to provide video or audio feeds of court proceedings to the public.

Kern County provided no option for remote access to the public and in more than a dozen documented cases, family members of those accused and the public were denied access to court proceedings. These secretive court proceedings are disproportionately impacting Black and Brown people due to over-policing in these communities.

Tanisha Brown’s son had been arrested in Bakersfield while protesting police violence and beaten so badly he needed to go to the hospital on his way to jail. “During this period of intense police violence and misconduct,” Brown said in her declaration, “it is really important that I’m in the court to make sure the police and prosecutors don’t railroad my son, a young Black man who’s never been in trouble. I want to make sure that he doesn’t accept charges or a plea deal that he shouldn’t accept, and that the court doesn’t take the opportunity of an empty courtroom to throw excessive charges at him.”

The ACLU Foundations of Northern and Southern California, and the First Amendment Coalition, filed a lawsuit in the U.S. District Court in Fresno against Kern County Superior Court officials for denying public access to court proceedings. The lawsuit demands that Kern County Superior Court provide public access consistent with social distancing and a viable alternative method for remote access.

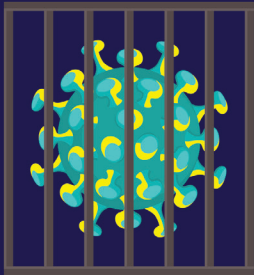
A temporary restraining order was issued to halt the sheriff’s deputies and any other security personnel who guard the entrances of the courthouses from unilaterally denying public access. Even in times of a legitimate public health crisis, fundamental freedoms must not be quelled.

PREVENTING A POLICE STATE

In June, curfew orders locked down 5.5 million residents in Northern California. The subsequent rescissions of the unconstitutionally imposed curfews were just the first step.

Kareem Mahgoub, a 27-year-old African American man, was arrested for violating the curfew in San Leandro and held overnight. “A dozen people were crowded with me in the holding cell. Most people did not have masks. I might have been exposed to coronavirus and then brought it home to my grandmother and my young son.”

Mahgoub continues, stunned, “I left my apartment to get a bite to eat. I had never been



**For California’s
unconscionably
overcrowded prisons
to be reduced to even a
100% capacity, nearly
20,000 people would
need to be released.**

arrested or cited before. I lost my job because of the coronavirus, and now I’m worried that this arrest will impact my ability to get another job.”

The ACLU Foundation of Northern California has been working with community-based and Black-led organizations and activists to demand charges be dropped against those arrested in violation of the curfew order. Additionally, we have submitted Public Records Act requests to obtain the communications regarding the protests and curfews, correspondence with federal agencies including ICE, and the use of surveillance technology.

As a result of these efforts, Sacramento City Attorney Susana Alcala Wood will not prosecute the 65 people who received curfew violations. Alameda County and Santa Clara County have also committed to not pursue any alleged curfew violations.

.....

**Even in times of a legitimate
public health crisis,
fundamental freedoms
must not be quelled.**

.....

BATTLING INHUMANE CONDITIONS IN PRISONS AND JAILS


With close, congregate living quarters, California’s overcrowded prisons have made social distancing during the pandemic impossible for those incarcerated. Lack of urgency by prison officials to provide basic safety measures, like face masks and sanitizer, along with poor ventilation of dated buildings, unsanitary conditions, and a population disproportionately vulnerable to dying from COVID-19, creates unconstitutional and inhumane conditions.

The disproportionate incarceration rates of Black and Brown people are adding to the devastating racial disparities of COVID-19. With the virus spreading rapidly throughout California prisons, more than 11,300 cases and 59 deaths (at press time) have been confirmed, according to the California Department of Corrections and Rehabilitation. The worst outbreak so far, sparked by the negligent transfer of incarcerated people from another facility, was at San Quentin, where 2,240 people have been infected and 28 have died as of this printing.

At the start of the public health crisis in California, the ACLU of California immediately called on Gov. Gavin Newsom, county sheriffs, district attorneys, judges, and parole officials to release people to mitigate the spread of COVID-19, particularly those who are elderly or who have medical conditions. Gov. Newsom has since agreed to release up to 8,000 people from prison, but more must be done—and quickly. An additional 10,000 people would need to be released from California’s unconscionably overcrowded prisons to reduce the population to even a 100% capacity—which would still be far too crowded to allow for social distancing.

Meanwhile, the ACLU Foundation of Northern California continues to address county jails at the local level. We filed a class-action complaint with partners to force Tulare County Sheriff Mike Boudreaux to take immediate action and provide masks, testing of those incarcerated and staff, and quarantine those who have been exposed to COVID-19.

“The Tulare County Sheriff has explicitly forbidden people from wearing masks while in their housing units—even those with underlying medical conditions,” said Kathleen Guneratne, a Senior Attorney with the ACLU Foundation of Northern California. “These inhumane policies further exacerbate the spread of coronavirus in the jail, putting people at unnecessary risk.”

The day after filing this complaint in August, our clients within the Tulare County jail confirmed that they finally have access to masks. And at the beginning of September, the court ordered the Sheriff to adopt policies regarding social distancing and masking, among other common sense policies that will save lives. 

Nasreen Johnson is a Communications Strategist at the ACLU of Northern California.

VOTE FOR RACIAL JUSTICE CONTINUED FROM PAGE 1

YES ON PROPOSITION 16 RESTORE AFFIRMATIVE ACTION

Back in 1996, when Proposition 209 threatened to take a wrecking ball to affirmative action in California, the ACLU fought it at the ballot box and in the courts. Despite our fierce opposition, we were unable to derail this terrible law.

Yet we never gave up the fight. Today, we are part of a broad coalition working to pass Proposition 16, which would repeal Proposition 209 and restore affirmative action.

Proposition 209 has deprived people of color and women of educational, business, and employment opportunities for more than a generation, while further deepening racial and gender inequities.

Proposition 16 would make it legal once again for California government agencies and institutions to consider race and gender when making decisions about employment, college admissions, and the awarding of public contracts.

To be clear, race and gender could be one of a number of factors taken into account—not the only one. California is one of only eight states that doesn’t allow public agencies to consider race and gender, among other factors, to help alter the status quo and create more diversity.

“Prop 209’s supporters turned a blind eye to California’s long legacy of institutionalized racial discrimination that was established at the time of our state’s founding and persists today,” said Abdi Soltani, executive director of the ACLU of Northern California.

.....
“Affirmative action is one policy that helped provide equal opportunity. What we have seen in the last 24 years is that, in the absence of affirmative action, historically excluded Californians are consistently denied opportunities because the state can not design targeted remedies.”
.....

—ACLU of Northern California
Executive Director Abdi Soltani
.....

Proposition 209’s devastating consequences were immediate. The numbers of Black, Latino, and Native American students at UC Berkeley and UCLA plunged 60 percent. Indeed, a comprehensive new UC Berkeley study found that the state’s affirmative action ban has harmed Black and Latino students across a range of equity measures, by not only decreasing their number in the UC system, but also reducing their odds of finishing college, going to graduate school, and earning a high salary. The UC Board of Regents is supporting Proposition 16 and expressed that excluding any consideration of race in admissions undermines the university’s holistic process of fully understanding and evaluating diverse applicants.

It’s not just people of color who benefit from more diverse campuses. White students gain necessary and invaluable insights from interacting with people of different races, cultures, and perspectives.

Proposition 209 likewise had a chilling effect on women and minority-owned businesses who, according to a 2016 report prepared by the Equal Justice Society, have lost out on an estimated \$1 billion annually in public contracts. For women of color who earn just 60 cents for every dollar made by their white male counterparts, the inequitable gender and race-based effects are compounded. Proposition 16 will help end wage discrimination and ensure women, especially women of color, have equal access to promotions and leadership positions in business.

We can’t restore the opportunities lost denied by Proposition 209 for the last quarter century. But we can restore equal opportunity once again by passing Proposition 16.

YES ON PROPOSITION 17 ALLOW PEOPLE TO VOTE AFTER THEIR PRISON TERM ENDS

There are almost 50,000 Californians who have completed their prison terms, who pay taxes, raise families, and live in our communities, but who are legally banned from voting. Disenfranchising people after they complete their prison term is a form of voter suppression dating back to the Jim Crow era. The main goal of these laws was to strip people of color of their political power and preserve white supremacy, including in California, where felony disenfranchisement was written into the Constitution in 1849. Because of racial bias in policing and incarceration today, these laws continue to

fall hardest on Black and Brown communities: 75 percent of people leaving prison in California are people of color.

.....
“By restoring voting rights for people at the end of their prison term, Prop 17 recognizes that democracy works best when it is fair and inclusive.”
.....

—ACLU of Northern California Voting Rights Attorney Brittany Stonesifer
.....

When someone is released from prison, it is supposed to be a time for them to transition back into their communities—not a time for more punishment. Letting someone vote after their release strengthens their community connections and allows them to be active participants in our democracy.

Over the last 15 years the ACLU of Northern California and our partners, many of them organizations that advocate for formerly incarcerated people, have been working to restore voting rights for people on parole. Prop 17 is the next step in that long-term campaign.

We sponsored ACA 6, a measure introduced by Assemblymember Kevin McCarty, that would amend the California constitution to automatically restore a person’s right to vote upon release from prison. It is now on the ballot as Prop 17.

Our state is one of just four that allows people on probation to cast ballots but blocks those returning home from prison. This causes widespread confusion that leads thousands of people who are eligible to vote to mistakenly believe that they are not. Prop 17 would make voting rights more clear and more fair and would allow California to join the nationwide movement to end voter suppression.

“For generation upon generation, Black and Brown communities have been systemically targeted for discriminatory over-policing, losing their right to vote in disproportionate numbers,” said Brittany Stonesifer, a voting rights attorney at the ACLU of Northern California.

CONTINUED ON PAGE 7

NO ON PROPOSITION 20 STOP EFFORT TO INCREASE INCARCERATION

For several decades, in the 1980s and 1990s, the ACLU of Northern California and our partners fought valiantly but unsuccessfully to stop the expansion of California prisons. We were able to turn that tide in the last decade with a series of laws, policies and ballot measures that bent the curve of incarceration in California.

Prop 20 has been proposed by outdated forces in law enforcement intent on rolling back criminal justice reforms approved by California voters.

.....
Prop 20 is, at its core, an attempt to set our state back on the path of tough-on-crime policies that have packed our prisons and jails with Black and Brown people.
.....

Proposition 47, passed in 2014, reduced many theft and drug possession felonies to misdemeanors, a campaign that the ACLU led for several years in the legislature and supported at the ballot. Proposition 57, approved by voters two years later, made people serving sentences for non-violent

offenses eligible for parole after completing the sentence for their primary offense, among other reforms—a measure we strongly supported.

Proposition 20 would overturn sections of both these laws. It would allow some petty theft offenses to be charged as felonies, restrict the ability of people to earn parole release from prison, and require DNA collection for some misdemeanors. It would cause the most harm to Black and Brown people who, because of the over-policing of their communities, are overrepresented in the criminal justice system. It will also lead to a rapid increase in spending for prisons at a time when California can least afford it.

Proposition 20 is not only morally wrong. It's on the wrong side of history.

ACLU NORCAL VOTING RIGHTS WORK

Protecting voting rights has always been a major priority for the ACLU. Yet our mission has taken on increasing urgency in light of the volume of attacks aimed at suppressing the vote of people of color, young people, and the poor, and undermining the integrity of the November 2020 elections.

As a result of the COVID-19 pandemic, we have intensified our litigation and advocacy efforts to press state elected officials and Congress to adopt universal vote-by-mail nationwide. This is of prime importance to provide safe access to voting for everyone, including people impacted by housing insecurity, since there will be fewer in-person voting locations due to public health concerns.

Here in California, our work on voting rights for the November 2020 election has been happening for the past four years. We have used every tool in our toolbox—including going to court—to expand access to the vote to those who have historically been shut out of the democratic process. In the lead-up to 2020, our litigation and advocacy has paved the way for millions of eligible but unregistered voters to participate.


In 2015, the ACLU and our legal partners also won a settlement allowing millions of Californians to use the DMV renewal process for their driver's license or state ID, to update their voter registration. As a result, millions of additional voters are registered and will receive ballots to vote in the November 2020 election.

In 2018, The ACLU of California co-sponsored a state law that expanded Same Day Registration to every polling site in California. Before that, a state requirement to register to vote 15 days before an election was a major barrier for renters and others who move frequently or wait too late and miss the deadline. This year, we have pressed for counties and the state to maintain in-person voting in part to ensure that people can register and vote on election day under this law.

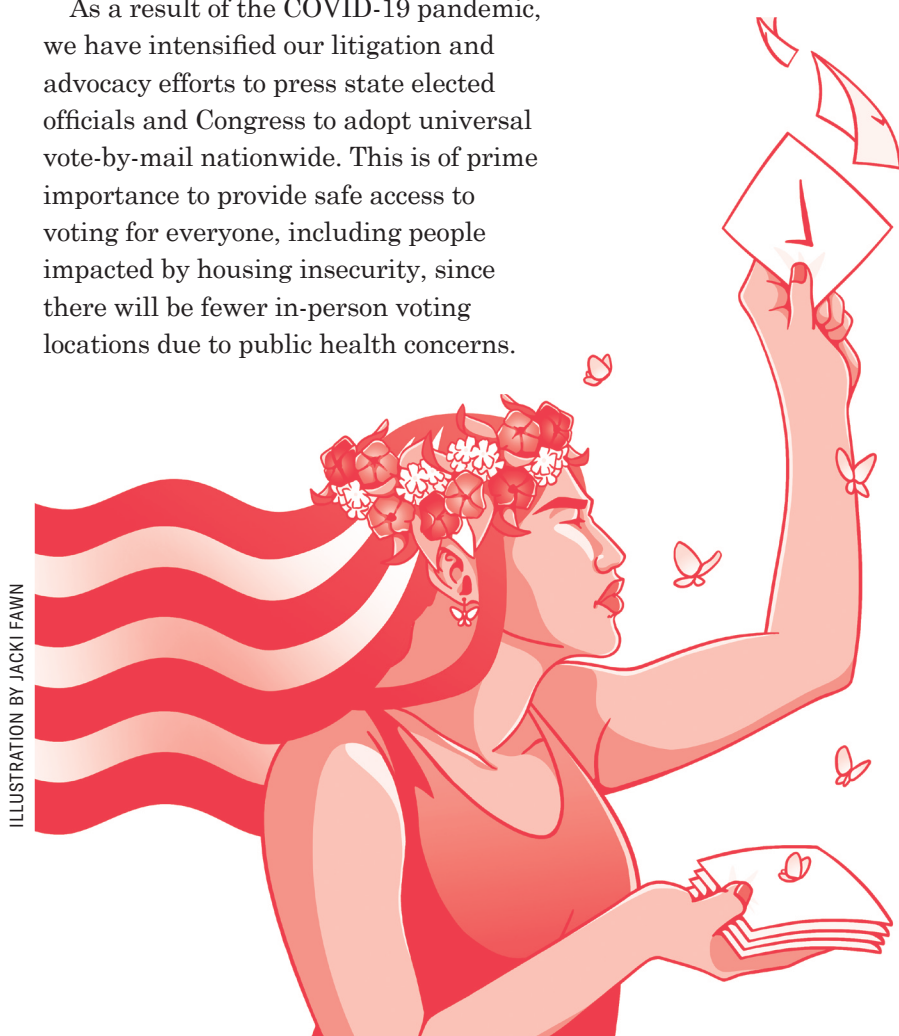
In 2019, we won a lawsuit that expanded voter registration to more people with disabilities and those receiving public assistance. We also prevailed in litigation that required state elections officials to provide facsimile (or reference) ballots and other voting assistance to speakers of 16 additional Asian languages. All these voters will now be eligible and better equipped to vote.

In August, the ACLU NorCal and our partners called upon Secretary of State Alex Padilla and county elections officials to provide translated voting materials to Arabic- and Somali-speaking voters of Fresno and San Diego Counties. Unfortunately, Padilla has refused to consider taking action until 2022 except for translating a glossary of terms and providing hotline services in Somali. The ACLU NorCal, the Council on American-Islamic Relations-Central Valley (CAIR) in Fresno and Partnership for the Advancement of New Americans (PANA) in San Diego, will continue to press for these services.

Most recently, the ACLU NorCal and our partners released a jail voting toolkit. It's a public resource for community organizations, county elections officials, local sheriffs, and others who want to start or expand a program to help eligible people in their local jails register to vote and return their ballots.

At this critical juncture in our history, everyone who is eligible to vote must take a stand and be counted. 

FLIP TO THE BACK PAGE OF THIS NEWSLETTER FOR HELPFUL VOTING INFORMATION.



POLICING UPDATES: ADDRESSING AN ENDURING CRISIS OF RACIAL INJUSTICE

BY SARAH HOPKINS

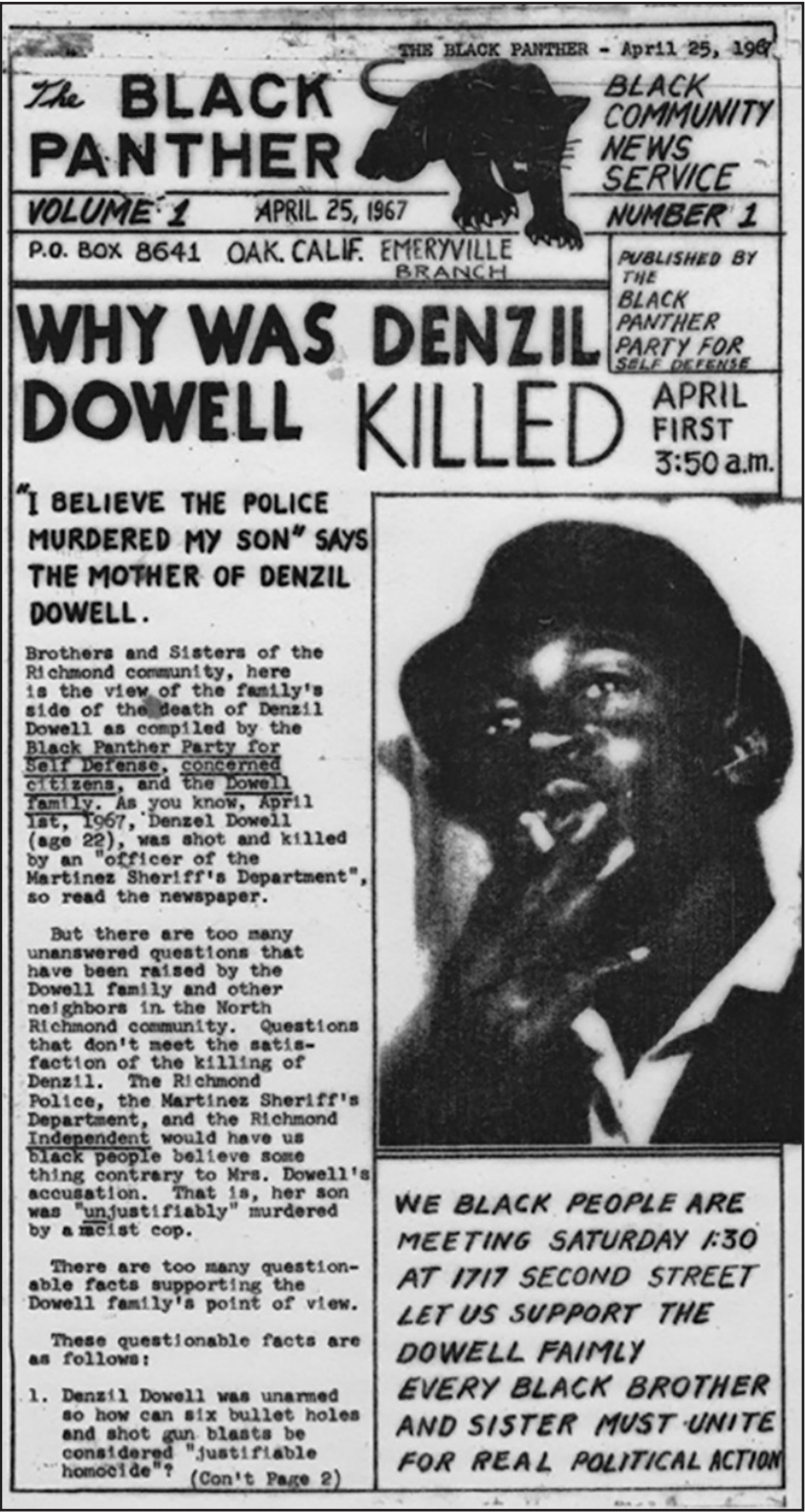
Police violence against Black and Brown lives long preexisted the national media attention that it has garnered since the murders of George Floyd and Breonna Taylor. Here in Northern California, police violence has been an ongoing trauma of historic proportions for communities of color. We see this reflected in the historical record, time and again.

For example, in the first newsletter issued by the Black Panther Party for Self Defense, published in 1967, the Party preserved the memory of Denzil Dowell, a Black man killed by police in North Richmond, in an article that raises incisive questions about the circumstances of his death. In this we are reminded that the movement we are building upon does not stretch back a handful of months, but years—some would say 400 years.

The ACLU of Northern California works to leverage legislative advocacy, legal practice, and policy analysis against police brutality in our communities. This work aims to stop police from oppressing, brutalizing, and killing with impunity, while we support and uplift work on the ground in our communities to divest from police forces and redirect their massive budgets toward long-neglected community needs.

One key lever is state legislation, which has the reach to impact all law enforcement agencies in the state. “California isn’t as progressive on policing as many people believe,” said Dennis Cuevas-Romero, Legislative Advocate at the ACLU Center for Advocacy and Policy in Sacramento. This is why he worked alongside community partners throughout the year in a push to convince lawmakers to bring California law up to date with most other states. SB 731 would have created pathways to decertify police officers who have committed serious misconduct. But Assembly leadership refused to bring the bill up for consideration when a number of Assembly members resisted or sought to avoid voting on it. In doing so, they failed Californians, failed justice, and jeopardized the safety of people who are targeted by police violence: Black people, Indigenous people, and people of color—especially Black and Brown youth, Black Trans women, and people with disabilities.

Cuevas-Romero notes that this bill simply would have brought California in line with 45 other states that have a decertification scheme for police. “There are thousands of professionals who have professional licenses in the state of California,” he explained. “Doctors, lawyers, dentists, security



The first issue of the Black Panther newspaper, from 1967, shows parallels to today. Courtesy of the Dr. Huey P. Newton Foundation.

guards, barbers, and cosmetologists all have professional licenses, and therefore have to uphold certain standards. If they commit misconduct they could have their license revoked and could face sanctions, depending on the misconduct. For police officers, there is no equivalent.”

Despite being inundated with thousands of phone calls, virtual lobby day visits, messages, and social media posts from ACLU members in support

of the bill, Assembly Speaker Rendon continuously failed the community by repeatedly refusing to schedule a hearing, and finally refusing to call the bill up for a vote.

But this fight will continue, and we will carry it forward. After the Legislature adjourned, both Senate and Assembly leadership expressed their desire to create a decertification process in California.

State-level work is only meaningful if it is backed with local advocacy, including the role of a free press and engaged youth and community. For examples of the impunity and secrecy with which police have been able operate in our state, we need not look further than our own backyard: Vallejo. The killings of Willie McCoy (February 2019) and Sean Monterrosa (June 2020) by Vallejo police officers have stood as haunting reminders of decades of police violence against Black and Brown lives in that city.

In June, ACLU NorCal Senior Staff Attorney Sean Riordan and Litigation Intern Carly Margolis advocated on behalf of Open Vallejo, an independent news source, demanding that the City of Vallejo make public its police force’s footage of the killings of McCoy and Monterrosa. In response, the city released footage of Monterrosa and McCoy to the news site. This serves as crucial documentation for the outlet’s reporters, whose work has been influential in pushing for greater scrutiny of the department.

In July, ACLU NorCal Police Practices/ Criminal Justice Associate Marshal Arnwine, Jr., gave a presentation over Instagram Live to youth in Vallejo, to help them understand the ways that state law and police department policy interact in their city. Arnwine explained that the department’s use of force policy falls short of the use of force standard set by AB392—a

new state law, championed by the ACLU of California and our partners, that significantly raised the standard for when police officers can use deadly force. He showed that the language is muddled and confusing, failing to give the clear guidance necessary to protect the lives of people in Vallejo.

CONTINUED ON PAGE 9

POLICING UPDATES CONTINUED FROM PREVIOUS PAGE

Arnwine noted that while laws such as AB392 represent a step toward police accountability, “70 percent of the work is making sure the police department implements the new AB392 law appropriately.” He called upon Vallejo youth to read the policy for themselves on the local police department website, and to analyze it for inconsistencies with state law. He recommended that they contact decision-makers in various areas of government to shed light on any inconsistencies that concern them.

“The youth audience is important because I get the sense that some youth feel like they don’t have a say-so in civic engagement,” Arnwine said. “It’s important to include youth in these reforms because they’re up next. It’s important to have them informed as early as possible and remind them of the power they do have. Society tells them they don’t have a role in civic engagement when their role is in fact very powerful.”

A major shift in police reform work in the wake of today’s mass movement is not to simply change laws and policies, but to divest from police in order to dramatically reduce the

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“Doctors, lawyers, dentists, security guards, barbers, and cosmetologists all have professional licenses, and therefore have to uphold certain standards. If they commit misconduct they could have their license revoked and could face sanctions, depending on the misconduct. For police officers, there is no equivalent.”

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—Dennis Cuevas-Romero, Legislative Advocate at the ACLU Center for Advocacy and Policy in Sacramento

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scope of policing itself and redirect resources to community-based safety solutions. Jullanar Williams and Yoel Haile of the ACLU NorCal team have been embedded in community organizing in Fresno—another city in our region with a deep-seated history of police violence against Black and Brown lives—to work on strategy to defund the city’s police department.

Their coalition is in its beginning stages. They are listening and watching while community

partners lift up their demands to the Mayor through the Fresno Commission for Police Reform: a committee set up by the city council, with a 90-day mandate to come up with alternatives to the police budget (in 2020, it was set at \$21 million). At a committee meeting in July, members of the public called for transferring the massive policing budget to community resources, and for creating transparency around the budget itself.

Williams and Haile are standing at the ready to provide support to Barrios Unidos Fresno, the anchor organization in Fresno on police accountability work. Said Haile, “I’ve never seen anything like this proposed in Fresno. If it ends up going our way, it will signify ground shifting in the Central Valley about policing. Fresno is one of the biggest cities in a very conservative corridor. It will indicate more change to come.” 

Sarah Hopkins is a Communications Strategist at the ACLU of Northern California.

See below for information on a new Know Your Rights guide for Police Interactions for Black and Brown People.

KNOW YOUR RIGHTS: POLICE INTERACTIONS FOR BLACK AND BROWN PEOPLE

The ACLU of Northern California creates Know Your Rights publications on many different subjects—from police interactions to voting rights, demonstrations to rights at school—to provide information so people know their constitutional rights under a variety of circumstances. Now, we’ve created a special Know Your Rights Guide for Black and Brown people interacting with police.

Why is such a guide necessary? Because Black and Brown people often have a very different experience with the police than white people do. They get stopped more because of their skin color even though racial profiling is illegal. They are also more likely to be detained, handcuffed, searched, and to have police point guns at them. These encounters aren’t just stressful; as history and recent events have shown, they can be deadly.

It’s one thing to know our rights on paper, but it’s another thing for Black and Brown people to exercise those rights so they remain safe from injury or death.

READ MORE AT WWW.ACLUNC.ORG/KYR



ACLU NORCAL BOARD STATEMENTS

Please see the opposite page for information on how to vote in this board election.



BETSY BUCHALTER ADLER

For thirty years I provided legal advice and governance counsel to nonprofit organizations. Though I no longer practice law, I've

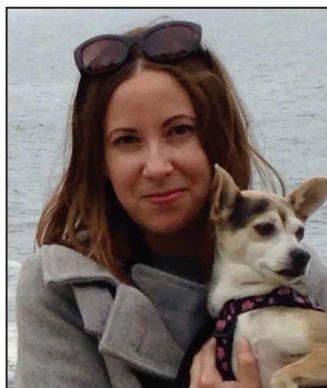
brought my experience and practical knowledge to my service on the ACLU NorCal Board. I chair the Audit & Compliance Committee, and I served with representatives of the other California ACLU affiliates on the Working Group which led to ACLU California Action. As the grandchild of immigrants, the ACLU's work for our undocumented neighbors is especially close to my heart. I'm honored to work behind the scenes to strengthen the infrastructure that supports the essential work of our advocates and organizers, and I hope to continue that service for a second Board term.



DANIEL GEIGER

I'd be honored to continue as a Director of ACLU NorCal. I've been on ACLU NorCal Finance and Investment Committees since the early 1990s, have

a passionate commitment to ACLU's mission, and have been working for social, racial, and gender justice for decades. As a former Executive Director of three nonprofits, I bring deep organizational and financial skills to the Board. Currently, I'm a consultant and Director of several projects, including Co-Director of the Business Alliance for a Healthy California, mobilizing businesses to support Medicare for All, and volunteer at San Quentin with Insight Garden Program, where I am also Board Chair.



AUTUMN GONZALEZ

It's an honor and privilege to be nominated to serve on the ACLU NorCal Board. The past couple of years have been difficult, exposing and further deepening

longstanding rifts in our country, and making it more clear than ever how necessary the fights for Black lives, immigrants, the LGBTQIA community, and other marginalized and vulnerable communities are. As a former union organizer and employment law attorney, I know we have a lot of work ahead of us, but I look forward to the opportunity to get to participate as part of the Board of the ACLU NorCal.

D. KRISTOPHER MEADOWS

I am thrilled to be nominated and would be honored to serve on the ACLU NorCal Board. I currently serve the community as a Pediatric



Occupational Therapist within a diverse school district, as a Shop Steward for my Union, and as a parent in a multiracial family committed to social justice. As a transgender

person with a disability, I am passionate about advocating for the rights of LGBTQ people, differently abled children and families, and children within the foster care system. As a board member, I would use my position to ensure the voices of the most vulnerable are heard.



EMMIE TRAN

I am honored to be nominated for the board of the ACLU NorCal. As a privacy attorney, I have dedicated most of my academic and professional life working on online privacy, government

surveillance, and digital inclusion issues. I believe the ACLU NorCal plays an integral role in protecting the meaningful exercise of constitutional rights in the digital realm and beyond, and I am deeply committed to supporting its mission in that respect. It would be a profound privilege to be able to support the ACLU NorCal's important work during this critical time.

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A LETTER FROM ACLU OF NORTHERN CALIFORNIA EXECUTIVE DIRECTOR ABDI SOLTANI

As this newsletter reaches you, our country is in the midst of an election campaign, early voting and vote by mail have begun, a pandemic grips the country, millions of Americans are out of work and struggling, and a movement for racial justice continues to gain momentum. And a President and his administration continue to assault fundamental rights.

What we did not expect was the passing of Ruth Bader Ginsburg. Please read my colleague Shilpi Agarwal's column about Justice Ginsburg. RBG was an incredible person, a talented advocate, and a historic justice. She is also the ACLU's most famous "alum," having founded the ACLU Women's Rights Project and advocated before the Supreme Court with her groundbreaking cases for women's rights and gender equality.

It is only fitting that in her last term on the court, the ACLU's current Legal Director David Cole argued the historic cases on LGBTQIA equality, continuing the full meaning of equality according to sex, arguments that ACLU attorney Ginsburg had herself made to the court, and that she could rule on as a Justice.

In her recognition, the ACLU has named the center that houses the women's rights, reproductive rights, and LGBT rights programs of the ACLU the Ginsburg Center for Liberty.

We mourn her loss and celebrate her life. And we now prepare for confirmation hearings and vigorous debates about the timing of the confirmation process and the nominee. All in the midst of an election.

Since the day after the 2016 election, the ACLU has been preparing for this election. In California, we have led with our partners a transformation of our voting and election system, through which millions more Californians are now registered to vote. State by state, the ACLU has fought voter suppression laws, passed proactive ballot measures to expand the vote in 2018, and has worked to expand vote by mail.

We are now preparing for election day and the actual voting process, for ensuring accurate vote-counting so that every vote is counted by each state, and for preventing any compromises to the integrity of this election.

I don't know what is on the other side of this



ACLU of Northern California
Executive Director Abdi Soltani

election. But what I do know is that we will be there with you, shoulder to shoulder, to defend the fundamental rights of every person in this country, and to uphold the rule of law.

A handwritten signature in black ink that reads "Abdi Soltani".

Abdi Soltani, Executive Director
ACLU of Northern California

VOTING: WHAT YOU NEED TO KNOW

Because of COVID-19, there may be fewer in-person polling places. If you plan to vote in person, check your sample ballot or with the county registrar for your polling place or nearest vote center.

Language assistance and services for those with accessibility needs are available. Please contact your county registrar for more information.

This election, every registered voter will be sent a Vote-By-Mail ballot—make sure your address is current at <https://voterstatus.sos.ca.gov/>—and be sure to sign your ballot envelope when you return it.

Mail in your ballot early or deliver it to a ballot drop box at your earliest convenience to make sure your vote counts.

You can still register at an in-person polling place on Election Day or voting center on Election Day.

There is always a need for poll workers, especially for the November 2020 general election. Check with your local county to volunteer.

More at WWW.ACLUNC.ORG/VOTE

