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GATEKEEPERS OF MASS INCARCERATION: HOLDING PROSECUTORS ACCOUNTABLE

BY TAMMERLIN DRUMMOND

Within the criminal justice system, district attorneys wield outsize power over people's lives. They decide not just who gets charged with a crime, but also which charges to bring against an individual, what punishment or rehabilitation to seek, and whether to seek the ultimate punishment—the death penalty. Yet even though prosecutors are some of the most powerful elected officials in local government, many of their constituents don't even know their names or what they do.

As a result, prosecutors have been able to run their offices like mini fiefdoms. They've been insulated from public scrutiny even as their harsh policies have wreaked havoc, especially on communities of color. They've

declined to press charges against police officers accused of killing unarmed Black people. All the while, they're seeking long sentences at disproportionate rates for people of color, even for non-violent crimes.

CONTINUED ON PAGE 6

IN MEMORIAM: JUSTICE CRUZ REYNOSO

The ACLU of Northern California mourns the loss of former Supreme Court Justice Cruz Reynoso, the first Latino justice on the California Supreme Court. He was 90 years old.

In 1987, he accepted ACLU NorCal's Earl Warren Civil Liberties Justice Award at the 15th annual Bill of Rights Day Celebration. The honor is awarded to people who have distinguished themselves as leaders in the battle to preserve and expand civil rights and liberties.

Reynoso was one of eleven children of farmworker parents. "I grew up in Orange County, where we had segregated schools—segregated by law," he told the audience as he accepted his award. "I grew up in a divided society, divided between barrios and non-barrios, rich and poor, Mexican (they called us Mexican even though we were born here) and white, them and us. I had a sense this was not good for America."

In 1954, when the Supreme Court decided *Brown v. Board of Education*, he "took it practically as a personal message" and decided to dedicate his life to the law.

Before being appointed to the California judiciary by Gov. Jerry Brown in 1982, Reynoso served as director of California Rural Legal Assistance, the famed legal aid organization dedicated to advocacy for migrant laborers. There, he oversaw the landmark win under *Diana v. Board of Education* (1970), which outlawed the practice of giving IQ tests to non-native English

students and placing them in classes for students with developmental disabilities.

After leaving the bench, Reynoso continued to practice and teach law in California, at UCLA and UC Davis. He was awarded the Presidential Medal of Freedom in 2000.

We are eternally grateful for his lifelong dedication to the fight for social justice, and for his tireless advocacy on behalf of rural and immigrant communities in California. 

Reynoso Receives Earl Warren Award



Justice Cruz Reynoso is presented with Earl Warren Civil Liberties Award by Drucilla Ramey of the Bar Association of San Francisco (L) while ACLU-NC Chair Nancy Pemberton looks on.

Snapshot of an *ACLU News* article from 1987 when Cruz Reynoso was recognized by ACLU NorCal for his civil rights leadership.

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BOARD ELECTION NOTICE

Pursuant to Article VI, Section 4 of the American Civil Liberties Union of Northern California's bylaws, there are two ways for members to participate in the Board nominating process.

Candidates and ballots will appear in the Fall issue of the *ACLU News*. Elected Board members will begin their three-year term in January.

We're always looking for committed members to join the Board. The nominating committee is now seeking suggestions from the membership to fill positions on the Board. ACLU members may participate in the nominating process in two ways:

1. Send suggestions for the nominating committee's consideration by Aug. 15, 2021. Address suggestions to: Nominating Committee, ACLU-NC, 39 Drumm Street, San Francisco, CA 94111. Include your nominee's qualifications and how the nominee may be reached.
2. Submit a petition of nomination with the signatures of 15 current ACLU-NC members. Petitions of nomination, which should also include the nominee's qualifications, must be submitted to the Board by Oct. 2, 2021 (20 days after the September Board meeting).

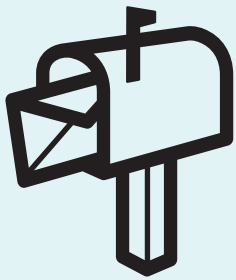
Current ACLU members are those who have renewed their membership during the last 12 months. Only current members are eligible to submit nominations, sign petitions of nomination, and vote. No member may sign more than one such petition. ACLU members will select Board members from the slate of candidates nominated by petition and by the nominating committee. The ballot will appear in the Fall issue of the *ACLU News*.

BYLAWS OF THE AMERICAN CIVIL LIBERTIES UNION OF NORTHERN CALIFORNIA

ARTICLE VI, SECTION 4B NOMINATIONS BY MEMBER PETITION

Any 15 or more members of this corporation in good standing may themselves submit a nomination of a member in good standing of this corporation to be included among those voted upon by the general membership by submitting a written petition to the Board not later than 20 days after the adoption by the Board of the slate of Board nominees. No member of this corporation may sign more than one such petition and each such nomination shall be accompanied by a summary of qualifications and the written consent of the nominee. This provision of these bylaws shall be printed in an issue of the *ACLU News* or other document mailed to this corporation's members before each election, together with an article advising members of their rights in the nominating process.

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TO OUR MEMBERS

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

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

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

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

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

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

I prefer not to receive materials from other organizations.
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City, State, Zip _____

THE ENDURING ARROGANCE OF POLICE POWER: ACLU NEWS ARCHIVE CHRONICLES POLICING IN NORCAL

BY SARAH HOPKINS

The digital archive of the *ACLU News*, made available in February 2021 through our partnership with the California Historical Society, demonstrates that policing has stood as a focal point of ACLU NorCal's advocacy since this organization's inception, and over this newsletter's 85-year history. Police brutality propelled ACLU NorCal into existence: it was founded in 1934 in response to police violence against crowds of striking workers during the San Francisco General Strike, in which police killed two workers and injured 64. Many of the archived articles contain all-too-familiar themes: that police forces have wantonly killed and brutalized countless people of color in our region, particularly Black people; that the powers they wield have been easily abused through lack of accountability and oversight; and, that they have worked to intimidate those who seek to hold them accountable for their lawlessness. Many of the articles read as though they were written today.

An *ACLU News* article from 1941—one of the first to report on police abuses of power—reflects one key way in which police have continued to evade accountability: district attorneys have generally failed to prosecute or sanction the police departments that they ostensibly oversee.

The article reports that the Sacramento district attorney cleared the Sacramento police department of charges that officers had physically assaulted a person in the county jail and dislocated his arm, without conducting any sort of investigation. “The whitewash... was administered without interviewing two eyewitnesses who made the charges, and apparently without securing the statement of the prisoner who was involved,” the article says.

The police chief asserted that the person under arrest had become combative. Carrying echoes of police brutality cases across the ages (except without the modern-day addition of video footage), the *ACLU News* author added the following commentary: “This is the same old self-defense plea trotted out to answer almost every police brutality charge.... No witnesses are usually available to contradict the policeman's stories. This time, however, we are fortunate to have the statement of two disinterested witnesses, whose testimony contradicts that of the accused police at every point.”

The archive continues to chronicle the myriad ways that police have harassed and brutalized Black people in Northern California, and the myriad ways in which police have avoided, or sought to avoid, consequence. A 1947 article, for example, reports that the San Francisco Police Department took no action against a drunk police officer who assaulted a 31-year-old Black man.

Badly injured, the man went to the local police station to file a report against the officer but was instead placed under arrest and charged with disturbing the peace, resisting an officer,



ACLU NorCal's newsletter archive shows the parallels between past and present. Read more about the cases mentioned in this article at www.aclunc.org/CHS.

and vagrancy. After ACLU NorCal took his case, a municipal judge dismissed the charges. But the article suggests that the officer did not face any real scrutiny or accountability. It says that the police department conducted an internal investigation which “decided there was no evidence to sustain the charges in view of an absolute denial from [the officer] and the testimony of fellow officers that he was sober.”


Archived articles across the decades contain variations on this story. From 1950: an account of the SFPD's arrest of a Black man for merely walking through a park. From 1954: a report

of an illegal police sweep in a community of Black residents of the city of Richmond, conducted without warrants and with “utter disregard for the rights of citizens and the requirements of the law.” From 1960: a report on the SFPD's harassment of a Black man for merely trying to return home from work. It goes on.

The 1980s gave rise to additional patterns of police intimidation in Northern California: officers sued people who filed complaints of misconduct against them, and departments sued news outlets that reported stories of police misconduct.

These articles describe the ACLU's intervention to protect people from lawless agents of government. For example, a January 2000 article documents that the ACLU affiliates of Northern and Southern California filed suit under *Gritchen v. Collier* to overturn a California law (the only one in the nation) that allowed officers to sue individuals for lodging complaints. In 1999, the court agreed that the law was unconstitutional and struck it down.

One of the most striking takeaways from the *ACLU News*' chronicle of police impunity is the way that it contradicts the notion that California, unlike the rest of the nation, has been largely free from the baggage of state oppression.

Taken together, these articles constitute one tiny piece of a vast historical record of police brutality that reinforces the need to fundamentally change the role of policing in our society. They underscore how hard-won police reform has been over the years, the bloodshed from which it has stemmed, and how far it has yet to go. 

Sarah Hopkins is a communications strategist at the ACLU of Northern California.

LEGAL AND POLICY UPDATES

BY BRADY HIRSCH

ACLU FOUNDATION OF NORTHERN CALIFORNIA V. FRESNO COUNTY SHERIFF'S OFFICE

California passed SB 1421 (effective starting on January 1, 2019) which was a landmark law that lifted the veil on decades of police secrecy. The law gave the public access to information about officers who shoot, kill, or greatly injure people, or engage in serious misconduct.

Since the law passed, many police departments have fought tooth and nail to keep these records hidden. The Fresno County Sheriff's Office is among the worst offenders. Despite numerous requests, the Sheriff's Office has produced documents for only a handful of incidents, even though it acknowledges that many more exist.

They have also improperly charged the ACLU thousands of dollars for processing our requests.

The ACLU Foundation of Northern California, in partnership with the law firm Munger, Tolles & Olson LLP, is now suing the Fresno County Sheriff's Office to force them to comply with SB 1421 and immediately disclose all their records related to use of force, sexual assault, and officer dishonesty. The lawsuit also challenges fees charged to the ACLU for the requested records.

We won't stop working to make sure that the promise of SB 1421 is enacted. When officers abuse their power, survivors, their families, and the public have a right to know.

ENSURING EQUITABLE DISTANCE LEARNING

When schools shut down in early 2020 due to the pandemic, the statewide ACLU Education Equity team sprang into action. They contacted California's educational leaders to call attention to how distance learning could intensify racial and economic disparities and urged them to consider and proactively address issues like limited internet access, lack of school nutrition programs, mental health services, childcare, and support for students with disabilities. To avoid deepening existing inequities, school districts needed to offer flexible, thoughtful options that meet all their students' needs.

Since our initial advocacy, we've monitored school districts across the state and intervened where necessary. Recently, our efforts have centered on Lemoore Union Elementary School

District (LUESD) in Kings County in the Central Valley. LUESD forced hundreds of families to make an impossible choice: risk their health or have their child receive no instruction at all.

In September 2020, the District surveyed parents to ask if they preferred a distance learning option for their children once in-person instruction resumed. Starting in November 2020, at the beginning of the largest surge in COVID-19 cases since the pandemic began, parents who either did not respond to the survey or who changed their minds since the survey was conducted, were forced by the district to return their children to school in person with no remote option. Truancy letters were sent to families who did not comply.

The district's hardline approach is particularly troubling given that the majority of the students served by the District are Latinx, Black, and/or low-income—the communities hardest hit by the pandemic.

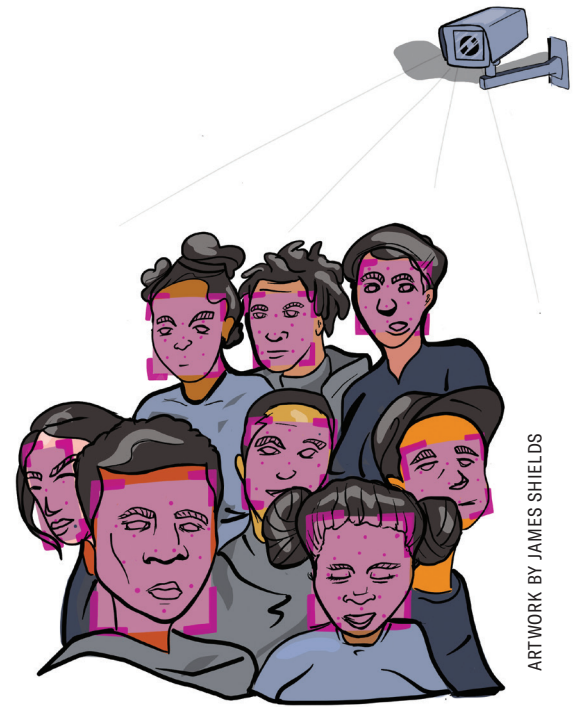
In response to our advocacy, LUESD has hired an independent law firm to investigate their policies. We hope that this will result in the district changing course. Looking to next year, we are also helping school districts recognize that many communities may not recover by the fall, and therefore will still require remote options and other measures that accommodate their needs.

ACLU FOUNDATION OF NORTHERN CALIFORNIA ET AL. V. ICE

Face surveillance is an extremely dangerous and racially biased technology, and ACLU NorCal's Technology and Civil Liberties Program has led the nationwide movement to keep it out of government hands, including advocating against companies that sell it to police.

Last year, Clearview AI made headlines after it was uncovered that the company built a face surveillance product by harvesting billions of online photos without people's knowledge or consent—and it was being used by ICE and other law enforcement agencies across the country to target immigrant communities. Led by ACLU NorCal's Immigrants' Rights Program and in partnership with the Tech and Civil Liberties Program, we are suing ICE, CBP, and DHS under the Freedom of Information Act to force them to reveal how they are using this dangerous face surveillance system.

We won't stop working to make sure that the promise of SB 1421 is enacted. When officers abuse their power, survivors, their families, and the public have a right to know.




Face surveillance is an extremely dangerous and racially biased technology, and ACLU NorCal's Technology and Civil Liberties Program has led the nationwide movement to keep it out of government hands.

COMMUNITY VACCINE ADVISORY COMMITTEE

As COVID vaccination planning was still underway, ACLU NorCal was part of the state's official Community Vaccine Advisory Committee, which was charged with advising the California Department of Public Health on how to distribute vaccines in an equitable manner.

One of our top priorities on the committee was to ensure that people living in congregate settings—such as housing shelters, jails, prisons, and immigrant detention facilities—would be properly prioritized in the rollout. Congregate settings were the site of some of the worst virus outbreaks and highest death rates, but the state initially did not prioritize them as it had promised.

However, the California Department of Public Health swiftly changed course after we led a coalition letter of equity, health, and community organizations demanding that Governor Newsom keep his original promise to prioritize those most in need. 

Brady Hirsch is an associate communications strategist at the ACLU of Northern California.

CRIMINALIZATION OF HOMELESSNESS

BY BRADY HIRSCH

California has a housing crisis. Compounded by COVID, more and more people are being forced out of their homes and onto the streets. With the pending end of federal and state moratoria on evictions, the problem may soon become even worse.

While there has been much focus on how housing shortages have turned cities like San Francisco and Los Angeles into humanitarian crises, the impact on smaller communities like Chico, Pacifica, and Santa Cruz has received less attention.

These cities have decided to address the pressures of a growing unsheltered population with brute force and inhumane policies. All three have failed to meet the needs of their unhoused population while simultaneously passing laws that criminalize everyday behavior unhoused people undertake to survive. In Pacifica, local lawmakers have launched a campaign of citations and harassment against people living in RVs. Santa Cruz is enacting an ordinance to ban daytime camping. In Chico, the City Council has outlawed sitting or resting on public sidewalks, placing personal items and property in public places, and entering parks, greenways, or open spaces at night. Recent reporting also shows that a number of unhoused people in Chico are homeless due to recent fires, essentially climate refugees within our region.

Criminalizing people because they don't have a place to live is a trend that can't continue. We can't police our way out of this problem—trying to do so will only create greater suffering and displacement.

Solutions to this crisis must respect people's dignity and focus on creating long-term viable housing options. The ACLU will continue to challenge those who target the victims of the



Sean Geary has received countless tickets for sleeping in his RV and lives in fear of having his home towed.


housing crisis rather than address the systemic issues that cause people to become homeless in the first place.

SEAN GEARY IN HIS OWN WORDS

I've been in Pacifica for 35 years, off and on. It's my favorite place in the world. I'm bipolar, so finding stability has been challenging. I had two jobs but as a result of the pandemic, and insecurity about where I'm staying, I wasn't able to focus on making money.

The ban has been challenging. I try to follow the law. Even in doing research on where I can and can't park, I've run into numerous problems just trying to find a place to sleep. I've gotten a lot of tickets that I can't afford to pay.

If I get towed there is no recovery. I cannot afford to get it [my RV] out. I will lose all of my possessions. There is a strong likelihood that it would put me permanently on the streets.

The RV ban has prevented me from moving forward in my life. I am afraid to leave my RV and my dog to take a bus to go to the doctor. I don't feel like I can leave my RV for any length of time, and it's preventing me from getting services I need. It's all I can do to keep my head above water. 

REDISTRICTING: A PRIMER ON THE WORK AHEAD

BY SARAH HOPKINS

From 2021-2022, ACLU NorCal will be monitoring and participating in the redrawing of voting districts in our region—a process known as “redistricting” which is based on population data from the 2020 Census.

WHAT IS REDISTRICTING?

Redistricting is the redrawing of the lines of voting districts. Voting districts are geographic areas that the government uses to create groups of voters. Voters within a voting district can cast ballots for candidates who are designated to represent them within that district, for offices at all levels of government: federal, state, county, or city.

Redistricting is immensely important to collective political power. It impacts who our communities have the power to elect, and thus their ability to shape the local, state, and federal policies that affect their lives. The redistricting process presents a vital opportunity to advocate for voting district lines that are truly representative of our communities.

The redistricting process typically takes place every ten years according to population data gathered through the U.S. Census Bureau. This is to ensure that voting districts remain in line with constitutional law, which says that voting districts must be approximately equal in population, so that all within those voting districts are represented equally in the political process.

In California, the redistricting process for the U.S. House of Representatives and for state assembly and senate is overseen by an independent commission, with advocacy groups already prepared to monitor that process. While city and county residents have the ability to participate in the redistricting process in their local jurisdictions, not every resident may know how to participate in the process, how to ensure fair representation for their community, or that it's even possible for them to get involved. This is where ACLU NorCal is poised to offer its partnership and expertise.

OUR ROLE

ACLU NorCal's Democratic and Civic Engagement team's primary role in redistricting efforts will lie at the local (i.e., city and county) level, with the provision of technical and legal expertise and assistance to various communities in California.

In coalition with community partners, we will work to defend against any redistricting efforts in California that could dilute the voting power of people of color, limited-English-

proficient communities, and other historically disenfranchised groups. We plan to work closely with community members and organizations to ensure that maps are community-led, and that they accurately reflect the different communities within the jurisdiction.

The team will be contracting a mapping specialist to help depict and analyze geographic data points, and will be at the ready to share its legal expertise with both coalition partners and local governments. Finally, the team will be prepared to bring any necessary legal challenges if jurisdictions adopt any maps that violate the law.

The National ACLU, in partnership with ACLU affiliates in other states, will be working at a broader national level to target federal and state legislative districts in key states, including in the South and the Midwest, to ensure that redistricting efforts are fair and representative of the racial and ethnic diversity of the communities they seek to capture. Visit aclu.org for updates on ACLU redistricting work in states outside California.

Learn more at aclunc.org/redistricting. 

HOLDING PROSECUTORS ACCOUNTABLE CONTINUED FROM PAGE 1

For more than a decade, the ACLU of Northern California has been partnering with criminal justice advocates to hold these public officials accountable to the communities they were elected to serve. We've launched public education campaigns to raise awareness about the role that local prosecutors play in fueling mass incarceration. We've engaged in issue education to frame the public debate during elections in support of sensible reform instead of tough-on-crime policies that fuel mass incarceration. And through our litigation and advocacy, we're taking on prosecutorial misconduct.

"District attorneys are major drivers of mass incarceration and have been operating with unchecked power for far too long," said Abdi Soltani, executive director of the ACLU of Northern California. "Accountability at the District Attorney level is critical to criminal justice reform, which is why this continues to be a major focus of our criminal justice work."

TO CHARGE OR NOT TO CHARGE

Local prosecutors have wide discretion in deciding who to charge with a crime, and how serious the charge will be. Their policies and practices have led to widespread overcriminalization, with devastating impacts on Black and Brown communities.

In March, the ACLU Foundation of Northern California and the Urban Peace Movement released a research report that examined the charging policies of longtime Alameda County District Attorney Nancy O'Malley. (After over a decade in office, O'Malley announced in May that she would not seek reelection next year.)

"In (Justice) in Alameda County: A Case for Reform and Accountability" documented two years of data. We found that in six out of every 10 charges, the Alameda County prosecutor brought charges against adults for low-level offenses where an individual's alleged conduct either 1) did not merit a criminal charge or 2) that person was better suited for a diversion program that would address the underlying causes of their conduct. In these court-ordered diversion programs, participants receive counseling and treatment instead of jail time. If the individual successfully completes the program, the case is dismissed.

O'Malley's office sent a paltry five percent of people charged with crimes to a diversion program in 2017 and 2018 combined. Black and Latinx people had far greater likelihood of being incarcerated than whites.

"What we're saying is that there is a universe of low-level offenses (nearly 50% of all cases filed) that the prosecutor should decline to charge and where a person should be sent to diversion," said Yoel Haile, director of the Criminal Justice Program at the ACLU of Northern California. "There are ways to hold the person accountable without sending them to jail that cost a lot less and that also keep the community whole."

The report makes concrete recommendations for reform in policies regarding charging decisions, immigration, police accountability, diversion programs, parole and sentencing, and data tracking.

We started with Alameda, but expect to release more county prosecutor reports this year to put a spotlight on the key issues in multiple counties.

These reports will provide our local partners with the data they need to advocate for bold and transformative reforms. And, it will also help inform our future legislative advocacy around DA transparency, as well as measures for decriminalization and decarceration.

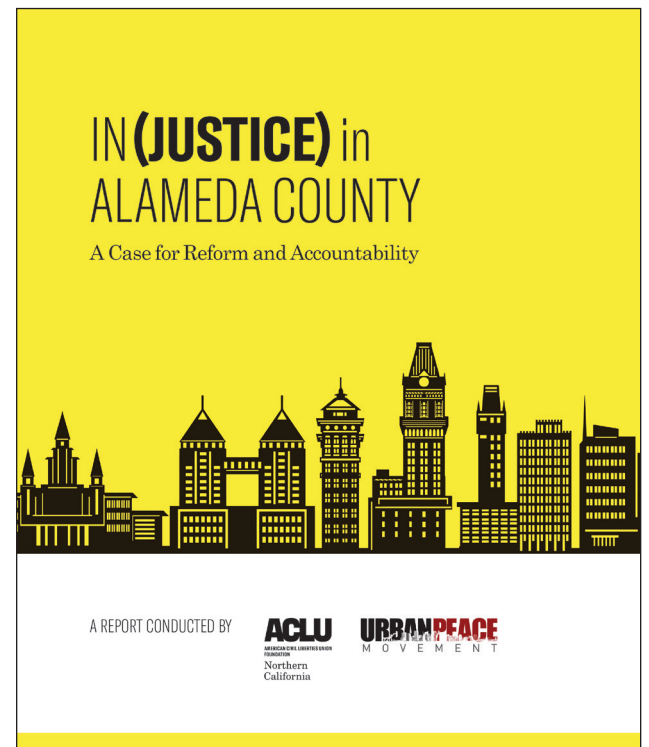
ELECTORAL ENGAGEMENT IN DA RACES

Since our earliest days, ACLU NorCal has been a watchdog for abuses in the criminal justice system. Historically, we focused on cases of police brutality and other misconduct by police officers and police departments. This work is well-documented in our ACLU archives dating back to our founding in 1934. See "The Enduring Arrogance of Police Power: *ACLU News Archive Chronicles Policing in NorCal*" on page 3 of this newsletter.

District attorneys, while a focus of our attention periodically, were not at the center of our strategy. In 2010, we expanded our advocacy work to include district attorneys as a central focus.

At the time, the ACLU was involved in a statewide coalition to abolish the death penalty. California prosecutors, who play a key role in perpetuating a system that disproportionately targets Black people for execution, were some of the first to come out against us.

We had long known that DAs play a critical role in the criminal justice system not just in the court, but also politically. What we realized in 2010 is that most



"In (Justice) in Alameda County: A Case for Reform and Accountability" makes concrete recommendations for reform in policies regarding charging decisions, immigration, police accountability, diversion programs, parole and sentencing, and data tracking.

Californians weren't aware of the outsized role of the DA and that we could help change that status quo.

So, with the November 2010 elections around the corner, ACLU NorCal and our sister affiliates in the state launched a public education campaign called "What a Difference a DA Makes."

Our goal was to educate voters about their local prosecutors' policies and the impact on their communities.

Building upon that earlier work, ACLU NorCal and a dozen partner organizations launched the "Hey, Meet your DA" campaign in 2017. We set up an interactive website that showed where local DAs stood on important reform issues. It also highlighted how out of step so many prosecutors were with their constituents. In 2012, 2014 and 2016, California voters overwhelmingly supported statewide ballot measures that enacted safe and sensible justice reforms, but most prosecutors opposed them.

All district attorneys are elected to four-year terms, with 56 of 58 California counties on the ballot in 2018 and again in 2022, and San Francisco in 2019 (and 2023) and Los Angeles in 2020 (and 2024). In the run-up to the 2018 DA races, the ACLU and our partners held forums all over the state to introduce voters to the candidates, all of



Even though prosecutors are some of the most powerful elected officials in local government, many of their constituents don't even know their names or what they do.



ARTWORK BY ROBERT LIU-TRUJILLO

whom had the chance to respond to the same set of ACLU policy questions. It was the first time that there were so many progressives challenging incumbents who historically either faced no opposition or had opponents with similar platforms.

Reform candidates won in three counties where we organized. Diana Becton, a retired judge, was elected Contra Costa County DA in 2018. Underdog Chesa Boudin, a public defender who had run on a platform promising to tackle police misconduct and mass incarceration, was elected district attorney in San Francisco in 2019. Former San Francisco DA George Gascon took the top prosecutor's job in Los Angeles in 2020. The three have joined forces with San Joaquin County prosecutor Tori Verber Salazar to form the Prosecutors Alliance of California. One of the new group's top goals is to lobby and campaign for criminal justice reform alternatives to mass incarceration.

ACLU NorCal does not endorse or oppose candidates in these races. "The two big indicators of our success are that we were able to help lay the groundwork for a much broader range of candidates, like Boudin, to come in and win," said Haile. "And that the conversation has totally shifted to talking about what is the role of DAs in mass incarceration. And to holding police accountable."

HOLDING PROSECUTORS ACCOUNTABLE

For the very reason that prosecutors hold so much power and responsibility within the criminal justice system, they must be held to a high standard of conduct. But that is not what is happening.

The State Bar of California, which is the regulatory arm of the Judicial Council, is responsible for licensing and disciplining the more than 250,000 attorneys in California. Yet it has repeatedly failed to sanction prosecutors for misconduct. That means countless people have been unfairly prosecuted and incarcerated, either because of deliberate unethical conduct or negligence on the part of prosecutors.

Our criminal justice team at ACLU NorCal has unearthed more than a dozen instances

of prosecutorial misconduct across the state. Some of the cases were so blatant that a court of appeals reduced a criminal defendant's sentence or overturned their conviction altogether.


And even when the court found evidence of gross misconduct, the State Bar did not discipline any of the prosecutors involved.

In the coming months, we will be filing complaints against those prosecutors with the State Bar for misconduct ranging from lying to withholding exculpatory evidence from the defense.

The goal of this new campaign is to highlight the myriad of abuses and violations by prosecutors across the state. We are not just talking about a few bad apples, but rather a system wide problem that is fueling mass incarceration.

A state audit published in April found that the State Bar had made internal changes that led to a major backlog in cases and that allowed attorneys under investigation for serious instances of misconduct to continue to practice. The report also found that this "increased the potential harm to the public."

We're demanding that the State Bar start doing its job. And that means undertaking meaningful investigations and instituting appropriate sanctions against rogue prosecutors. For far too long there have been no consequences for prosecutors who abuse their power.

We will continue to use every tool at our disposal to hold prosecutors accountable to we the people. 

Tanmerlin Drummond is a communications strategist at the ACLU of Northern California.

For the very reason that prosecutors hold so much power and responsibility within the criminal justice system, they must be held to a high standard of conduct.

But that is not what is happening.

PROFILES IN COURAGE: VISIONARY BLACK TRANS LEADERS

BY TAMMERLIN DRUMMOND

The COVID-19 pandemic had an especially devastating impact on transgender, gender nonconforming, and intersex (TGI) people, who already experience marginalization due to transphobia, racism, and xenophobia.

Because of widespread discrimination, trans women of color are more likely to participate in the sex trade for economic survival. Yet they were banned from receiving federal COVID-19 relief funds, and many lacked safe shelter as a result.

The ACLU of Northern California was part of a coalition that was successful in raising awareness of the need for state relief aid for sex workers. We salute two of our movement partners, Ms. Janetta Johnson of the TGI Justice Project and Janelle Luster of Trans Heartline, who stepped up to advocate for the rights of TGI people and directly help provide economically vulnerable trans women with housing and emergency relief during the pandemic.

We are honored to collaborate with them in advocacy and movement building and to share their wisdom and approach to addressing some of the challenges faced by their communities.

TIRELESS CHAMPION FOR FORMERLY INCARCERATED TRANS PEOPLE



PHOTO BY BETHANIE HINES

Janetta Johnson works to end human rights abuses against transgender, intersex, and gender nonbinary people.

Janetta Johnson is a fierce national and international human rights advocate for the Black and Brown trans, genderqueer, and intersex communities.

She works to strengthen legal protections for Black trans people and fights for their equal access to housing, mental health, substance abuse, and employment resources. Her advocacy is centered around the needs of those who are coming out of prison.

Johnson is a warrior who has had her share of challenges.

She served a nearly four-year stint in federal prison for a drug conviction. While she was there, Johnson was struck by the number of

Black trans women she met who had been incarcerated multiple times. Johnson, who is herself a Black trans woman, began questioning why people from her community were overrepresented in prisons and county jails.

She learned that, after their previous releases, a lot of the women had no place to live or a job. Shunned by family, they had no support system. Black trans women are often targeted for arrest under anti-loitering and other discriminatory laws simply for existing.

Johnson says she had a vision. "I decided, I'm going to create a program so that Black trans women don't fall through the cracks."

Today, Johnson is the executive director of the Transgender Gender Variant and Intersex Justice Project (TGIJP). The San Francisco non-profit's mission is to end human rights abuses against transgender, intersex, and gender nonbinary people, particularly incarcerated trans women of color.

That mission manifests in TGIJP's work to provide safer alternatives to sleeping on the streets. When the COVID-19 pandemic hit, the non-profit made the necessary shift towards finding more permanent housing for Black and Brown trans women experiencing chronic homelessness.

TGIJP rented rooms for three dozen women in seven local hotels and had a volunteer deliver meals and groceries to them.

Read more of Johnson's story at www.aclunc.org/TransLeaders.

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Janetta Johnson had a vision: "I'm going to create a program so that Black trans women don't fall through the cracks."
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FIGHTING FOR ECONOMIC SECURITY FOR SEX WORKERS

When COVID-19 hit, Janelle Luster quickly realized that sex workers were being excluded from relief funds providing pandemic aid. As a Black trans woman and a former sex worker, she was concerned for her community's well-being.

"My close community members who engage in sex work didn't qualify for aid or unemployment because of how they earn income," said Luster, an activist and community organizer who lives

in Oakland. "Sex workers should get the same benefits and protections that other working people receive."

Due to widespread and intense employment discrimination, Black trans women are disproportionately represented in criminalized sex work and more likely to be targeted by police and arrested. Having a criminal record creates additional barriers to accessing public benefits, housing, and healthcare. Those who work in industries deemed legal, such as dancers in strip clubs or the porn industry, were banned from receiving federal stimulus funds available to independent contractors.

Since the start of the pandemic, Luster has been active in a coalition leading a statewide movement to decriminalize sex work. But after assessing the emergent needs of her community, she shifted gears: "I wanted to know what we could do to help people right now," she said. "People need money in their hands."

Luster approached the coalition with an idea: a new mutual aid fund for sex workers—a fund from the community, for the community. Before she knew it, she was leading the newly minted DecrimSexWorkCA Mutual Aid Fund.

Luster and other advocates for sex workers' rights have been working to set up the fund and identify fundraising and grant opportunities. "We want to work directly with community-based agencies that have sex workers in leadership and have shown a demonstrated commitment to serving trans and gender nonconforming sex workers and sex workers of color," Luster said. The fund will launch later this year.

Luster is the house manager for Trans Heartline, an advocacy organization that provides housing and other services for people who have recently undergone gender affirmation surgery.

Read more of Luster's story at www.aclunc.org/TransLeaders. 



PHOTO BY BETHANIE HINES

Activist and community organizer Janelle Luster, a leader in local and statewide advocacy to decriminalize sex work.

SUMMER 2021 LEGISLATIVE UPDATE

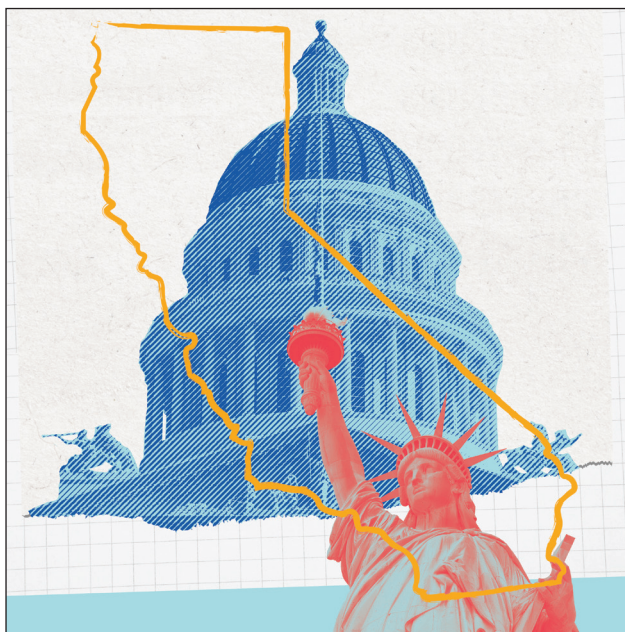
BY JANINE SHIMOMURA

With your support over the last few months, our legislative agenda continues to advance through the state legislature. Here's the latest on some of our key bills:

SB 2, the Kenneth Ross Jr. Police Decertification Act is moving forward. This is our bill to bring California in line with the 46 other states that have a process to decertify police officers who commit serious misconduct, and to update state civil rights laws to provide a remedy to victims of police misconduct and their families. Despite a commitment from legislative leaders to pass a bill this year, the police lobby continues to oppose our commonsense measure by deceiving the public and watering down protections for remedies when someone's civil rights have been violated by officers.

Another important measure to reimagine policing, AB 118, the Community Response Initiative to Strengthen Emergency Systems (CRISES) Act, is making its way through the legislature. AB 118 will create a pilot grant program for a community-based response to local emergencies, including: public health crises, unhoused people in crisis, people exposed to intimate partner or community violence, people with a substance use disorder, and people impacted by natural or climate disasters. We continue to call on the Governor to fund this pilot program through California's budget surplus and invest in organizations rooted in our communities. We know that the presence of trained professionals from community-oriented organizations with a track-record of service can prove more beneficial than encounters with law enforcement officers.

Over the last year, we've seen how successful remote participation in local government has been as community members across the state have found it easier to access public meetings and engage with their lawmakers. Unfortunately,



not all cities or counties have adopted the solutions many people now use every day to connect remotely. AB 339 would mandate remote participation in open and public hearings and meetings for city councils and boards of supervisors.


ACLU California Action continues to advance the work of Debt Free Justice California which is seeking to repeal the remaining 60 criminal administrative fees and assessments imposed on people in our criminal justice system through SB 586. We are hopeful that the Governor and budget chairs will prioritize this relief for some of our most-impacted communities. We have also been mobilizing to pass AB 256, the Racial Justice for All Act, which would ensure that everyone, including those already harmed by the legal system, is able to challenge racist convictions and sentences.

We are also working to eliminate an outdated

provision of California's penal code that has allowed law enforcement to target and criminalize our Black and trans communities, particularly women of color, simply for being out in public. SB 357, the Safer Streets for All Act, would eliminate an overbroad section of the penal code that has allowed people to be arrested and charged without evidence, simply based on an individual officer's often biased determination that they intended to engage in sex work. This vague and subjective law has impacted countless lives, depriving people of their civil rights.

ACLU California Action continues to fight for menstrual equity by pushing for the passage of AB 367, which would put free menstrual products in college campuses. We know that menstrual products are a necessity—not a luxury.

Unfortunately, SB 379, our bill to hold UC Health accountable to its principles of providing comprehensive reproductive and gender-affirming care to its patients will not advance this year and has become a two-year bill. We will continue to raise concerns to the UC regents to hold UC Health accountable for their partnerships with hospital corporations that they know negatively impact the care their patients receive. The Regents must listen to the voices of thousands of people in the UC community and across the state who fought for SB 379.

You can continue to stay involved with these bills by going to [ACLUCalAction.org](https://aclucalaction.org) to find out how you can take action and help us advance our legislative priorities. 

Janine Shimomura is the strategic communications manager at ACLU California Action.

INTRODUCING THE GOLD CHAINS PODCAST

In late 2019, we launched Gold Chains: The Hidden History of Slavery in California. Our public education campaign used audio, video, and archival materials to expose California's little-known complicity in the enslavement of Black and Native people. We chose the 400th anniversary of the arrival of the first Africans in Jamestown, Va., to highlight this buried history and connect its legacy to our legal and advocacy work today.


Our Gold Chains project helped inspire AB 3121, a law that created a state commission to study California's slavery past and develop



proposals for reparations for Black people. The commission convened for the first time in June 2021.

Now, we're pleased to announce that we are launching a spinoff podcast, Gold Chains. Our pilot episode will explore California's Fugitive Slave Law. It comes out in late June 2021. Visit our website

www.goldchainsCA.org for updates.

Thank you for the generous support from our ACLU of Northern California members, which continues to make this important work possible. 



COURTESY OF THE CALIFORNIA HISTORY ROOM, CALIFORNIA STATE LIBRARY, SACRAMENTO, CA

Above, a Black miner during the Gold Rush era. The first episode of the Gold Chains podcast looks at California's Fugitive Slave Law as one aspect of the hidden history of slavery in California. Visit www.goldchainsCA.org.

'LEVELING UP' AT THE ACLU CALIFORNIA ACTION CONFERENCE

BY CARMEN KING

Lawmakers work for you. That's why the ACLU holds an annual statewide conference to provide people in California with lobbying training and opportunities to meet with local and statewide lawmakers. Our democracy is strongest when everyone's voice is heard—and the ACLU of California Action Conference was designed to provide participants from every corner of the state with the skills they need to effectively share their stories and convey the needs of their community to lawmakers.

This year's conference was held virtually and began with a week of educational sessions on critical civil liberties issues, including providing equitable education for Indigenous students, fighting the criminalization of homelessness, making housing a human right, shifting funds away from the police and toward the community, protecting immigrant families, and teaching people about the little-known history of slavery in California—and more.

"The guest presenters that the ACLU tapped to speak were all subject matter experts, who were, in many cases, credibly endowed with lived experience to reinforce the narratives and themes of the presentations," said Jason Miles, chair of the ACLU of the Mid-Peninsula Volunteer Chapter. "Community, shared struggle, and the celebration of resilience has always been a staple of ACLU NorCal training, and the California Action Conference was a perfect example of that."

Jason noted that he particularly appreciated the session with Mr. James Burch of the Anti Police-Terror Project and the presentation of the ACLU's project, Gold Chains: The Hidden History of Slavery in California. "I learned, via statistics and documentary evidence, how maliciously premeditated certain power structures and laws, such as Black testimony exclusion and the broken window theory, can be in imposing their will at the expense of people's civil liberty and dignity," said Jason.


The conference also included workshops on the nuts and bolts of effective lobbying. Attendees learned how to research legislators, analyze their voting history, and then use this information to hold them accountable and advocate for them to support specific bills this year. They practiced delivering key messages to lawmakers and how to track the progress of a bill. They also received primers on ACLU priority legislation for the 2021 California legislative cycle: AB 339: Protecting Public Participation; AB 256: Racial Justice Act for All; and SB 02: Officer Decertification (see page 9 of this newsletter for more details on these bills).



Jason Miles, chair of the ACLU NorCal's Mid-Peninsula Volunteer Chapter, attended the online ACLU California Action Conference in April.

After the weeklong lobbying education, participants spent the next week meeting with lawmakers and putting their new knowledge into action. "The goal of the lobby visits is to show the power of our volunteers, build our advocacy community, and get these bills passed," said Tessa D'Arcangelew Ampersand, organizing program manager at the ACLU of Northern California.

Because direct lobbying isn't the only way to influence elected leaders, staff and volunteers also engaged in virtual text banks to encourage voters to contact their lawmakers about the issues that affect their lives.

The online nature of this year's event didn't stop participants from connecting and networking with like-minded people. Staff held virtual lounges and coffee chats where participants could ask questions and connect with ACLU activists from San Diego to Humboldt County. "A lot of thought and effort went into making this a meaningful and engaging conference," said Jason. "This was the largest scale ACLU event that I have participated in, and I'm eager to attend more." 

Carmen King is an associate communications strategist at the ACLU of Northern California.

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"Community, shared struggle, and the celebration of resilience has always been a staple of ACLU NorCal training, and the California Action Conference was a perfect example of that."
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—Jason Miles, chair of the ACLU of the Mid-Peninsula Volunteer Chapter
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WANT TO TAKE ACTION?

Join our email list to stay informed about current issues and campaigns, upcoming events, and opportunities to get more involved in the fight to protect and expand civil liberties.

Subscribe to our email action list at [ACLUNC.ORG/ACTION](https://aclunc.org/action)

DONOR SPOTLIGHT: JACK BEGGS

Jack Beggs is a 96-year-old supporter of the ACLU. Below are some highlights of stories he shared with Ruth Herring, a member of our development team.

WHAT WOULD YOU LIKE TO SHARE ABOUT YOUR BACKGROUND?

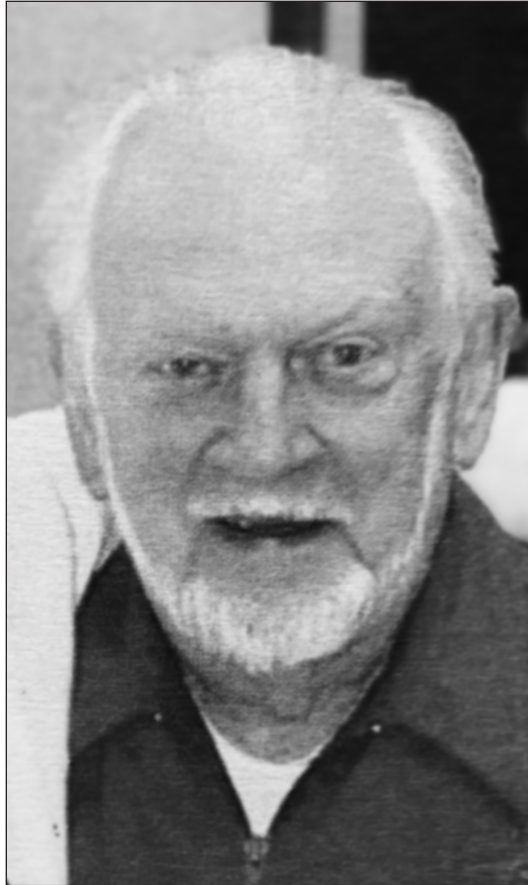
I was born in 1925. My father's family was a rock-ribbed Republican family in the North, and my mother's family was a rock-ribbed Democratic family in Lynchburg, Virginia. My maternal grandfather's father fought on the Confederate side and was killed in the Civil War. My paternal grandfather was wounded in the war, returned to the Union Army, then died after the war. People from backgrounds like my parents' didn't generally get married.

In 1921, my father moved to Washington, D.C. and got a political appointment working in John Edgar Hoover's Justice Department. Financially, Hoover was incorruptible. When it came to power and prejudice, he was just the opposite. My dad met my mother in Washington, and they married and had two sons; I am the older. We later moved to Cleveland, which I consider my hometown.

I left home when I was 17, during the second World War, and joined the maritime service. My ship's convoy was attacked by a German submarine off Algiers, which sank two ships in our convoy. The next night, our ship was rammed by mistake by a British ship changing positions, but we put into Malta and were repaired. After the war, the government said we weren't veterans and did not qualify for veterans' benefits. But one of the U.S. Merchant Marines Academy graduates did some detective work in the archives and flushed out the letter that Franklin Roosevelt had written saying, in effect, that personnel on convoy ships must fight to the death. Of course, this letter had been concealed ever since. Our case went up to the Supreme Court and we got a 9-0 decision in our favor.

WHEN WAS YOUR FIRST CONNECTION TO THE ACLU?

I became a maritime engineer in 1945 and stayed in the service until the government ran me out. I first heard of the ACLU from my friend, Joe Anderson, an activist and socialist in the marine fireman's union, who also got kicked out by the Coast Guard. I thought, 'My government wouldn't hurt people like this,' but he knew better. Joe went right to Ernest Besig for help; Besig got him reinstated. I got kicked out at the same time as Joe, but I never got cleared. *(Editor's note: Attorney Ernest Besig founded the ACLU NorCal in San Francisco in 1934 and served as executive director from 1935 to 1971.)*



"You want to know why I love the ACLU? They go to bat when there's no one else to go to bat for you."

—96-year-old long-time ACLU supporter Jack Beggs

WHAT WAS IT LIKE TO DEFEND YOURSELF IN YOUR COAST GUARD HEARING IN WASHINGTON, D.C. IN 1951?

Three representatives were there: one from the Coast Guard, one from the ship owners, and one from our union. After the hearing ended, they shut off the wire recorder and circled around me crying about how hard their decision-making was—they were feeling so sorry for themselves! I thought they were going to give me the ax, which is exactly what


happened. All four of my friends testified for me, including my buddy Howard Peterson, the rock-hard Republican who was working for the government at the time.

The Coast Guard accused us of being a security risk; they could do whatever they wanted. There are some wrongs you can't right unless you take them to court. The ACLU filed a lawsuit in federal district court on behalf of a few of us maritime workers. Judge Walter Polk ruled that the government could not deprive us of our means of earning a livelihood without due process of law—it's unconstitutional. The Coast Guard took years to decide whether to appeal. Meanwhile, I had to make a living—I had a wife and two kids to support—so I set up my own business. The Coast Guard finally settled the case. They said, so I heard, 'We're not clearing you, but you can go back to work and we won't bother you as long as you don't sue the government for lost wages or anything else.' Like many others, I went along with this; I returned to sea in 1967.

WHAT INSPIRES YOU TO GIVE FINANCIAL SUPPORT TO THE ACLU?

It does good things, for heaven's sake! Don't forget the lesson I learned when I defended myself in Coast Guard hearings: anything important, you defend yourself. You want to know why I love the ACLU? They go to bat when there's no one else to go to bat for you.

AS YOU LOOK BACK ON YOUR LONG LIFE, WHAT GIVE YOU HOPE?

The threats to democracy—like the Trump supporters—are not new. The people in the South who want to keep people under their heel will not change their minds. They just laid low after President Johnson signed the Civil Rights Act until they had their next chance to really blossom. The election of Biden and Harris and the two Georgia senators gives me hope. That doesn't mean the others are going to give up, they're not. We know what they're doing about the voting rights. Most of that stuff will not stand up in court; they can't get away with it long-term. The ACLU will see to it that they won't get away with everything. Religion also has something to do with my hope. I grew up Anglican with a Presbyterian love of Scripture and what we have: Faith, Hope, and Charity—or agape love. 

A LETTER FROM ACLU OF NORTHERN CALIFORNIA EXECUTIVE DIRECTOR ABDI SOLTANI

Since the last issue of the *ACLU News*, we marked a year since the murder of George Floyd and a conviction on three counts for Derek Chauvin. That conviction was a testament to the quick wit of a teenager and her video that showed the world what really happened, not a vindication of the justice system. Millions demanded justice exercising their free speech rights and the right to protest. As I write this letter, Derek Chauvin has just been sentenced to 22.5 years in prison. This is not often a result afforded by our justice system.

What has changed since the murder of George Floyd, mass protests, and Chauvin's prosecution and conviction? Very significantly, there is now a vigorous debate about the role of policing in our communities. Advocates and activists are calling on local government to demand alternatives to armed police officers, such as shifting traffic enforcement or mental health response to other agencies.

Change can be difficult, but it *can* happen. We see this in the California state legislature, where we are continuing work on the police decertification bill SB2 (see page 9). We see this in our work in cities and counties throughout Northern California, where even implementing recently enacted state laws—like the use of force standard or access to police misconduct records—face significant resistance from police unions and local governments. ACLU advocates, activists, and community partners persist, and we are making progress.

The response to George's Floyd murder extends to issues of systemic inequality beyond policing and criminal justice. We are in the midst of an honest examination—a reckoning—of this country's history and the continuing impact of that history.

In that context, I want to highlight several priorities of the ACLU nationally. Your support as ACLU members here in Northern California provides critical support to that work nationwide and in key states.

THE ACLU'S SYSTEMIC EQUALITY CAMPAIGN

The National ACLU has launched the Systemic Equality Campaign, pressing changes at the federal level, to address the persistent racial wealth gap. The ACLU is calling on the Biden administration, Congress, and federal agencies to take bold action, such as student loan forgiveness, which has a major disproportionate impact on Black students, and establishing banking through the U.S. postal service to provide greater access to financial services.

Change can be difficult,
but it *can* happen.

We see this in the
California state legislature
and in our work in cities
and counties throughout
Northern California.

ACLU advocates, activists,
and community partners
persist, and we are making
progress.

PROGRESS IN THE SOUTH

The ACLU is also making a major investment in the ACLU state affiliates in 11 Southern states through the ACLU Southern Collective initiative. The Southern states have the largest population of African Americans, and often face the worst civil rights violations. As we have seen in Georgia, change in the South is essential to progress and freedom for the whole country. Your support of the ACLU as a Northern California resident extends to support this important initiative.

PROTECTING VOTING RIGHTS ACROSS THE NATION

We are redoubling our efforts to protect voting rights nationwide. Voting is about equal access to power and representation, and all other liberties follow from that. This has been a priority of the ACLU for decades, and is even more critical now in the face of Trump's Big Lie and the ensuring efforts to use the false flag of alleged voter fraud to restrict access.



PHOTO BY BETHANIE HINES

ACLU of Northern California
Executive Director Abdi Soltani

The ACLU is fighting these voter restrictions in state legislatures, and where needed, like in Georgia, we are going to court. And we are expanding access to voting through a range of strategies.

OVERCOMING CALIFORNIA'S PAST

Finally, let me come back to California. California became a state in 1850, and that fact is critical to understand the state's story. At the ACLU of Northern California, our project Gold Chains: The Hidden History of Slavery in California tells the untold story of slavery of both African-Americans and Native Americans in our state at the time of its founding—and the legacy of continuing discrimination that followed.

This in turn has implications for current public policy, including the Reparations Task Force, established through state law championed by then-Assembly member Shirley Weber to examine reparations; and the Truth and Reconciliation Commission, established by Executive Order by Governor Newsom, to examine steps to ensure justice for Native Americans in California. To learn more visit: www.goldchainsCA.org

As always, we are grateful to you for your support and partnership. Thank you for all you do. Stay vigilant. And stay engaged.

Abdi Soltani, Executive Director
ACLU of Northern California

THANK YOU FOR GENEROUSLY SUPPORTING THE ACLU AND FOR TAKING ACTION.