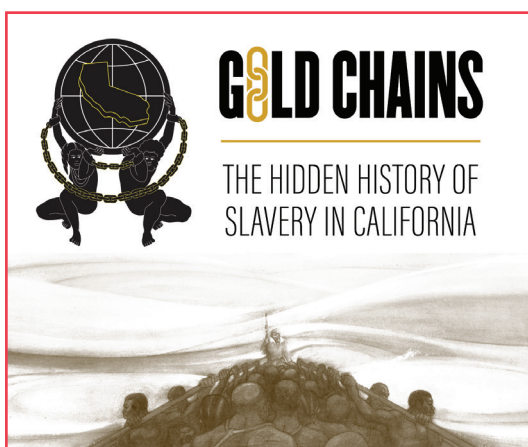


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ACLU REPORT DOCUMENTS CALIFORNIA'S SHAMEFUL WAR ON UNHOUSED PEOPLE

There are more than 160,000 unhoused people in California. According to a report released last year by the U.S. Department of Housing and Urban Development, the vast majority had no shelter. That means they were living on sidewalks, or in encampments, vehicles, or abandoned buildings.

The plight of unhoused people has reached horrific proportions. Yet rather than making the needed investments in housing, drug treatment and other services to help people get off the street, local officials have used inhumane tactics in an effort to drive unhoused people out of town and out of sight.

In October, the ACLU Foundations of Northern California, Southern California, and San Diego & Imperial Counties, released a comprehensive report, "Outside the Law: The Legal War Against Unhoused people."

As the title implies, it documents the myriad ways that local communities discriminate against unhoused people, ignoring their right to equal treatment under the law. The report found that local governments exploit legal loopholes and share their dirty tactics with each other, emboldening

increasing numbers of cities to target their unsheltered populations. These rogue tactics include charging stiff fines, which an unhoused person can't afford to pay, for something as innocuous as sitting in a public park for a few minutes. Officials forcibly banish people who live outdoors to remote areas, including the desert, far from critical resources like food, water, and health care. Police harass and jail people for the "crime" of being unhoused.

CONTINUED ON PAGE 7

NEW YEAR, NEW MAPS, NEW BATTLES: THE ACLU'S REDISTRICTING ADVOCACY LANDSCAPE

Since late 2021, states and localities across the nation have been engaged in the redistricting process, scrambling to propose and approve new voting district lines based on population data from the 2020 Census—ostensibly to ensure that those new voting districts remain in line with constitutional law. The Constitution says that voting districts must be approximately equal in population, so that all people within a voting

district are represented equally in the political process.

But in this redistricting cycle, the concept of "equal representation" has been burdened with the living history of voter discrimination. For the first time in more than 50 years, states with a deep history of racial discrimination in voting (Georgia, South Carolina, Alabama, to name just a few) do not have to undergo advance federal oversight

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

ACLU CALIFORNIA ACTION KICKS OFF 2022 LEGISLATIVE SESSION WITH BOLD AGENDA

BY CARLOS MARQUEZ III

2022 is gearing up to be a transformational year in California politics, both electorally and on the policy front. Reporters and pundits have dubbed the wave of attrition among members of both parties in the California State Legislature “The Great Resignation.” Several legislators eligible to run for reelection have declined to seek another term, while others have resigned early in pursuit of higher office or other endeavors, have termed out, or have been redistricted out of office. Up to a third of the Legislature may turn-over in one year; a political shake-up the likes of which we have not seen in half a decade.

AN OPPORTUNITY TO EDUCATE VOTERS

We have a tremendous opportunity to educate voters about where candidates stand on key ACLU issues this year and in turn, help shape legislative discourse for the next decade. However, that opportunity is unfolding against a backdrop of equally tremendous challenges—the resurgence of 90’s era crime-wave rhetoric, an unprecedented threat to reproductive rights nationally, the U.S. Supreme Court backsliding on federal protection of voting rights, and a derelict response from our leaders to humanely address the scourge of homelessness—to name a few.

Amid the political reshuffling, ACLU California Action, along with our ACLU affiliate colleagues and coalition partners, is pursuing a bold policy agenda designed to meet the moment. Active sponsored legislation carried over from last year fall within our policy agenda in 2022, including repealing loitering laws that have enabled discriminatory policing of communities of color, including trans women of color; allowing for racially biased convictions and sentences to be overturned retroactively; reducing state and local cooperation with immigration enforcement; and eliminating mandatory notification of certain

student-involved incidents to law enforcement agencies by school districts. Complementary to our efforts to repeal discriminatory loitering laws, we are also advocating to improve access to services, including housing, for people involved in or leaving sex work.

CRIMINAL JUSTICE PRIORITIES

Among our top Criminal Justice team priorities, we are pursuing a data collection program intended to uncover prosecutorial misconduct, advocating to divert dollars intended to support at-risk youth and youth in probation away from the juvenile justice system and into trusted and responsive community-based organizations, and advocating for additional measures to support the de-carceration of people with mental disabilities. In coordination with our colleagues on the statewide Police Practices team, we are also pushing to limit the extraordinary powers vested in County Sheriffs by eliminating coroner duties from their purview.

RACIAL & ECONOMIC JUSTICE PRIORITIES


Further, in consultation with our affiliate colleagues who make up the Racial & Economic Justice team, we are advocating to reduce criminal administrative fees, civil assessments, and restitution fines imposed by counties and the courts, respectively, on people involved in the criminal justice system. Such fees and assessments are documented to disproportionately impact Black, Brown, and low-income individuals. And we’re advocating to eliminate racially offensive place names like Squaw Valley. With support from our colleagues on the Technology & Civil Liberties Team, we are pushing to reauthorize an existing prohibition against the use of facial recognition technology with police cameras.

GENDER, SEXUALITY & REPRODUCTIVE JUSTICE

Finally, California is emerging as a “haven state” and policy leader on issues of grave national consequence. Together with our colleagues on the Gender, Sexuality & Reproductive Justice team, we are co-sponsoring a bill to clarify that pregnant people and those who assist them in realizing their reproductive rights are not to be held criminally or civilly liable for their actual, potential, or alleged pregnancy outcome, examples of which we’ve seen attempted in Kings County.

VOTING RIGHTS

Unfettered access to voting is also among our policy priorities this year. In consultation with our colleagues on the Voting Rights team, we plan to strengthen oversight and reporting requirements by counties and the state regarding the revocation and restoration of voting rights for people with disabilities who are under conservatorship. Further, when registered voters are removed from the voter rolls due to mental incompetency, prison commitment or because their registration hasn’t been updated since being filed inactive, these voters are not notified of these cancellations. We are pursuing legislation to require county election officials to notify impacted voters prior to canceling their registration.

2022 is a consequential year for the ACLU in California and nationally. If we are to be successful at enacting the transformative policy and funding solutions we’re proposing in the Legislature this year, we will need your voice and support. To learn more about ACLU California Action and how you can get involved, visit aclucalaction.org today. 

Carlos Marquez III is the executive director of ACLU California Action.

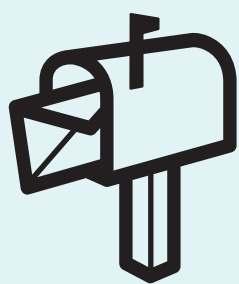
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DONOR SPOTLIGHT: TOM CHAVEZ AND ROSALYN CHEN

SUPPORTERS TOM CHAVEZ AND ROSALYN CHEN RECENTLY SHARED THEIR THOUGHTS ABOUT THE ACLU WITH SHERNAZ BOGA AND RUTH HERRING, MEMBERS OF OUR DEVELOPMENT TEAM.

HOW DID YOU GAIN AWARENESS OF SOCIAL JUSTICE ISSUES AND WHY WAS IT IMPORTANT TO GET INVOLVED?

Rosalyn: Being a minority woman and an immigrant, it is built into my experiences that there are social injustices in the world. I came to the U.S. when I was 11. My grandmother, at age 60, came from Taiwan, where she was a head nurse. She couldn't get a job in health care and ended up working in a garment sweatshop in San Francisco. It's through experiences like these that I became aware that there needs to be advocacy for people who have no voice.

Tom: We are immigrant stock, and that contextualizes a lot of our shared experience around what it means to live in a free, fair, and just society. Access to opportunity of the kind this country afforded our families is very personal, and very meaningful for both of us. My grandfather was an undocumented immigrant from Mexico who came to the U.S. a long time ago looking for something better. What fuels our concern for social justice is our interest in equality of opportunity and the preservation of opportunities for all members of our society to have a fair shot at the American dream.

Rosalyn: My family left China when it became Communist in 1949, so our history was to pursue freedom and democracy. The U.S. is where we've experienced the greatest opportunity and freedom. As immigrants, we are acutely aware of what a special place this is and what it means to preserve and enjoy freedom.

Tom: Particularly on the heels of the last administration, we support the ACLU's commitment to fending off authoritarianism. We both know that a free, fair society is something you cannot take for granted. You've got to cultivate it and preserve it every day.

WHAT INSPIRES YOU ABOUT THE ACLU?

Rosalyn: I've always admired the ACLU's work from afar—beginning with the fight against the Japanese internment. During the Trump administration it became clear to me that the values that I had assumed were an integral part of this society were threatened. When I moved here in the 1980s, the narrative was, 'America is a melting pot and people from different cultures can come here and we will melt into something



What fuels our concern for social justice is our interest in equality of opportunity and the preservation of opportunities for all members of our society to have a fair shot at the American dream.

beautiful.' That narrative was very comforting to me. Then, during the Trump administration, we were so far from that, and I became extraordinarily concerned. The ACLU was a very powerful force in getting us back where we need to be.

Tom: Seventy million voters in our country voted for authoritarian rule, so it's not a distant idea, it's real. I'm reminded of an ACLU meeting in 2017 in a San Francisco hotel on the heels of Trump's election. The ACLU knew what was about to unfold, called it early, and understood the implications. I remember Abdi Soltani onstage with a very simple message: 'We'll see you in court.' I loved that. We have always admired the ACLU's plainspoken approach to tackling hard issues.

Rosalyn: I'm reminded of the documentary about Ruth Bader Ginsburg and how she changed the world with legal reform. That's the ACLU's strategy and I admire that approach because it

has proven to work in the long run. I'm glad to see the ACLU fighting voter suppression and gerrymandering, work which we have supported. This relates to the fair shot principle—everyone's vote should count, and we should not gerrymander away a person's voice in the political system.

HOW HAS YOUR PHILANTHROPY EVOLVED OVER THE PAST SEVERAL YEARS WITH ALL THE UPHEAVAL IN OUR COUNTRY—TRUMP, COVID, RACIAL RECKONING AND SO MUCH MORE?


Rosalyn: We started the family foundation in November 2016, when Trump set the house on fire.

We needed to put first things first, so we funded legal services for immigrants. When Biden was elected, we began to explore how we want to pivot our philanthropy.

Tom: We're thinking about civil discourse and how we start to address the root conditions that have led to our country's extreme polarization. We can keep treating the symptoms, but there's something more deeply rooted and pernicious afoot that we need to attend to. The annihilation of civil discourse needs to become a top priority for all of us. We're thinking about how our foundation can lean into that in a way that's consistent with our commitment to the fair shot principle.

WHAT GIVES YOU HOPE THESE DAYS?

Tom: I build companies, and optimism is essential. When you look at the long arc of American history, we've been in much darker places than this. There are autocratic tendencies, and we must attend to those, but in the long arc of things, this country works it out, and I'm optimistic that will continue.

Rosalyn: I think a lot of people may be like me — they took some things for granted, including that open racism is not tolerated in this country. All these things that we've taken for granted for many years are challenged, and that has awakened a lot of people to this new reality. While it's an ugly reality, it has also spurred activism. I went to a training to be an observer for immigration raids. Organizers thought 30 people would come, and 300 people showed up. I feel optimistic that people have woken up, are energized, and want to do something. 

GROUNDBREAKING SETTLEMENT YIELDS PROTECTIONS FOR IMMIGRANTS DETAINED BY ICE

BY CARMEN KING

During the terrifying early days of the Covid-19 pandemic, as communities and institutions worldwide adopted strict social distancing protocols to stop the spread of Covid-19, ICE and its contractor GEO put hundreds of lives in Northern California detention centers at risk by packing people into filthy, crowded cells.

Courageously, people detained at the Mesa Verde Detention Facility and the Yuba County Jail fought back, and in April of 2020, they sued ICE for exposing them to unreasonable risk of infection and death from COVID-19. Represented by the ACLU Foundation of Northern California and co-counsel, plaintiffs described in detail how overly crowded facilities made social distancing impossible and how staff at detention centers routinely denied them basic necessities needed to maintain proper hygiene and sanitation.

Days after the case *Zepeda Rivas* was filed, in recognition of the grave danger posed to those detained at these facilities, the court issued an order initiating a bail process under which hundreds of people in detention were released.

In December 2020, the court issued another order requiring ICE and GEO to adhere to rigorous social distancing, quarantine, intake, and testing protocols to protect those detained as well as staff, their families, and the greater community.


In issuing these orders, the court found that the defendants' conduct was "appalling" and their performance "abominable," particularly because

ICE and GEO knowingly left people with COVID symptoms in a crowded dormitory and were not forthcoming with the court.

Because of our lawsuit and organizing, the number of people in custody at Mesa Verde and Yuba County Jail dropped dramatically, from 462 to 50.

On January 27, 2022, a groundbreaking settlement was filed in federal court. If approved by a federal judge at an upcoming hearing, the settlement agreement would stop ICE from re-detaining the approximately 250 immigrants released from custody as a result of the lawsuit. The agreement also provides three years of health

and safety protections for those who remain in custody. This includes a temporary population cap and ongoing population limits to allow for social distancing inside detention centers; testing and vaccination mandates for staff and people in custody; releasing vulnerable people; and compliance with CDC guidelines.

The fight is far from over. But this victory takes us one step closer to ending the inhumane practice of immigration detention. 

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

REMEMBERING DUNG DANG

BY SEAN RIORDAN

A highlight of the *Zepeda Rivas* case, which challenges ICE's unsafe immigration detention practices during the COVID pandemic, has been working with the class representative plaintiffs. Their voices and demands for justice have served as the moral compass guiding years of hard-fought litigation and difficult settlement negotiations. The news in October 2021 that Dung Dang, one of the plaintiffs, had unexpectedly died struck a heavy blow to the *Zepeda Rivas* litigation team. As the attorney on the case who worked most closely with Mr. Dang, I wanted to remember him and his role fighting to keep people locked up by ICE safe from COVID.

As is true for many immigrants, American foreign policy shaped Mr. Dang's life. Mr. Dang's biological father was a U.S. soldier in the Vietnam War and his mother abandoned him. His Amerasian status resulted in childhood abuse and poverty. A Vietnamese family eventually adopted him, and he became a lawful permanent resident when they immigrated to the United States. To cope with the depression stemming from his childhood trauma, Mr. Dang misused alcohol. Despite working consistently in landscaping and gardening, his drinking resulted in several arrests and convictions. After a probation violation




several years ago, ICE sought to deport him, locking him up at an immigration detention center in Bakersfield.

When COVID hit, Mr. Dang volunteered to be a class representative in the *Zepeda Rivas* lawsuit that we and our partners filed in federal court in San Francisco. Mr. Dang and his immigration attorney prepared a powerful

declaration describing ICE's failure to take basic safety measures at the detention center. Mr. Dang's declaration helped secure a pathbreaking bail process under which the federal court ultimately released hundreds of class members in order to relieve congestion in certain detention facilities and to protect vulnerable people from the danger of being infected with COVID. The court ordered Mr. Dang – who suffered from latent tuberculosis and was thus at great risk from COVID – released under this process in June 2020.

After release, Mr. Dang returned to his family in San Jose, where he continued to pursue sobriety through alcohol abuse classes and to work in landscaping. He also became an active participant in team discussions about the settlement negotiation process, often making lively interjections about issues of concern. We were thus shocked and saddened to learn of his untimely passing.

It is because of Mr. Dang and the other class representative plaintiffs that we have been able to achieve so much through the *Zepeda Rivas* case, including the negotiation of a protective settlement agreement. We will miss him. 

Sean Riordan is a senior staff attorney at the ACLU of Northern California.

MORE LEGAL AND POLICY UPDATES

USE YOUR VOTE TO ADVANCE CRIMINAL JUSTICE REFORM IN YOUR COMMUNITY!

BY CARMEN KING



In June of 2022, California voters will have a powerful opportunity to advance criminal justice reform in local communities. This year, 56 counties in California will hold regular District Attorney (DA) elections.

And there is an added dynamic this year, with one confirmed DA recall (SF) and one potential (LA) with the two counties which hold regular DA elections in other years. *See page 8 for details.*

Why does this matter? DAs are elected officials with tremendous power. Their decisions can drive mass incarceration or curb it by prioritizing rehabilitation and prevention programs instead of locking people up as a one-size-fits-all solution to crime.

The DA, not the police, decides if criminal charges are filed. They determine who goes to jail and who gets a second chance. Take youth, for example. All young people make mistakes; your DA chooses whether to punish young people through incarceration or choose a different route aimed at keeping youth in their communities.

There are very few areas of the criminal justice system that DAs don't affect. Take addiction or mental illness. DAs choose to imprison people with mental illness and substance use disorders or prioritize more effective alternatives like treatment and community-based mental health programs.

What about immigration? The actions of your DA can trigger deportation proceedings and tear families apart, or they can use their discretion in a way that keeps families together.

DAs are public servants; they work for you. But you might be surprised at how often DAs work against the criminal justice reforms the people in their communities overwhelmingly support. Don't let this happen; find out who the DA is in your county and see where they stand on criminal justice reform.

Learn more about the DA race in your community: <https://vote4da.org>

MARIN'S IMMIGRANT SURVEILLANCE NETWORK

BY BRADY HIRSCH

In 2019, the ACLU Foundation of Northern California blew the whistle on how Immigrations and Customs Enforcement (ICE) uses license plate information to aid in its deportation efforts. The investigation revealed that ICE accesses private databases containing billions of vehicle records—often shared by local police departments—to identify, detain, and deport immigrants.

SB 54, California's sanctuary law, forbids local law enforcement from colluding with federal deportation agencies. Likewise, SB 34 limits how government agencies can share license plate information.

Despite these laws, the ACLU caught numerous California police and sheriff departments making vehicle information accessible to ICE.

In response, ACLU NorCal and co-counsel sued one of the offenders, Marin County Sheriff Robert Doyle. For years, Sheriff Doyle illegally shared hundreds of thousands of license plates and location data with hundreds of federal and out-of-state agencies, including ICE and Customs and Border Protection (CBP).

The information provided by Sheriff Doyle was collected by automated license plate readers (ALPRs), a high-powered surveillance technology mounted in locations throughout Marin county.

Using its ALPR system, the Marin County Sheriff's Office scans tens of thousands of license plates each month. That sensitive personal information, which includes photographs of the vehicle and sometimes its driver and passengers, and the exact location, date, and time that the vehicle passes by, is then stored in a database that is made accessible to outside agencies.

ALPRs create an expansive vehicle surveillance network in Marin County. Short of choosing not to drive, there is no way for a person traveling within Marin County to avoid having their location information captured by the Sheriff's ALPR surveillance system.

The implications are vast and the potential for abuse severe. At greatest risk are those traditionally targeted by the government: immigrants, people of certain ethnicities and religions, and people in poverty.

As the lawsuit moves forward, the message to other California law enforcement agencies should be clear: unlawfully sharing ALPR data will not be tolerated.

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

FACEBOOK STOPS SURVEILLING FACES

BY BRADY HIRSCH

Over a decade ago, the ACLU of Northern California saw the rising danger of face surveillance. As the technology began cropping up in corporate and government spaces, we rang the alarm loudly.


Using a multitude of strategies, the ACLU, alongside movement allies, warned that face surveillance was incompatible with a healthy democracy. The stakes, as always, were highest for the most policed communities: immigrants, the unhoused, and people of color.

Facebook was an early target of our advocacy. The company was one of the first to incorporate face surveillance as part of its product. It grew its user base in part by using the troves of profile photos uploaded by users, but refused to keep these photos private from the government or other outside parties, no matter the settings a person selected. . And even after Facebook knew that those profile photos were being scraped and used for facial recognition, it continued to refuse to allow people to make their profile photos private.

Notorious surveillance profiteers like Clearview AI also harvested Facebook's photo repository. Facebook's insistence to put profit over privacy allowed Clearview AI to scrape users' pictures without their consent. These photos were then used for Clearview AI's own facial surveillance product, which they marketed to the police and ICE.

Our advocacy against face surveillance broadened, but still Facebook remained in our sights. In recent years, we've led campaigns to demand tech companies stop selling face surveillance to the government. Thanks to the relentless work of racial justice advocates and civil rights organizations, Amazon, Microsoft, and IBM have all indefinitely suspended sales of facial recognition technology to the police. Google went even further, choosing not to release a facial surveillance product. At the same time, local government has taken bold action: nearly twenty cities across the country have banned government face surveillance.

Facebook is now the latest technology giant to backtrack against face surveillance. At the end of 2021, the company announced that it would discontinue its facial recognition product and delete the face prints of over a billion users.

Facebook's decision is yet another sign that we've achieved a sea change. Society has woken up and the same companies who pioneered face surveillance have been forced to contend with its disastrous implications. 

THE ACLU’S REDISTRICTING ADVOCACY LANDSCAPE CONTINUED FROM PAGE 1

of redrawn voting district maps, due to the Supreme Court’s gutting of the 1965 Voting Rights Act since its 2013 decision in *Shelby County v. Holder*.

Chief Justice John Roberts’ opinion in *Shelby* has perhaps never seemed as outdated and destructive as it does today: “Things have changed in the South,” he wrote, arguing that certain legal protections for voters of color are no longer necessary.

In the final weeks of 2021, ACLU lawyers filed multiple lawsuits in four Southern states—Georgia, Arkansas, South Carolina, and Alabama—to challenge their newly drawn, racially gerrymandered maps (i.e., maps with illegally manipulated voting district lines that dilute the vote of racial groups). The ACLU has charged that the new maps deny Black residents an equal opportunity to participate in the political process and elect their candidates of choice, in violation of the Voting Rights Act.

But on Feb. 8, in our Alabama case (*Merrill v. Milligan*), the Supreme Court struck another blow to the 1965 law that, in the words of Justice Elena Kagan, “this Court once knew to buttress all of American democracy.” In a 5-4 decision, the Court revoked a district court’s decision to throw out the state’s blatantly racially gerrymandered map, in which Black voters hold just one of seven congressional districts (14%), despite making up 27% of Alabama’s electorate.

In other words, the Supreme Court, which gutted the Voting Rights Act in 2013, has now put its seal of approval on racial gerrymandering. The path to justice for Black Alabamians—and all voters of color seeking to uphold their right to vote—is uncertain.

Racial-gerrymandering litigation has been vital in the effort to uphold the protections envisioned for voters of color under the Voting Rights Act because it is, in essence, the only enforcement tool left. Prior to the 2013 *Shelby* ruling, the federal government could prevent the enactment of a discriminatory map in certain jurisdictions. The ACLU’s litigation, in coalition with community partners, has sought to fill the oversight void. Now, the ruling under *Merrill* shows just how delicate those protections have become.

Early this year, the ACLU received another striking result in its voting rights litigation: this time in the state of Ohio, and this time with promising results. That case, *League of Women Voters of Ohio v. Ohio Redistricting Commission*, filed last November, concerns partisan gerrymandering: it alleges that voting district lines were drawn to blatantly favor one party over another, expressly disregarding the preferences of Ohio voters. (Read: they gave an extreme and unfair advantage to the Republican Party.)

On Jan. 14, 2021, in a 4-3 decision, the Ohio

This redistricting cycle, the concept of “equal representation” has been burdened with the living history of voter discrimination.




significant monitoring efforts took place in Fresno County, where county supervisors pushed forward and adopted a map that fails to provide appropriate representation to voters of color, many of whom are rural farmworkers. This move drew accusations that the

mostly white Board of Supervisors adopted the final map to hold on to its own political power. As Angélica Salceda, director of the Democracy and Civic Engagement team, has noted, nearly all of Fresno County’s growth can be attributed to the growth of communities of color. Census data shows that over the last 10 years, the Latinx population in the county has increased from about 35% to about 54%. Yet the county supervisors’ adopted map weakens the political influence of those communities and preserves the status quo. It has barely been changed from the map originally drawn in 1991.

ACLU NorCal advocates and community partners are now promoting the creation of a fully independent redistricting commission for 2031, to eliminate the bias that the Board of Supervisors continues to impose on Fresno County’s redistricting process. They believe there is a better model for Fresno, as already seen in the rest of the state.

The counties of Los Angeles, San Diego, and Santa Barbara, and the cities of Sacramento and Oakland, among others, along with the State of California, all use independent redistricting commissions. This is built on the concept that letting politicians dictate their own district boundaries, as occurred in Fresno County, allows for a blatant conflict of interest.

This year, the importance of independent redistricting was reflected at the statewide level. On Dec. 20, the independent citizen panel charged with redrawing the state’s congressional and legislative districts unanimously approved new maps that have increased the political power of Latinx communities across the state, reflecting the fact that the majority of population growth in California has taken place in those communities. Nearly one-third of the state’s 52 new congressional districts will have a majority of Latinx voters—an increase of three districts, even as California lost a seat for the first time in its history due to slow population growth overall.

The key to our continuing advocacy work will be to ensure that the collective political power of communities of color remains untainted by political or racial bias, because the redistricting decisions that our leaders make now will affect people for the next decade. They will also determine the health of our democracy. 

Sarah Hopins is a communications strategist at the ACLU of Northern California

Supreme Court ruled that the state’s redrawn U.S. congressional map had, in fact, been gerrymandered along partisan lines, and struck it down. The Court ordered the Republican-controlled Ohio General Assembly to draw a new map that complies with the Ohio Constitution. The significance of this litigation also lies in our historical moment: this redistricting cycle is the first in which the U.S. Supreme Court has refused to review partisan gerrymandering cases in federal court, meaning that this state-level victory has helped to determine the future of the Ohio electoral map (at least for the next 10 years).

While ACLU headquarters partnered with ACLU affiliates in the South and Midwest, ACLU NorCal took on monitoring redistricting in California. Because our state legislative and Congressional districts are drawn by an independent statewide commission with significant public and stakeholder attention, we decided to focus on local redistricting.

Local representation greatly impacts the day-to-day lives of everyday people, in that it determines a community’s influence over county, city, and school board districts. And the Voting Rights Act, pre-*Shelby*, served as a potent safeguard against many racially discriminatory actions in local redistricting as well. Now, it’s up to local advocates and community members to enforce it through their own monitoring of redistricting efforts.

Census data shows that over the last 10 years, the Latinx population in Fresno county has increased from about 35% to about 54%. Yet the county supervisors’ proposed map weakens the political influence of those communities and preserves the status quo.

Since last fall, attorneys from ACLU NorCal’s Democracy and Civic Engagement team have sent advocacy letters to several local jurisdictions documenting potential legal violations, identified through public monitoring, and outlining best practices in redistricting. One of the most

NEW GOLD CHAINS PODCAST EPISODE SPOTLIGHTS CALIFORNIA'S RACIST TESTIMONY LAWS

BY TAMMERLIN DRUMMOND

Many history books that educators use to teach about slavery, tell us that California came into the Union as a free state as part of the Compromise of 1850. What they don't say, is that in that very same year, California passed a series of laws that stripped people of color, including African Americans of their civil rights.

This little-known history is the subject of our latest **Gold Chains** podcast, "Black Testimony Matters," which launched Feb. 24. It follows our pilot "California Fugitive Slave Law," which examined a law that allowed white slaveholders to recapture formerly enslaved African Americans in a supposed free state. **Gold Chains**, the podcast, is a continuation of our public education project, **Gold Chains: The Hidden History of Slavery in California**, which we launched in 2019.

Our newest podcast episode examines the 1850 law called, "An Act Concerning Crimes and Punishment." (You can listen at www.goldchainsca.org/podcast.) That law prevented any "black, mulatto or Indian person" from giving evidence in a case involving a white defendant. (It was later expanded to include people of Chinese descent.) As a result, people of color could not protect themselves or their property.

Dana Weiner, a professor at Wilfrid Laurier University, a guest on the episode, says California and other states passed so-called "Black Laws" to establish



the western United States as a place where only white people could settle. "The legislature even tried to block African American migration to California five times between 1849 and 1858," she said.


"Black Testimony Matters" tells the story of George Gordon, a barber in San Francisco, who moved there in the early 1850s from New York in search of better opportunities. Because he was Black, the law blocked him from testifying in court, voting, or sending his child to public school.

Gordon joined the Colored Conventions Movement, a group of African American businessmen, ministers, journalists, and gold miners, fighting to repeal the testimony laws and secure full citizenship rights. But their demands didn't get far. Even in California, southern white

men from slaveholding states had a stranglehold on just about every branch of government.

In 1861, a white man named Robert Schell shot George Gordon to death in his barbershop. One eyewitness who identified as white, offered to testify. But the defense attorney insisted the witness was lying, and was Black. That meant he couldn't legally testify. The judge ordered southern "racial scientists" to examine the witness. They determined from the texture of his hair, that he was in fact Black. The judge refused to allow his testimony. And since there were no white eyewitnesses to the actual shooting, the killer got a lenient sentence, serving a mere two years. This mockery of justice created such widespread outrage it helped lead to the repeal of the testimony laws in 1863. In the end, George Gordon helped bring about change, even though he wasn't alive to see it.

We invite you to listen to the podcast at www.goldchainsca.org/podcast and explore more stories about California's hidden history of slavery at www.goldchainsca.org.

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

Tammerlin Drummond is a communications strategist at the ACLU of Northern California

ACLU REPORT DOCUMENTS CA'S SHAMEFUL WAR ON UNHOUSED PEOPLE CONTINUED FROM PAGE 1

The report further outlines how municipalities withhold public restroom facilities from unhoused people who rely on them, and then arrest them for urinating in public.

In their drive to remove unhoused people from their city limits, the report found that officials also harass, sue, and try to shut down places that provide refuge for unhoused people. They interfere with activists trying to provide humanitarian aid, such as food, water, trash removal, blankets, and clothing.

The report calls out Chico, Laguna Beach, Lancaster, Los Angeles, Santa Ana, San Diego and Santa Cruz, among other cities across the state.

It provides several case studies, including an attack on unhoused people in Mountain View. The city's unhoused population increased by almost 200 percent from 2013 to 2018. There are well over 200 inhabited RVs parked on city streets. Most of the people who live in these vehicles have no other shelter and many have disabilities. Several dozen are families with children enrolled in the Mountain Unified School District. There is almost no indoor shelter space available and extremely limited "safe parking" for RVs on privately owned lots.

Yet in late 2019, the city council passed two ordinances that effectively banned RV parking almost anywhere in Mountain View. As a result, in July of 2021, the ACLU of Northern



Homelessness is a byproduct of racism in America. As a result, people who identify as Black or African American are disproportionately impacted by houselessness; they account for about 6.5% of Californians but 30% of the state's unhoused population.


California and other legal organizations sued the city for violating the constitutional rights of unhoused people. The city has hit pause on enforcing the ban, while the parties work toward a settlement agreement.

When the city of Pacifica followed suit, we sued them as well. Most recently, in January 2022, the ACLU of Northern California joined Disability Rights Advocates in filing an appeal opposing the passage of an ordinance similar to one that the city of Santa Cruz passed. As we said in our appeal, the ordinance hits hardest on people of color, disabled individuals, and those who are low-income.

Government at all levels must do their part to end these kinds of discriminatory policies and practices that are proliferating across California. Yet as discrimination against unhoused people has intensified at the community level, most state-level leaders have remained on the sidelines at best. At worst, many have proposed discriminatory policy ideas of their own.

Our report calls on California lawmakers to:

- ◆ Amend the state's anti-discrimination laws to protect people from discrimination on the basis of their housing status;
- ◆ Stop enforcing state laws that criminalize people for being unhoused and lacking access to basic services like restrooms;
- ◆ Invest in subsidized, permanent affordable housing and social services.

It's time for California communities to stop waging war on the most vulnerable among us and join together to find substantive solutions to the housing displacement crisis that impacts all of us. 

OUR VISION TO ACHIEVE TRUE PUBLIC SAFETY

For decades, local, state, and federal public officials from both political parties and powerful interest groups engineered the system of mass incarceration. They did this in part by constructing a narrative of fear fueled by racism through which they passed laws, spent billions of dollars, and separated millions of families. It was a disaster of epic proportions that unfolded in slow motion and for which we are still paying the price today.

The movement to end and repair the damage of mass incarceration has made some gains, but that progress is now at risk. As we pass the second-year anniversary of a global pandemic that has taken almost one million lives in our country, the collateral damage is everywhere.

In the early months of the pandemic, the murder of George Floyd by Minneapolis police sparked an intergenerational mass movement that poured into the streets demanding justice. After decades of witnessing and enduring police brutality disproportionately against Black people, a collective demand rose: to reimagine the role of police in society, while investing in supportive, community-based solutions for public safety independent of the criminal legal system.

In the face of rising poverty and despair caused by the pandemic, we are witnessing a backlash from the forces in power—especially police unions—to reverse recent gains and return us to policies of criminalization, surveillance, and incarceration.

In San Francisco, public officials have been backsliding into old, harmful reactions to rising anxiety about crime. Mayor London Breed, during a press conference in December, displayed a shift in messaging from her statements during the summer protests of 2020, pledging to “be more aggressive with law enforcement, more aggressive with the changes in our policies” in response to distressing conditions in the Tenderloin district.

The ACLU and the ACLU of Northern California have unequivocally opposed several of Mayor Breed’s and the San Francisco Police Department’s recent policy proposals that fail to address systemic problems, and instead risk undermining the rights and safety of the people of San Francisco.

We will continue to fight any future attempts to gut the San Francisco surveillance ordinance that ensures proper public oversight over police use of powerful surveillance technology. We oppose unconstitutional efforts to curtail people’s freedom of movement, as we’ve done in a case in the Tenderloin where the city government is using civil injunctions to exclude persons from entering the neighborhood, rather than targeting actual illegal conduct.

And we strongly oppose the SFPD’s attempt to unilaterally terminate a memorandum of understanding that makes the district attorney’s office the independent and primary investigator of police use of force. The police chief announced the termination of this legal agreement on the



eve of the first jury trial of an officer on charges of excessive use of force, after decades of the San Francisco Police Officers Association resisting every reform and every effort by the SFPD itself to hold its officers to account.

Let us be clear: there are real impacts of crime, and too often it is the most vulnerable among us who suffer. Our neighbors deserve to be safe. But reverting to the tools of incarceration and over policing, and failing to build adequate community-based care strategies and strong, sufficient interventions will not bring these communities the systems of safety they deserve. We must protect the recent gains made in police accountability and reducing incarceration, while we also pursue the transformative change that communities demand.

Abdi Soltani

Executive Director
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Yasmin Cader

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THE ACLU OF NORTHERN CALIFORNIA URGES SAN FRANCISCANS TO VOTE NO ON THE DA RECALL ON JUNE 7

San Francisco District Attorney Chesa Boudin faces recall in the June 7 election, just over two years after he took office on a pledge to reduce incarceration and hold police accountable for use of force.

The ACLU of Northern California strongly opposes the recall and supports public safety solutions that are consistent with our values. The San Francisco police union and its wealthy allies are exploiting our fears and the social disruption caused by the pandemic to derail criminal justice reform.

The ACLU of Northern California does not take positions for or against candidates for office, but when a recall is about the civil liberties record of an elected official, we can speak out. And we do so now, for the first time in a local recall.

We urge San Franciscans to vote no on the recall.

Elected in November 2019, Boudin is one of several progressive prosecutors in major cities across the country who have rejected racially discriminatory, failed tough-on-crime policies in favor of initiatives that address the root causes of violence, such as restricting access to untraceable ghost guns and other firearms.

Boudin has implemented public safety policies the ACLU supports that hold people accountable and reduce youth and adult incarceration. He ended cash bail, expanded

diversion programs, eliminated racist gang sentence enhancements, cut the county jail population, and pledged never to charge children as adults.

Under Boudin’s leadership, the district attorney’s office has prosecuted domestic violence and sexual assault cases vigorously, and he initiated a program to provide housing and transportation for survivors.

Despite fierce opposition from the powerful San Francisco police union, Boudin has upheld his campaign promise to put violent, abusive police officers on trial when they break the law. He filed the first-ever homicide charges against an on-duty SFPD officer, prosecuted a police officer who beat an unarmed Black man with a baton, and refiled felony charges against Alameda County Sheriff’s Deputies who viciously assaulted an unarmed man in San Francisco. Boudin also initiated a program to compensate victims of police brutality.

The backlash from the police union and its allies was swift. A small group of wealthy donors bankrolled the signature gathering drive to place the recall on the June ballot and funded ads that distort Boudin’s record and accuse him of failing to make the city safe. **In the midst of the pandemic, recall supporters are stoking and exploiting San Francisco residents’ fears about crime to undermine reform.**

Undeterred, Boudin continues to root out misconduct in the San Francisco Police Department. Most recently, he exposed SFPD’s disturbing history of using DNA from rape kits to identify survivors as suspects in unrelated criminal cases, a practice advocates said could further discourage people from reporting sexual assault. Facing widespread outrage and condemnation from the legal community, the police department quickly dropped the practice.

Crime is a complex societal problem that requires sustained solutions. We know from experience that criminalizing poverty and addiction, surveilling neighborhoods, and filling the jails will not make San Francisco any safer. **Instead, city leaders should invest more in housing, substance use treatment, mental health counseling, job training, youth violence prevention, and other community-based services.**

San Francisco voters face a critical choice in June. Will they continue to support criminal justice reform or risk returning to the racist policies that led to mass incarceration of Black and Brown people? That is the existential question San Francisco voters must confront.

The ACLU of Northern California urges San Franciscans to Vote No on the DA Recall on June 7. To learn more visit www.aclunc.org/norecall.