





ACLU OF NORTHERN CALIFORNIA 2020 ANNUAL REPORT

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ACLU
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
Northern
California

ACLU
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Northern
California

PROJECT MANAGER: Ruth Herring
WRITER: Stan Yogi
COVER ART: James Shields
(read more about his artwork on the
inside of the back cover)
DESIGNER: Gigi Harney
PROOFREADER: Carmen King
PRINTER: Sequoyah Graphics

This annual report reflects the work of the ACLU Foundation of Northern California, a 501(c)(3), and the ACLU of Northern California, a 501(c)(4).

MOVING FORWARD

The ACLU is committed to the long-term and strategic work necessary to create an America where the values of equality and freedom are truly enjoyed by all. Because we've faced so many complex challenges in the past 18 months, we're especially thankful for your partnership now. This Annual Report outlines how the confluence of the COVID-19 pandemic, the final year of the Trump presidency, and the major issues of systemic inequality posed unprecedented threats to the rights of people.

Immigrants: You'll read on page 25 about our litigation to free hundreds of immigrants from U.S. Immigration and Customs Enforcement (ICE) custody. Overcrowded and unsanitary detention centers, always a place of concern for the ACLU, became deadly during the pandemic.

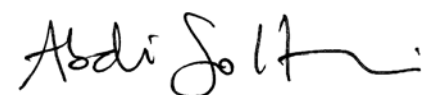
Voters: The ACLU worked relentlessly across the country in 2020 to defend voting rights, highlighted in the nationwide map (p. 6). In a major milestone, California reached its highest rate of voter registration since 1940, in part because of our long-term efforts to expand voting rights (p. 22).

Racial Justice Advocates: Officials across the country responded repressively to protestors after the killings of George Floyd and countless Black people. Read about our litigation challenging SFPD surveillance of Black Lives Matter demonstrators and our advocacy to redirect public resources from overzealous law enforcement to effective social services (p. 12).


The four years of the Trump presidency and the pandemic exposed and exacerbated deeply-rooted systemic inequities which will take years to dismantle. In addition, the perpetuation of lies about election results, which motivated the violent insurrection at the Capitol, undermines democracy and fuels voter suppression legislation across the country and especially in the South.

We now enter a new period, determined to confront these legacies, and resolute to move positive change forward. Thank you for what you do as a donor, advocate, and justice-seeker.

Thank you!



Abdi Soltani
Executive Director



Farah Brelvi
Chair of the Boards



THANK YOU TO OUR DONORS



2020 challenged us in many ways. But when the ACLU faces crises, we rise to address the challenges head-on, knowing that we have your partnership—and for that we are deeply grateful.

As you read this Annual Report, which highlights work in California, know that your gifts have made an impact across the country. The gifts from donors in Northern California are shared with the national ACLU and help drive change on every issue and in every state, and at the federal level.

We recognize that your financial contributions are but one way for you to manifest your values. The decisions you make about how you direct your time, talent, and treasure all make a difference in the work for justice. In our relationship with you, we are committed to:

- **Share the data, analyses, and rationales that underlie our work.** We are transparent about why we take on specific cases and engage in advocacy to address a range of issues, from defending immigrants' rights to fighting abuses of technology to advocating for gender equity and LGBTQ justice.
- **Provide meaningful and strategic advocacy opportunities.** Your voice in city halls, county offices, and state and federal legislatures helps to advance racial and economic justice, voting rights, reproductive justice, and progress on the other issues we address.
- **Partner with you to build stronger movements.** We strive to use the ACLU's knowledge, expertise, and relationships with allied organizations to share insights with you about the ecosystem in which we do our work and explore the ways you can maximize your impact for good.

Over the past year, racial justice advocates have emphasized that our country is battling dual pandemics of COVID-19 and systemic racism, resulting in Black, Indigenous, and people of color still not being treated as equal members of our country. We're grateful that you share our commitment to creating a nation in which "We the People" includes everyone.



Cori Stell
Director of Development

ACLU NORCAL LAND ACKNOWLEDGMENT

The ACLU of Northern California's work takes place on the occupied territory of over 100 tribes. This land has been stewarded by Indigenous people since time immemorial. **We acknowledge the critical importance of the land and water to the Indigenous peoples of California, and that the existence of tribal communities depends on secure and permanent land bases and the right of self-determination that is necessary to preserve traditional Indigenous customs and ways of life.**

We recognize the painful history upon which the state of California was created, and how these systems and structures continue to oppress and erase Indigenous peoples today. Beginning with the brutal Mission system during the Spanish colonial period, this history continued through genocide sanctioned and funded by the new state government as California entered the union.

Laws and policies sought to erase Indigenous peoples altogether. These included the malignant 1850 "Act for the Governance and Protection of Indians," termination and continued non-recognition of California tribes and tribal governments, and prohibition of traditional and cultural practices. For the past two centuries, tribal communities have been displaced from and dispossessed of their ancestral lands, sacred sites have been destroyed, and children have been forcibly removed from their families and communities through residential boarding school systems.

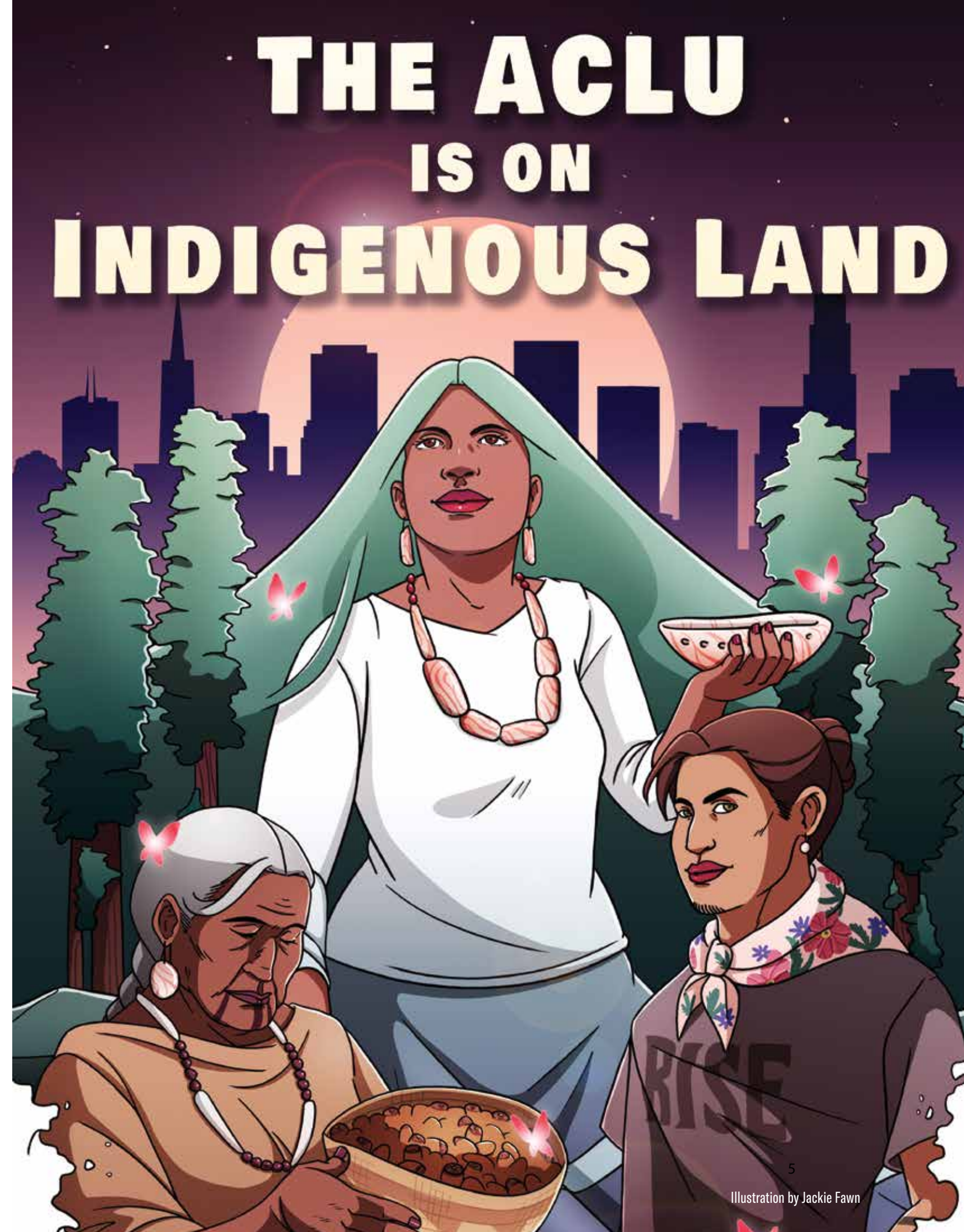
We further recognize the diverse Native American diaspora of California, including thousands who were brought here from other parts of the United States without their consent or through false promises of opportunity in an attempt to separate them from their ancestral lands and their culture and identity.

This history and current conditions compel us to take action to interrupt the legacies of colonialism and genocide and redress the continued erasure of Indigenous peoples.

The ACLU of Northern California is committed to working alongside Indigenous peoples—and following their lead—as they work to uphold their sovereignty, dignity, and identities. We support and defend the rights of all Indigenous peoples to retain their specific and unique cultural and religious traditions and practices. We strive to honor Indigenous cultures and traditions and, when possible and appropriate, integrate Indigenous worldviews and values into our approaches and strategies.

By committing ourselves to Indigenous justice, building authentic, mutual, and lasting relationships with tribes and Indigenous communities, we honor all Indigenous people who work tirelessly towards justice and healing.

We encourage members of the ACLU of Northern California community to honor the land and recognize the ancestral people of the place where we each live today.



2020

ACLU NORCAL BY THE NUMBERS



Organizing campaign to get out the vote:

320 texters, 1 million people texted in California, 5.5 million views of digital ads

21 million Californians voted in the November election,

breaking previous records, in part due to ACLU NorCal efforts in 2020 and over many previous years, to expand voting rights and remove barriers



166 advocacy letters

to local and state elected officials and agencies

74 cases and amicus briefs



Submitted 150 Public Records Act requests



Monitored 764 bills (see page 10 for details)

150,000 members

in Northern California alone



378,000 copies of the *ACLU News* distributed

More than 4,000 pages of historical newsletters digitized

to create the *ACLU News* online archives spanning 1936–2020



363,000 email and social media supporters



2020

NATIONWIDE VOTING RIGHTS LITIGATION

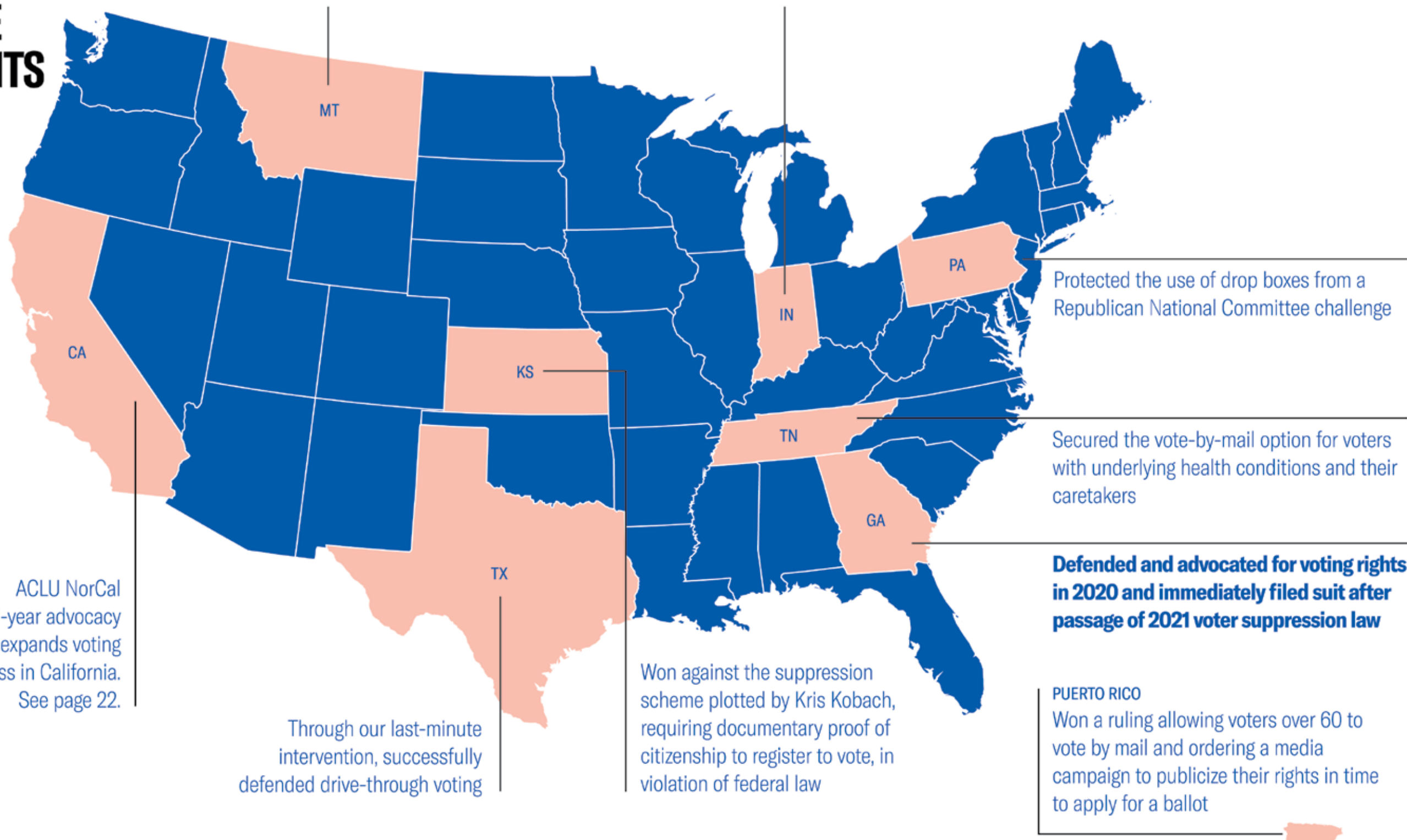
In 2020, the ACLU filed lawsuits protecting the right the vote in light of COVID and to fight voter suppression efforts. In many other states, the ACLU led advocacy to change election laws and policies without resorting to litigation. The lie of election fraud has propelled new voting restrictions, for example in Georgia.

ACLU NorCal multi-year advocacy expands voting access in California. See page 22.

Permanently struck down a state law that severely restricted the right to vote for Indigenous people living on rural reservations

Permanently blocked a voter purge law that would have allowed county officials to kick voters off the rolls without notice, based solely on third-party information

Visit **aclu.org** for more info on these victories.



2020

CALIFORNIA LEGISLATIVE SUMMARY



2,223 **BILLS INTRODUCED
IN THE CALIFORNIA
LEGISLATURE**



BILLS WE MONITORED 764



BILLS WE SUPPORTED 93



BILLS WE OPPOSED 55



WE SPONSORED 17 BILLS

8 WENT TO THE GOVERNOR

6 WERE SIGNED INTO LAW

(SEE OPPOSITE PAGE)

GOV. NEWSOM SIGNED KEY ACLU SPONSORED BILLS IN 2020

AB 901 (GIPSON): “VOLUNTARY” YOUTH PROBATION

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

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

AB 732 ensures that pregnant people who are incarcerated receive comprehensive, unbiased information about their reproductive options, get access to timely prenatal and postnatal care, and receive reasonable accommodations and support that help ensure a safe and healthy pregnancy.

AB 1864 (TING): FAMILIES OVER FEES ACT

AB 1864 ends the harmful and costly collection of 23 administrative fees imposed against people in the criminal system. By eliminating these fees, California will dramatically reduce the suffering caused by court-ordered debt and enhance the economic security and wellness of populations with system involvement.

SB 132 (WEINER): TRANSGENDER RESPECT, AGENCY, AND DIGNITY ACT

SB 132 requires the California Department of Corrections and Rehabilitation to search and house transgender, nonbinary, and intersex people in its custody based on each person’s assessment of their own health and safety, thereby decreasing their likelihood of experiencing targeting and violence. It also requires that facility staff, contractors, and volunteers use the gender pronouns and honorifics specified by incarcerated transgender people in all written and verbal communications.

ACA 6 (MCCARTY) AND AB 646 (MCCARTY): RESTORING VOTING AT THE END OF A PRISON TERM

ACA 6 placed Proposition 17 on the ballot, a state constitutional amendment that restored voting rights to Californians returning from prison and gave these community members the opportunity to re-integrate and re-engage civically in their communities. AB 646 implemented ACA 6.

ADDITIONAL PRIORITY BILL SIGNED INTO LAW

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

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

SUPPORTING BLACK LIVES

We have doubled down on our long-term commitment to advance racial justice. Our policy goals include convincing elected officials to redirect funding from police to social services, including mental health treatment and trauma-informed interventions. We are advocating to increase police accountability through policies creating more transparency and with measures that will limit the situations in which police can use deadly force. And we are actively engaged in expanding resources for low-income youth of color in public schools.

Because law enforcement officers continue to disproportionately target Black and Brown people, we created a special guide for Black and Brown people to know their rights when interacting with law enforcement officers. This publication is necessary because Black and Latinx people are more likely to be stopped, detained, handcuffed, searched, and have law enforcement officers draw guns on them. These encounters aren't just stressful; they can be deadly.

Following the demonstrations last summer in response to the police killings of Black people, cities throughout the Bay Area imposed unnecessary curfews. These blanket closures of public spaces curtailed free speech and assembly rights, prevented residents from attending to basic needs, and gave police unfettered discretion to arrest and detain, which leads to biased law enforcement. We immediately challenged the legality of these curfews. Because of our advocacy, the curfews were quickly rescinded.

Like scores of people around the world, Hope Williams hit the streets to express her outrage over the murders of George Floyd and countless other Black people by police. Little did the activist and organizer know that the San Francisco Police Department was illegally using a network of more than 400 non-government surveillance cameras to spy on her and hundreds of other protestors.

We filed a lawsuit on behalf of Hope and other activists, asking the court to order San Francisco to enforce its ordinance forbidding city agencies from using surveillance technology without prior approval from the Board of Supervisors.

We also have filed cases to decrease the number of people in jails, prisons, and immigrant detention centers, while defending the free speech rights of racial justice advocates, like Hope Williams, protesting in the streets.

We are directing and integrating all of our expertise in litigation, advocacy, organizing, and communications to ensure that "We the People" truly means all of us.

“IT IS AN AFFRONT TO OUR
MOVEMENT FOR EQUITY
AND JUSTICE THAT THE SFPD
RESPONDED BY SECRETLY SPYING
ON US. WE HAVE THE RIGHT TO
ORGANIZE, SPEAK OUT, AND
MARCH WITHOUT FEAR OF POLICE
SURVEILLANCE.”

*Hope
Williams*

PLAINTIFF IN AN ACLU LAWSUIT
CHALLENGING ILLEGAL
SURVEILLANCE OF BLACK LIVES
MATTER DEMONSTRATORS

TECHNOLOGY & CIVIL LIBERTIES

Our Technology & Civil Liberties (TCL) Program is a national leader in cutting-edge, integrated legal advocacy to ensure that technology supports, rather than undermines, civil liberties and social justice in the digital age. The ACLU's unique position as an organization with both deep expertise in technology and broad knowledge of a range of civil rights issues was critical last year. As the COVID-19 pandemic, greater digital dependence, mass social movements, and the political climate all converged in 2020, existing and new threats to rights came into stark relief.

In 2020, we tackled diverse intersectional issues, from uncovering equity and privacy problems of virtual education and exam systems, to supporting the voices of LGBTQ+ artists and Black activists online and continuing our leadership to stop dangerous and discriminatory government surveillance.

After years of advocacy, the local, state, and national coalition we helped build won watershed victories against face surveillance. ACLU is deeply concerned with government use of facial recognition for two reasons: it gives government enormous power to conduct ubiquitous surveillance of our every movement and it supercharges harm to Black and Brown communities, who are all too frequently the targets of that surveillance. Amazon, IBM, and Microsoft issued moratoria on sales of such technology to law enforcement. Influential members of Congress introduced a moratorium bill. We led a civil rights coalition's effort to stop a Microsoft-supported bill that would have greenlighted face surveillance in California.

Communities across the country built on our work to pass the first-ever ban on government facial recognition in San Francisco and enacted similar laws. We also broke new ground in other intersections of artificial intelligence and law enforcement. We partnered with Santa Cruz activists to pass the first law in the nation prohibiting the government use of predictive policing software. Such systems frequently rely on data about past crimes to "predict" future crime, perpetuating a cycle where past racial bias in the criminal justice system gets programmed into future enforcement.

As technology increasingly intersects with every aspect of our lives, the TCL Program is working to ensure that technology is powering equity and opportunity, not perpetuating systemic oppression and arming the government with more surveillance weapons to target peaceful activists, immigrants, and communities of color. ACLU Nor Cal is inspired to partner with powerful clients and activists in this work, as featured on page 12, in the profile of Hope Williams.

“WE USE CUTTING-EDGE INTEGRATED ADVOCACY AND WORK COLLABORATIVELY WITH PARTNERS ACROSS SOCIAL MOVEMENTS TO BUILD A WORLD WHERE TECHNOLOGY IS WORKING FOR A JUST AND EQUITABLE SOCIETY.”

NICOLE OZER
TECHNOLOGY & CIVIL
LIBERTIES DIRECTOR



Illustration by James Shields

CRIMINAL JUSTICE

During the 1990s and early 2000s, California voters and legislators instituted increasingly harsh criminal justice measures that swelled prison populations and magnified racial inequalities. For years, the ACLU has worked to dismantle these severe policies and create a fair criminal justice system and alternatives to incarceration. ACLU NorCal came to the critical insight that District Attorneys—through both their political power and their sentencing decisions—are the major driver of mass incarceration. Beginning in 2010, ACLU NorCal began to educate the media, voters, and stakeholders on the central role of the D.A. In successive election cycles, ACLU NorCal’s 501(c)(4) has issued questionnaires for candidates, hosted public forums, and urged candidates to champion reform. Without endorsing or opposing candidates, we have helped create the conditions for large-scale change.

We have developed and supported 11 coalitions of grassroots organizations throughout California to hold D.A.s accountable once in office. Emily Lee is Director of S.F. Rising, a coalition building the political strength of working-class people and communities of color. S.F. Rising educated voters about San Francisco’s 2019 D.A. race; Chesa Boudin was elected and became the first D.A. in California to eliminate the use of racist gang enhancements. The coalition has been working with Boudin and other leaders, specifically in Black and Asian American communities, to create a vision and policies for restorative justice in racially diverse San Francisco. The coalition is advocating for alternatives to incarceration that will build long-term trust among communities.

D.A. accountability reached the largest stage in 2020, as Los Angeles County voters focused on issues of criminal justice reform in the Los Angeles D.A. race. Los Angeles represents a third of California’s incarcerated population and people on death row. ACLU and our partners educated voters on the key issues and hosted public town halls where candidates were invited to discuss key issues.

George Gascón won the race, and immediately upon taking office, announced major policy changes: ceasing charging children as adults, curtailing death penalty prosecutions, allowing more people chances at parole or resentencing, committing to not seek any sentence enhancements, and establishing a community-based process to help determine whether to charge police who kill.

California’s unforgiving criminal justice system developed over years. And it will take time to replace it with a fairer one. The ACLU is dedicated to realizing this long-term goal, with a sustained focus on D.A. accountability as a cornerstone of our strategy.

“COMMUNITIES OF COLOR HAVE BEEN DISPROPORTIONATELY AND IRREPARABLY HARMED BY POLICE VIOLENCE IN SAN FRANCISCO. THERE’S AN ALTERNATIVE: ORGANIZING OUR COMMUNITIES TO CHOOSE DISTRICT ATTORNEYS WHO WILL HOLD POLICE ACCOUNTABLE.”

Emily Lee
DIRECTOR OF S.F. RISING

“AB 1869 SECURES THE WEALTH OF PEOPLE WHO WERE IN THE CRIMINAL JUSTICE SYSTEM AND MAKES SURE THEIR MONEY IS FOR THEIR OWN USE, NOT GOING TO AN OPPRESSIVE SYSTEM.”

Phal Sok

YOUTH JUSTICE COALITION
ORGANIZER AND MEMBER
OF THE DEBT FREE JUSTICE
CALIFORNIA COALITION



RACIAL & ECONOMIC JUSTICE

The ACLU is proud to be part of the Debt Free Justice California Coalition, which is led by people impacted by the criminal justice system. In 2020, the Coalition won a significant legislative victory at the intersection of racial and economic justice.

As a result of the Coalition's organizing and advocacy, Governor Newsom signed AB 1869, the "Families Over Fees Act," making California the first state in the country to repeal nearly two dozen onerous administrative fees related to criminal proceedings, including arrests and bookings, public defender representation, and probation supervision.

Over 70 percent of people in the criminal justice system were poor before they entered it. Because Black and Brown people are grossly overrepresented in the system, they are more likely to be burdened by their inability to pay the fees, which averaged more than \$5,000 per individual.

AB 1869 not only abolishes many fees, it also writes off \$16 billion dollars in existing court-ordered debt.

The ACLU remains involved in the Debt Free Justice California Coalition, whose members include Phal Sok. The son of Cambodian refugees, Phal immigrated to the U.S. when he was 61 days old. After his mother abandoned the family and his father died of cancer when Phal was 16, he ended up on the streets of Long Beach. Tried as an adult for crimes committed when he was 17, Phal was paroled but faced deportation until he received a pardon. Now an organizer with the Youth Justice Coalition, Phal knows the critical need for people who have been in the criminal justice system to keep what little money they have.

Because AB 1869 did not remove all fees related to criminal proceedings, we continue to work with Phal and others to eradicate more than 60 remaining fees so that the state will not further strip wealth from poor communities of color. We're advocating for passage of SB 586, which would eliminate oppressive administrative fees associated with processes such as drug and alcohol testing, civil assessments, and record sealing.

GENDER, SEXUALITY & REPRODUCTIVE JUSTICE

The COVID-19 pandemic intensified economic insecurity affecting low-income workers and transgender people of color. In 2020, our Gender, Sexuality & Reproductive Justice team addressed issues these communities face.

In a major victory benefitting nearly six million Californians, Gov. Newsom signed SB 1383, a bill we championed which ensures that employees of most small businesses can take family or medical leave without losing their jobs. We were particularly driven to pass this law because the pandemic has had a disproportionately negative impact on women, LGBTQ people, and people of color, who are more likely to be essential workers and earn low wages. They often are not paid when they have to miss work for caretaking reasons, and have been at risk of being fired for using their leave benefits.

Now workers no longer have to choose between their jobs and caring for themselves or ill loved ones. The law expands the definition of family members to cover domestic partners, grandparents, grandchildren, siblings, and parents-in-law.

The pandemic has also negatively impacted transgender, gender nonconforming, and intersex (TGI) people, who already experience marginalization due to transphobia, racism, and xenophobia. Because of widespread anti-trans discrimination in employment and other settings, TGI people, particularly transgender women of color, are more likely to participate in the sex trade for economic survival. Due to the criminalization of sex work, individuals in the sex trade face barriers to accessing public benefits, housing, and healthcare. Despite being more economically vulnerable, sex workers were specifically excluded from federal COVID relief legislation.

Last year, we helped to organize DecrimSexWorkCA (DecrimSWCA), a coalition of groups and individuals advocating for sex workers. The coalition hosted a virtual town hall for sex workers to discuss the kinds of support they need to survive the pandemic.

As a result, DecrimSWCA advocated that Governor Newsom establish an emergency COVID relief fund for sex workers as he did for immigrants excluded from other aid. Although he did not establish the fund, advocating with the governor helped strengthen DecrimSWCA. The coalition, led by transgender women of color and other current and former sex workers, like Janelle Luster, is now focused on a state legislative effort to decriminalize loitering related to sex work. Janelle is organizing a statewide mutual aid fund to support the economic security of sex workers through the pandemic and beyond.

“THE ACLU PUSHED ME TO SEE MY VALUE AND THE IMPORTANCE OF MY VOICE AS A BLACK, TRANS, FORMER SEX WORKER. I’M IN COMMUNITY WITH A LOT OF BLACK TRANS WOMEN, AND I WANT TO GIVE BACK TO MY COMMUNITY.”

Janelle Luster

MEMBER OF THE DECRIMSEXWORKCA COALITION



DEMOCRACY & CIVIC ENGAGEMENT

The 2020 presidential election and its violent aftermath revealed the fragility of our democracy and how vital it is to vote. Despite suppression efforts, lies from Donald Trump and his allies, and a global public health crisis, more people voted in the 2020 presidential election than ever before.

Twenty-one million Californians voted, shattering previous records. In addition, California reached the highest rate of voter registration since 1940. These outcomes were in part due to ACLU NorCal efforts in 2020, and over many previous years, to expand voting rights and remove barriers.

Our advocacy for automatic voter registration through the DMV enabled 10 million Californians to register or update their voter registrations. We also won legal victories requiring voting assistance and resources to speakers of 16 Asian languages, and expanding voter registration to more public assistance recipients and people with disabilities.

When the pandemic hit, we built on this foundation and ensured that people didn't have to choose between their health and their right to vote. Partnering with others, we successfully advocated for Gov. Newsom to issue an executive order requiring elections officials to send mail-in ballots to all eligible voters. The legislature later passed a similar law.

We created guides informing people of their right to vote during the pandemic. We successfully pressed for secure ballot drop boxes and curbside voting. And our voting rights attorneys worked with county elections officials throughout Northern and Central California to ensure they were prepared to receive and properly tally the anticipated deluge of mail-in ballots.

To further expand the franchise, we supported Proposition 17, which passed by a landslide in November and restores people's right to vote on completion of their prison terms. Approximately 50,000 people currently on parole in California are now eligible to vote.

That means a lot to Taina Vargas, co-founder and executive director of Initiate Justice, an organization working to end mass incarceration and a Proposition 17 campaign leader. Members of Initiate Justice, including people on parole, worked on the campaign to pass Prop 17 from inception to its successful outcome.

“ONE OF OUR STAFF MEMBERS GOT VERY EMOTIONAL. HE'S CURRENTLY ON PAROLE AND WENT TO PRISON WHEN HE WAS 17 AND SERVED 25 YEARS. NOW, IN HIS EARLY FORTIES, HE WILL BE ABLE TO REGISTER TO VOTE FOR THE FIRST TIME.”

Taina Vargas

EXECUTIVE DIRECTOR OF INITIATE JUSTICE, ON THE REACTION OF ONE OF HER COLLEAGUES AFTER PROPOSITION 17 PASSED



VOTE

LIKE OUR RIGHTS DEPEND ON IT





Illustration by James Shields

“THEY ALL DESERVE TO GET OUT OF THERE AS FAST AS POSSIBLE, NOW MORE THAN EVER BECAUSE OF THIS PANDEMIC. THEY NEED TO BE WITH THEIR FAMILIES, TO TAKE CARE OF THEIR FAMILIES...IT IS ALL STRESSFUL. IT IS ALL PROFOUNDLY PAINFUL.”

Sofia Bahena Ortuño

FARM LABORER WHO WON RELEASE FROM ICE'S MESA VERDE IMMIGRANT DETENTION CENTER

IMMIGRANTS' RIGHTS

Because of the Trump administration's draconian policies, immigrant detention centers were overcrowded and unsanitary before COVID-19. Once the pandemic hit, they became deadly.

Physical distancing was impossible. Medical care, testing, and measures to protect detainees against the virus were woefully inadequate. In the early months of the pandemic, ACLU NorCal partnered with law firms and other legal non-profits to file two cases demanding the release of immigrants at Mesa Verde, a privately-operated U.S. Immigration and Customs Enforcement (ICE) detention center in Bakersfield, and at the Yuba County Jail in Marysville.

Sofia Bahena Ortuño is one of the immigrants impacted by these efforts. ICE officers arrested the 64-year-old farm laborer in October 2019 as she traveled to work. The government held her at Mesa Verde, where she shared a dormitory with 50 other women. Diagnosed with hypothyroidism and diabetes, Sofia was especially susceptible to the virus and feared dying in detention without seeing her family, including six grandchildren whom she helps support.

In response to our litigation, federal court judges ordered the temporary release of detainees, several of whom have serious underlying health conditions, from both detention centers. Sadly, though, many were still in detention when major COVID-19 outbreaks occurred at Mesa Verde in August and at the Yuba County Jail in December. Following the first of these outbreaks, the court ordered ICE to institute rigorous distancing, quarantine, intake, and testing protocols. In issuing the order, the judge found the government's conduct "appalling" and "abominable," and observed that "ICE cannot currently be trusted to prevent constitutional violations at these particular facilities without judicial intervention."

Our ongoing litigation has resulted in the release of hundreds of ICE detainees, including Sofia. The number of detainees at the facilities has declined from over 500 to about 50. The court also issued orders that strictly limit the number of detainees in each of the facilities and require ICE and its contractors to adhere to enhanced procedures for testing, sanitation, reporting, and ensuring the health and safety of detainees.

INDIGENOUS JUSTICE

ACLU NorCal partnership with Northern California Indian Development Council

ACLU NorCal has worked with Native American tribes in the North Coast region since the early 2000s, beginning with various legal actions—including lawsuits and federal complaints—against school districts over racial discrimination. We have made progress, but much work remains to be done. Momentum is building for systemic change.

In 2019, inspired by the vision of tribal leaders, ACLU NorCal and Northern California Indian Development Council (NCIDC) formed a deep partnership—the Indigenous Education Advocacy program—to advance educational justice for Native American students in Humboldt and Del Norte counties. Out of this partnership, NCIDC created the Indigenous Education Advocate position and hired Rain Marshall (Ihanktonwan Yankton Sioux). ACLU NorCal is providing seed funding and technical assistance to support Rain's position and NCIDC's education-related work.

Movement toward visibility and recognition of Native American students and culture in Humboldt County schools

In October, ACLU NorCal released a report that revealed egregious and troubling education outcomes for Indigenous students in Humboldt County. The report, "Failing Grade: The Status of Native American Education in Humboldt County," found that Native students in Humboldt are suspended at nearly five times the state average for white students and experience chronic absenteeism at more than double the rate of all students across the state. Although roughly 85 percent of Native American students in Humboldt County graduated high school in the 2018-2019 school year, 90 percent of graduates did not meet entrance requirements for California universities.

Following the release of the report, Rain brought together 200 tribal leaders, community members, educators, and school administrators in a virtual roundtable to discuss the findings, articulate solutions, and identify resources to address the crisis of under-education and de facto exclusion. The conversation focused on adopting culturally relevant and responsive curriculum, incorporating trauma-informed approaches, and improving school climate to foster wellness and belonging. Rain continues to convene stakeholders, including current and former students and their families, to advocate for systemic changes in Humboldt County schools. Building power and self-advocacy capacity within tribal communities to hold districts accountable is a core strategy.

“TRIBAL LEADERS, ELDERS, AND CULTURE BEARERS HAVE A CRITICAL ROLE TO PLAY IN IMPROVING EDUCATION FOR INDIGENOUS STUDENTS THROUGHOUT HUMBOLDT COUNTY AND CALIFORNIA. THERE IS A VAST WEALTH OF KNOWLEDGE AND WISDOM IN OUR COMMUNITIES THAT SCHOOLS AND EDUCATORS WOULD GREATLY BENEFIT FROM TAPPING INTO. TO FEEL THAT THEY ARE WELCOME IN SCHOOLS, INDIGENOUS STUDENTS NEED TO SEE THEMSELVES, AND THEIR HISTORIES, ACCURATELY REFLECTED IN THE CLASSROOM AND THE CURRICULUM.”

Rain Marshall

INDIGENOUS EDUCATION ADVOCATE, NORTHERN CALIFORNIA INDIAN DEVELOPMENT COUNCIL

ACLU NEWS DIGITAL ARCHIVES

One of our biggest projects of 2020 looked back at our history. In collaboration with the California Historical Society, the ACLU of Northern California completed an ambitious project to digitize every issue of the *ACLU News*, the ACLU NorCal's membership newsletter that's been published continuously since 1936.

The ACLU NorCal's digital newsletter archives are valuable to scholars, researchers, journalists, students, civil rights advocates, and anyone looking to learn from this history. "The articles, editorials, legal analysis, photos, and letters from early ACLU members are an inspiring record of our long commitment to civil rights advocacy across California," said ACLU NorCal Executive Director Abdi Soltani. "The archives help us to see the trajectory of our advocacy."

The newsletter archives include 710 newsletter issues and 4002 pages of content to date. "We're incredibly lucky to have an entire, intact run of the newsletter," said California Historical Society Metadata and Systems Librarian Al Bersch. "From 1936 to present day, this publication provides coverage of legal cases and social movements that shaped California in the last century. Because it's keyword searchable, it also acts as an index to the collection of ACLU case files, also housed at CHS."

Find the archives, from 1936 to 2020, at www.aclunc.org/CHS



Illustration by James Shields

THANK YOU TO OUR VOLUNTEERS

VOLUNTEERS

Each year, hundreds of people volunteer their time with the ACLU of Northern California. Here we recognize some of the most dedicated volunteers who spent the most time with us in 2020.

CIVIL LIBERTIES COUNSELORS

Ayesha Ali
Grace Allen
Langston Buddenhagen
Brittani Chew
Lola Cleaveland
Gianna De Filippis
Ricardo De Leon
Maya Ebrahimpour
Breanna V. Gingras
Lynn Halcomb
Richard Idriss
Patti Kouba
Jerry Lewis
Aisha Rehman
Alex Rodriguez
Sean Ross
Lila Sattler
Adele Sylar
Leon Touch

CHAPTERS

Alameda County Paul Robeson
Berkeley North East Bay
Chico
Fresno County
Kings County
Mid-Peninsula
Monterey County
North Peninsula
Sacramento Area
San Francisco
Santa Clara Valley
Santa Cruz County
Shasta-Tehama-Trinity
Sonoma County
Stanislaus County
Tulare County
Yolo County

LEGAL AND POLICY INTERNS

Eitan Berkowitz
Patrick Cremin
Taylor Chambers
Lee Ann Felder-Heim
Kelly Hernandez
Olivia Malone
Carly Margolis
Kate Mather
Tulio Ospina
Karen Pedraza
Ardalan Raghian
Lauren Trambley

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We thank the following law firms who donated services in 2020. Your hard work and commitment are deeply appreciated by the ACLU community.

Coblentz Patch Duffy & Bass LLP
Cooley LLP
Covington & Burling LLP
DLA Piper
Durie Tangri LLP
Fenwick & West LLP
Goodwin Procter
Lakin & Wille LLP
Morrison & Foerster LLP
Munger, Tolles & Olson LLP
Nixon Peabody LLP
Orrick, Herrington & Sutcliffe
Pillsbury Winthrop Shaw Pittman LLP
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PHOTO BY PAULINE SCHINDLER

OUR BOARDS

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Al Hammond
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Kasson Stone
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Richard White
Marcel Woodruff
Yomi Wrong

We also thank the many community members who serve on advisory committees of our boards.

For a list of ACLU NorCal staff, including photos and biographies, please visit www.aclunc.org/about/staff.

WAYS OF GIVING

You may support the work of the ACLU Foundation of Northern California (Foundation) or ACLU of Northern California (Union) in any of these ways:

CASH OR CREDIT CARDS: The Foundation and Union are pleased to accept your single donation or your recurring monthly or quarterly gift via cash, check, or credit card (Visa, Discover, Mastercard, or American Express) at any time. Gifts may be made via mail or online at www.aclunc.org.

WORKPLACE GIVING/PAYROLL DEDUCTION: You may choose to designate the ACLU Foundation of Northern California through your workplace giving campaign or via United Way Donor Option.

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BEQUESTS: In your will or revocable living trust, you may designate the ACLU Foundation of Northern California or ACLU of Northern California as beneficiary of part or all of your estate. Visit www.aclunc.org/bequests for more information and suggested language for bequests.

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FOR MORE INFORMATION ON WAYS TO SUPPORT THE ACLU, CONTACT DIRECTOR OF DEVELOPMENT CORI STELL AT (415) 621-2493 OR [GIVING@ACLUNC.ORG](mailto:giving@aclunc.org).

DEVELOPMENT AND FINANCIAL REPORT

ABOUT SOURCES OF INCOME AND HOW WE ADVANCE WORK IN CALIFORNIA AND NATIONWIDE

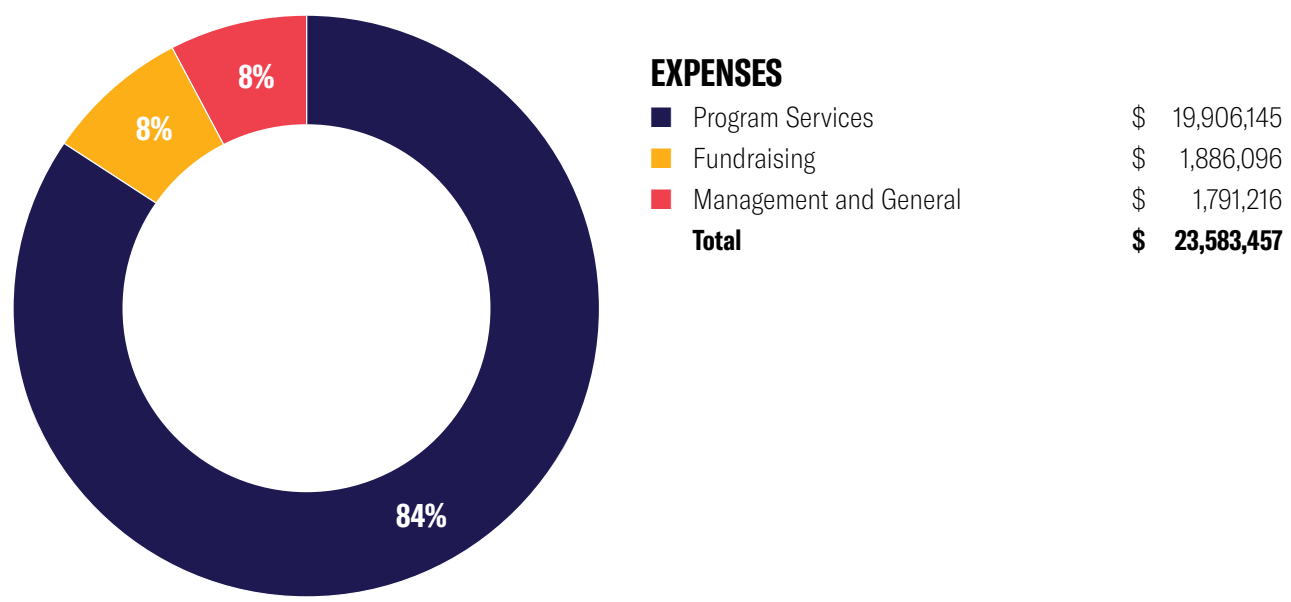
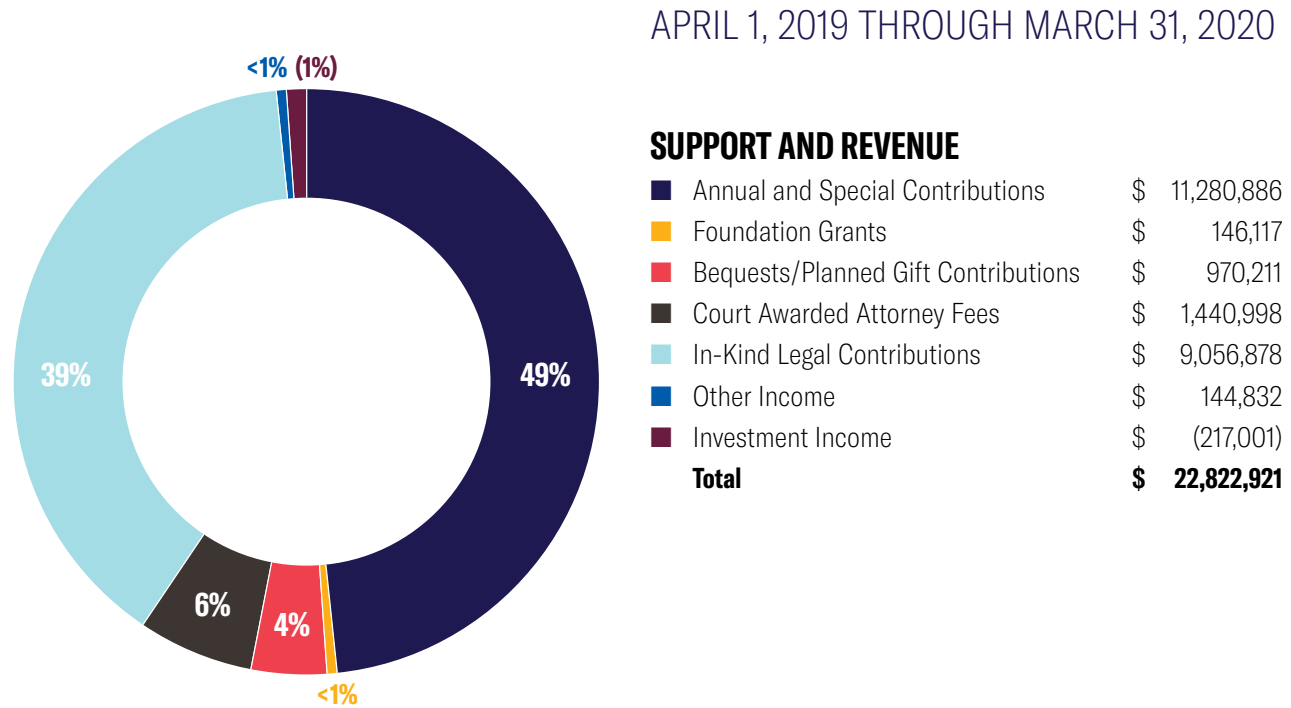
The ACLU Foundation of Northern California (Foundation) and the ACLU of Northern California (Union) are separately incorporated nonprofit organizations operating in Northern California. The Foundation conducts litigation and public education programs in support of civil liberties. The Foundation is a 501(c)(3) organization, so contributions to it are tax-deductible to the extent allowed by law. The Union conducts membership outreach and organizing, legislative advocacy, and lobbying. It is supported primarily by membership dues. It is a 501(c)(4) organization, which means that donations to it are not tax-deductible.

The majority of funding for the Foundation and the Union comes from individuals like you. The organizations' effectiveness and impact depend upon private donations, foundation grants, bequests, and membership dues from individuals who are dedicated to advancing civil liberties for all. Neither the Foundation nor the Union receive government funding, except the Foundation may receive court-awarded attorney fees from successful cases. The Foundation never charges clients for legal representation.

The national ACLU Foundation and the ACLU Foundation of Northern California share all tax-deductible donations. And the national ACLU and the ACLU of Northern California share all membership dues. A portion of the national share of gifts is allocated to help other ACLU affiliate offices around the country that otherwise would be unable to address the serious threats to civil liberties in their states.

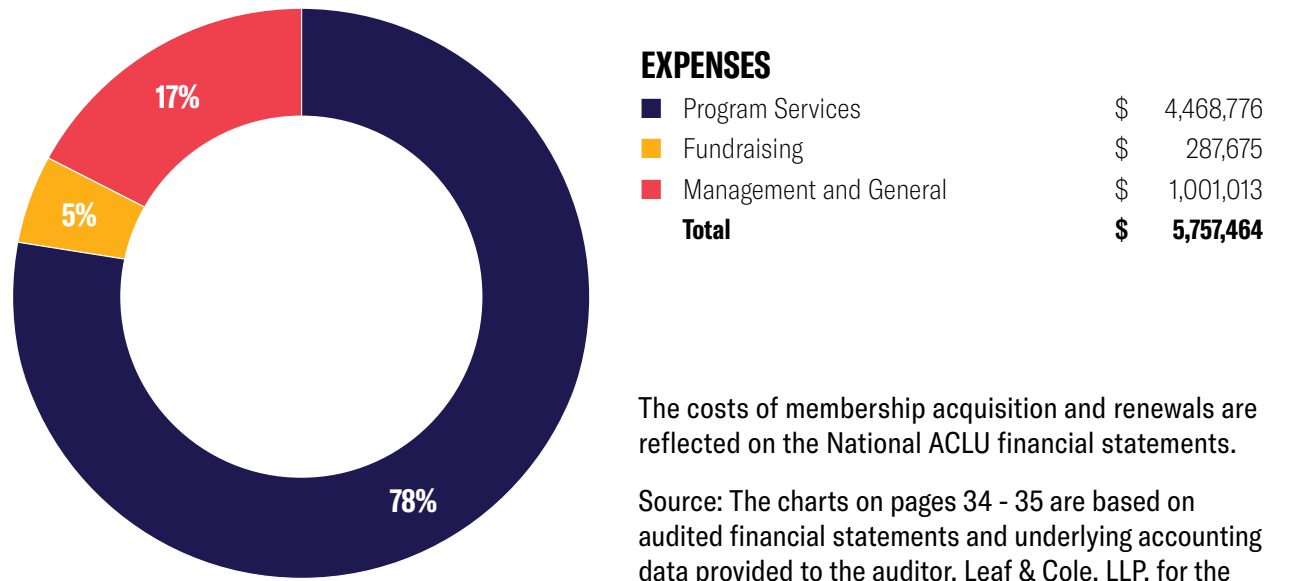
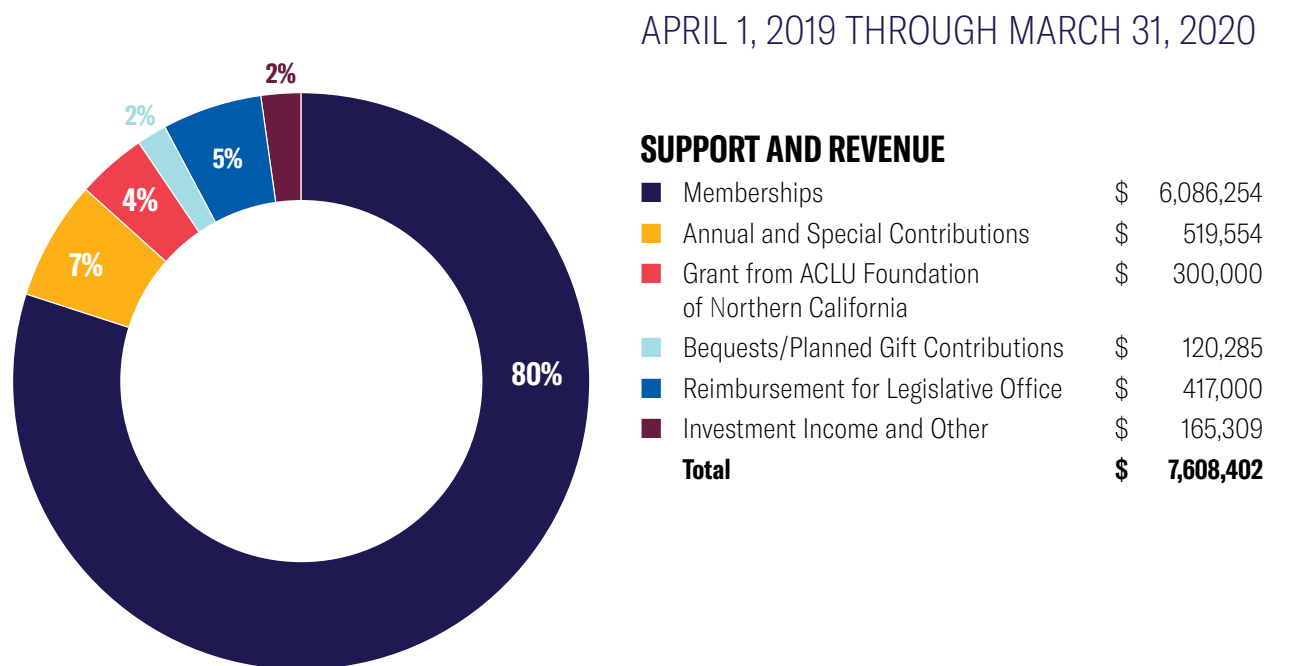
ACLU FOUNDATION OF NORTHERN CALIFORNIA

Operating Income and Expenses 2019-20



ACLU OF NORTHERN CALIFORNIA

Operating Income and Expenses 2019-20



The costs of membership acquisition and renewals are reflected on the National ACLU financial statements.

Source: The charts on pages 34 - 35 are based on audited financial statements and underlying accounting data provided to the auditor, Leaf & Cole, LLP, for the fiscal year ending March 31, 2020. A complete copy of the FY2019-20 audited financial statements is available at www.aclunc.org or by writing: ACLU NorCal, 39 Drumm Street, San Francisco, CA 94111.

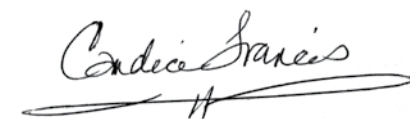
ACTIVISM THROUGH ART

In many ways the year 2020 defied literal interpretation. The compounding tragedies of a pandemic and civil unrest required a means to tap into many senses because words were often inadequate. As a result, in sorrow and rage, human beings proved their ability once again to seize the moment and improvise.

On the heels of the murder of George Floyd, cities around the nation, including San Francisco, Oakland, and Sacramento, painted huge Black Lives Matter banners on densely traveled streets. Downtown Oakland transformed into an outdoor museum with artful installations anchored by urgent statements such as, “Justice For Floyd,” “Black/Brown Unity,” “Shut It Down,” “Silence is Violence,” and “What Are We Waiting For,” to name just a few. People gravitated to these corridors adhering to public health guidelines that required mask wearing and social distancing, absorbing the art as they would in a therapy session in search of healing.

Art, especially visual art, has been central to a collective expression of grief and protest. Seminal moments in history have produced an iconography that serves as living testimony. The 1960s are replete with the legacy of many artists whose visual images have left lasting impressions. Oakland-based graphic designer and former Black Panther, Emory Douglas, is legendary. Tom Feelings’ sepia-toned images from his book “The Middle Passage” offer a mournful depiction of the forced removal of Africans to the Western hemisphere. Two of his images frame the website of our public education campaign, “Gold Chains: The Hidden History of Slavery in California.” The creativity of activist artist James Shields in this Annual Report interprets the 21st century version of resistance as powerfully as his predecessors (see p. 37).

Yet, despite the power of visual activism, we’re left wondering if the need to paint, draw, and etch such pain will ever cease.



Candice Francis
Communications Director



2020 WAS A TOUGH YEAR

The pandemic, police violence, and elections collectively challenged us at one point or another to be better versions of ourselves.

It has given me the opportunity to focus in on what matters most: to better my community through my art.
This 2020 Annual Report cover art addresses the battles and victories of last year while giving us hope for the future. Individually we feel the immense pressures around us, while collectively we have the power to overcome all obstacles.

James Shields
2020 Annual Report cover artist



Artist James Shields (creativeshields.com) in front of a mural he painted in Oakland.



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