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## ADVANCING VOTING RIGHTS IN CALIFORNIA

BY TAMMERLIN DRUMMOND

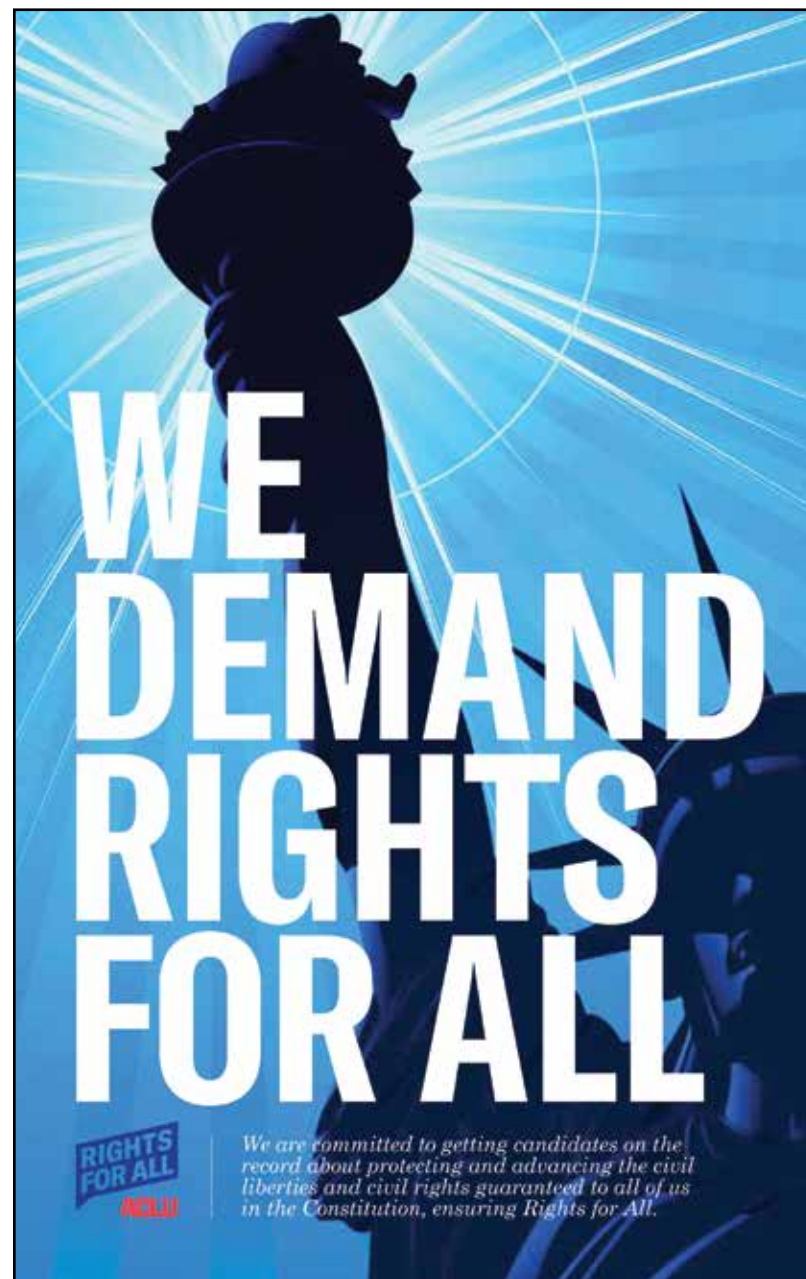
In November, Americans will go to the polls in a momentous election. The very future of our democracy is at stake as President Donald Trump continues to abuse the powers of his office for personal and political gain, while his administration runs roughshod over civil liberties.

At such a defining moment for our country, the ACLU is working with a heightened sense of urgency to ensure that every eligible citizen has an opportunity to exercise their constitutional right to vote. We have filed landmark lawsuits and successfully advocated for laws and other measures that protect voting and make it more accessible for everyone.

"2019 was a banner year for the ACLU's voting rights work here in California and across the country," said Abdi Soltani, executive director of the ACLU of Northern California. "We scored key victories in state legislatures and in the U.S. Supreme Court that expanded and protected the voting rights of millions of people."

CONTINUED ON PAGE 10

Are you ready to vote  
in the Presidential  
Primary on March 3?  
SEE THE BACK PAGE.



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# GOLD CHAINS | THE HIDDEN HISTORY OF SLAVERY IN CALIFORNIA

Since its release last November, word about our public education project, *Gold Chains: The Hidden History of Slavery in California* (website snapshots at right), has spread through various platforms. Mainstream and online publications have written about it. Our media partner, KQED Radio, has profiled Gold Chains stories on their show *The California Report* and will produce more in the coming months. To date, the site has had over 30,000 views. There have been 1.4 million impressions on Facebook, Twitter, and Instagram.

On Feb. 1, we participated in “Night of Ideas,” an annual all-night marathon of philosophical debate, performances, and interactive experiences designed to spur dialogue, co-presented by KQED and the French Consulate in San Francisco. This year’s theme was “Living on the Edge,” and we curated a session under the theme “Truth & Doubt.” In March, we will participate in a daylong workshop hosted by the UC Berkeley History and Social Project aimed to engage Bay Area teachers by using the Ken Burns film *The Gene* about eugenics and our website *Gold Chains: The Hidden History of Slavery in California*. Also in March, we will present the Gold Chains Project to the staff of the San Quentin Newspaper and to students in the Prison University Project. 

[WWW.GOLDCHAINS.CA.ORG](http://WWW.GOLDCHAINS.CA.ORG)



**CALIFORNIA IS MIRED IN CONTRADICTIONS.**

It has a reputation as the proverbial “Golden State” of opportunity, promise, innovation, and fearless resistance. But there is an inconvenient truth that may surprise anyone who learned that California decried slavery and was admitted to the Union as a “free” state. “Little known is the fact that the state’s founding went hand in hand with official government policies that sanctioned slavery and genocide,” says Abdi Soltani, executive director of the ACLU of Northern California.

**EXPLORE**

- White Supremacist In Chief**  
The first elected governor of California, Peter Hardeman Burnett, advocated for the genocide of Native people and tried to ban blacks from the state.  
[READ MORE](#)
- From Enslaved to Entrepreneur**  
Bridget “Biddy” Mason was brought as a slave to California. She sued for her freedom and her family’s and won in what became a landmark court case.  
[READ MORE](#)
- Rosa: Kidnapped, Sold, and Killed**  
Looking to satisfy demands for cheap household labor, California passed a law that encouraged the kidnapping of Native Children.  
[READ MORE](#)
- Cultural Genocide**  
“Kill the Indian ... and save the man” was the founding mission of Indian Boarding Schools, a massive government project that warehoused thousands of children in state-run institutions.  
[READ MORE](#)

Read, listen, and watch to explore the hidden history of California at [www.GoldChainsCA.org](http://www.GoldChainsCA.org).

**ACLUNews**

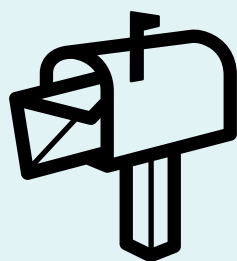
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# HOWARD AND PHYLLIS FRIEDMAN, AND THE FRIEDMAN FAMILY: SEVEN DECADES OF PHILANTHROPY AND ACTIVISM

BY ABDI SOLTANI

When Phyllis Friedman passed away on July 2, 2019, she marked a long life of 95 years. When she was asked what her obituary should read, Phyllis said, “Say I’ve had a wonderful life.”

Along with her husband Howard, that wonderful life included involvement in a range of civic and philanthropic causes. Indeed, the family’s relationship with the ACLU spans the better part of seven decades. As the ACLU celebrates its Centennial in 2020, it is remarkable to think that a single person could be engaged for seven decades of that century. Phyllis did just that.

Phyllis and Howard’s adult children, Bobby, David, and Ellie, and their spouses as well as their children, continue the legacy of supporting civil rights and social justice, each in their own way.

Phyllis’s children wrote in her obituary that “She never claimed credit for any of her good works and considered donor recognition walls to be ‘philanthropic graffiti.’” In fact, Phyllis would likely have initially objected to this article but would have ultimately agreed to it, knowing that it may inspire or engage others more deeply.

## THE EARLY YEARS – 1950s AND 1960s

Howard Friedman joined the Board of the ACLU of Northern California in 1956. He then served as the Chair of the Board from 1961 to 1965. When Howard stepped into the Chair role, the November 1961 issue of *ACLU News* notes that “Phyllis at one time headed a successful ACLU membership drive in the San Mateo area.” She was already building our base.

After four years of service as Board Chair, in 1965, Howard wrote a letter to the membership outlining the significant accomplishments of the period. He highlighted the historic defeat of Proposition 14, which would have reinstated housing discrimination had it passed. He also made changes to the organization that endure to this day. Howard wrote “we recognize the need of a unified lobbying program under one legislative representative acting for both Northern and Southern California ACLU affiliates, resulting in a single ACLU voice in Sacramento.” He also began the process for the ACLU of Northern California to rejoin the national ACLU as a fully integrated affiliate after the breach between the organizations due to significant disagreements on how the ACLU should respond to Japanese-American internment and the Red Scare.

There was another legacy that Howard’s term on the board left behind—dinner table conversations about civil liberties with Phyllis and their three children. Ellie even attended her first ACLU-NC board meeting at the age of 10.

## A TRANSFORMATIVE GIFT FOR THE FUTURE

Howard passed away in 1988. Three years later, Ellie was elected to the ACLU-NC Board. Ellie and Phyllis’s involvement in the ACLU deepened. Phyllis began making annual gifts to establish a new program at ACLU-NC focused on youth engagement, the Howard A. Friedman First Amendment Project. Her own children had grown up with the ACLU, and Phyllis wanted the opportunity for other young people to be exposed to civil liberties. In 1996, Phyllis made an endowment gift to support the project in perpetuity.

Today, the endowment continues to support engagement of youth and young adults in the ACLU: a summer institute in Washington, D.C. for high school students, a conference this fall for California youth held in Los Angeles, and the Field Fellowship through which young adults engage in advocacy in a range of issues, from immigrants’ rights to voting rights.

## ACTIVISM THAT MADE AN IMPACT

At Phyllis’s memorial in August 2019, Congresswoman Jackie Speier told a story about how effective Phyllis was as an advocate. A friend who was on the faculty in the University of California system had brought to Phyllis’s attention the scant representation of women faculty. With an expected wave of retirements and hiring, the university was about to miss an opportunity to diversify its faculty. Phyllis was incensed, and moved to action. She knew exactly what to do. She arranged a meeting with then State Sen. Speier, who took up the cause in her oversight role as a legislator, prompting significant change toward gender inclusivity in UC’s hiring practices.

## AN ENDURING IMPACT

Phyllis was a master of the art of the *written word*, specifically letter-writing. Phyllis’s children estimate that she wrote 50,000 letters over her lifetime. Among these were many letters to




PHOTO COURTESY OF THE FRIEDMAN FAMILY

Longtime ACLU-NC donor Phyllis Friedman

the ACLU. One of those letters was to Dorothy Ehrlich, the former Executive Director of the ACLU-NC, in which Phyllis wrote “I shall always be there for you and the ACLU.”

She was equally powerful with her *spoken words* of encouragement. After the disappointing defeat of the 2012 ballot measure that would have ended the death penalty, Dorothy (who by then was national ACLU’s Deputy Director) visited Phyllis and asked her how she dealt with the defeat. Phyllis said, “that just fires me up to do more.” What was remarkable about her is not just how long her flame burned, but how brightly it lit the way, and the warmth we felt from her.

She was also a prankster. Dorothy was puzzled as to why Dick Cheney had sent her a box of chocolates on Valentine’s Day. “It didn’t take me long to figure out it had to be Phyllis Friedman.” Dorothy ate the chocolates.

Phyllis and Howard embodied that principle of unwavering and enduring impact on an organization, but more importantly, to a cause. Over seven decades, Phyllis herself was always there for the ACLU. And she fired us up to do more. The legacy of Phyllis and Howard’s impact endures through the changes to ACLU-NC that Howard initiated, the endowment Phyllis created in perpetuity, the countless young people whose lives were transformed by those programs, and the continued involvement of their family in the organization. Phyllis, we are fired up to do more. 

*Abdi Soltani is the Executive Director of the ACLU of Northern California.*

# LEGAL UPDATES

BY BRADY HIRSCH AND CARMEN KING

## MINTON V. DIGNITY HEALTH CATHOLIC HOSPITALS NOT EXEMPT FROM ANTI-DISCRIMINATION LAWS

In a significant victory, a California Court of Appeal ruled that Evan Minton, the plaintiff in a case filed by the ACLU Foundation of Northern California, the ACLU Foundation of Southern California, the ACLU LGBT & HIV Project, and the law firm Covington & Burling LLP, can pursue his discrimination case against Dignity Health for denying him access to health care because he is transgender.

In 2016, Dignity Health denied Evan a medically necessary and time-sensitive hysterectomy after learning he is transgender. “When my doctor told me that Dignity Health cancelled my surgery because of who I am, I was distraught, hopeless, and terrified,” said Evan, “I contended with and fought for my identity for so long, climbing over hill and high mountain to get to this point. For this hospital to cancel my necessary and important health care, based solely upon who I am, is painful beyond comprehension.”

Across the country, transgender people face barriers to health care, including gender-affirming



“For this hospital to cancel my necessary and important health care, based solely upon who I am, is painful beyond comprehension.”

—plaintiff Evan Minton, who was denied medically necessary health care by Dignity Health

care. Many Catholic hospitals continue to deny patients access to transition-related health care, and as their share of the hospital market continues to grow, it poses a significant threat to LGBTQ health care. This ruling is the first time a court has confirmed that Catholic hospitals are not exempt from anti-discrimination laws, and that they, like all other businesses open to the general public, cannot turn away someone just because they are transgender.

Dignity Health appealed the decision, which the California Supreme Court refused to hear, and the ACLU will continue to fight the case if it progresses.

## DIGNITY HEALTH AND UCS ADVOCATES BLOW THE WHISTLE ON RELIGIOUS RESTRICTIONS AT UC MEDICAL CENTERS

In May, reproductive rights and LGBTQ advocates notched a major win when UCSF dropped its plan for an extensive partnership with Dignity Health, a Catholic healthcare network. At that time, advocates hoped UC had learned from the experience and would not engage in other agreements that would place religious restrictions on LGBTQ and reproductive health care.

Since then, the ACLU has learned that every UC campus with a medical center already has contracts with religiously-affiliated hospitals that impose religious restrictions on UC providers, limiting the care they can provide their patients. For example, UCSF and UCLA both have entered into contracts containing a gag rule that prohibits providers from even talking about contraception with patients.

In response, the ACLU sent letters to every relevant UC, and publicly released documents revealing the extent of the existing partnerships.

Partnerships of this type undermine UC’s stated values of equity and inclusion, as well as UC’s obligations as a governmental institution. The ACLU has demanded that UC terminate these contracts and refrain from entering into any new ones that would impose religious restrictions on UC providers or patients.

## GARRIS V. FBI JOURNALIST WINS PRIVACY ACT LAWSUIT

Over 15 years ago, the FBI began monitoring journalists Justin Raimondo and Eric Garriss, the editors of the foreign policy online publication Antiwar.com. The FBI initiated a “threat assessment” of the journalists after they published articles skeptical of the government’s

post-September 11 statements and linked to publicly-available government watch lists. The FBI kept memos collecting and describing a wide range of Raimondo and Garriss’s journalism and public statements—all protected by the First Amendment—even though a field office concluded that journalists posed no threat to national security.

The ACLU Foundation of Northern California and Pillsbury Winthrop Shaw Pittman LLP filed a Freedom of Information Act and Privacy Act lawsuit seeking the FBI’s files on the journalists and to destroy the records of their First Amendment-protected activity. The ACLU argued that the FBI lacked any law enforcement justification to maintain extensive files about Raimondo and Garriss’s press activities.

After an eight-year legal battle, the journalists finally triumphed. The Ninth Circuit Court of Appeals reversed an earlier court ruling and ordered that the FBI threat assessment be deleted.

After an eight-year legal battle, the journalists finally triumphed.

## ALASSAD V. MCALLENAN COURT RULES WARRANTLESS DEVICE SEARCHES AT U.S. BORDERS UNLAWFUL

In 2017, the ACLU of Northern California represented Aaron Gach, a Bay Area-based artist, in filing a civil rights complaint after agents with Customs and Border Protection forced him to unlock his electronic devices for an arbitrary government search during customs at San Francisco International Airport.

Later that year, Gach became one of 11 plaintiffs represented by the ACLU, the Electronic Frontier Foundation, and the ACLU of Massachusetts in a federal lawsuit filed against the Department of Homeland Security. Gach and the other 10 plaintiffs were all travelers whose smartphones and laptops were searched without warrants at the U.S. border.

In November 2019, the plaintiffs secured a major victory for privacy rights, after a federal court in Boston ruled that the government’s suspicionless searches of international travelers’ electronic devices at airports and other U.S. ports of entry violate the Fourth Amendment.

This ruling significantly advances privacy protections for the millions of international

CONTINUED ON NEXT PAGE





travelers who enter the United States every year. The number of electronic device searches conducted by federal agents at U.S. ports of entry has increased significantly over the past few years. Last year, Customs and Border Protection conducted more than 33,000 searches, a fourfold surge in the number of searches compared to just three years prior.

By imposing constitutional privacy limits on the government's ability to arbitrarily raid our electronic devices, the Massachusetts federal court made a strong statement that people don't lose their privacy rights when they cross the border.

Since that federal lawsuit was filed, the ACLU of Northern California has continued fighting to ensure the government cannot rifle through our electronic devices at the border without individualized suspicion. In April 2019, the affiliate filed a civil rights complaint on behalf of Andreas Gal, an Apple engineer who alleged that customs agents threatened retaliation if he did not submit his devices for a search.

## IN RE RICARDO

### COURT RECOGNIZES PRIVACY RIGHTS OF JUVENILE PROBATIONERS

In a major victory for privacy rights, the California Supreme Court invalidated an expansive "electronic search condition" imposed on a young person on probation that required him to submit his electronic devices and online accounts (including passwords) for searches at any time and without cause. The Supreme Court agreed, recognizing that young people—even those on probation—have a right to privacy that allows them the space and safety to learn, communicate, and grow without constant scrutiny of their personal electronic information.

At oral argument, the ACLU of Northern California's Chris Conley argued that the sweeping search condition was invalid because it was unreasonable: it was both incredibly broad

### The ACLU Foundations of California argued in an amicus brief before the California Supreme Court:

"The price of any youthful transgression cannot be that the government has an all-access, long-term pass to a person's private life that chills access to the supportive communities and rehabilitative services that will help build a healthy and productive future."

### The California Supreme Court agreed.

and entirely unconnected to the young person's offense or prior history, and thus substantially infringed upon his right to privacy without a sufficient countervailing justification.

The Supreme Court's opinion reflects precisely this reasoning: it does not reject electronic search requirements outright but makes it clear that they may only be imposed if (and to the extent) the specific circumstances of the case justify doing so. They are not allowed as a routine condition imposed on every young person who is pulled into the criminal justice system.


As the ACLU Foundations of California argued in their brief: "The price of any youthful

transgression cannot be that the government has an all-access, long-term pass to a person's private life that chills access to the supportive communities and rehabilitative services that will help build a healthy and productive future." In rejecting blanket electronic search conditions for juvenile probationers, the Supreme Court has taken a significant step to prevent this from happening and help young people on probation obtain the information and support they need.

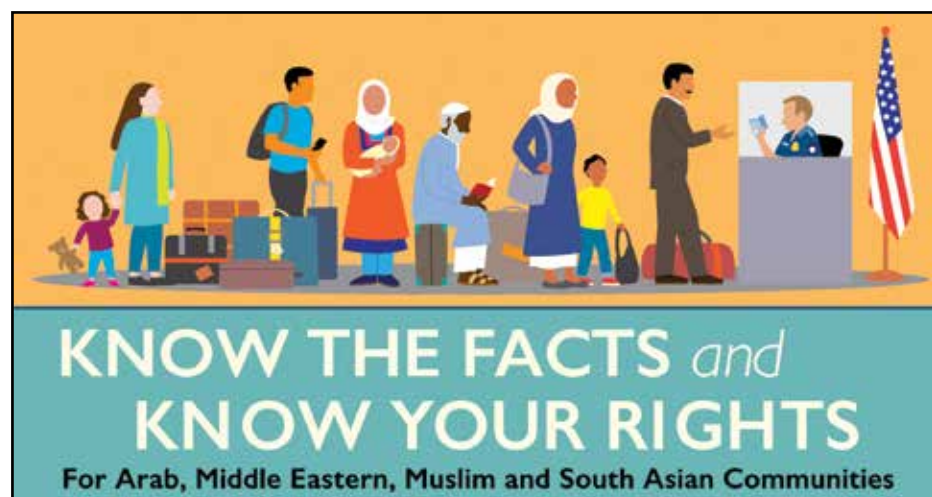
## FOIA CASE RE FBI SURVEILLANCE OF REFUGEES

### DISCLOSURE OF DOCUMENTS RELATED TO REFUGEE SURVEILLANCE

The Trump administration has radically restricted the admission of refugees to the United States. To build support for this policy, the Administration has sought to demonize refugees by repeatedly making unfounded accusations that they present a threat to national security. As a result, refugees report being singled out by the government and targeted for increased surveillance.

On Oct. 21, 2019, the ACLU Foundation of Northern California, along the International Refugee Assistance Project (IRAP) and Muslim Advocates, filed a lawsuit under the Freedom of Information Act to make several government agencies disclose records concerning the surveillance and investigation of refugees here in the United States. Our lawsuit seeks to uncover information that can allow the public to test the administration's inflammatory claims that hundreds of refugees are being investigated as potential national security threats. Initial proceedings in the case are set for early 2020. 

*Brady Hirsch and Carmen King are Communications Associates at the ACLU of Northern California.*



Arab, Middle Eastern, Muslim, and South Asian communities frequently face requests for "interviews" by federal law enforcement.

We recently updated *Know Your Rights at Airports and Borders: Searches*  
[www.aclunc.org/KYR/AMEMSA](http://www.aclunc.org/KYR/AMEMSA)

# LAUNCHING THE *ACLU NEWS* DIGITAL ARCHIVES

BY ELAINE ELINSON

2020 is the National ACLU's centennial anniversary. To mark that milestone, the ACLU of Northern California is making our history since our founding accessible digitally. In collaboration with the California Historical Society, the ACLU-NC is launching an ambitious project of digitizing all issues of the *ACLU News*. Every page of every edition will be instantly searchable. This means that researchers from around the country and around the world will have access to all the information stored in them—with a simple click. Case histories, legislative campaigns, and issues the ACLU-NC has worked on used to take days, weeks, or months to locate—but will now be available in seconds.

On my first day at the ACLU of Northern California in 1980, Executive Director Dorothy Ehrlich showed me my office furnished with an electric typewriter, a land line phone, a shelf with a dictionary, a thesaurus, and a copy of the California Constitution. These were essential tools for a Communications Director. On the corner of that bookshelf, I noticed five oversized volumes, faux leather covers embossed with dates: 1936-1945, 1946-1958, all the way up through the 1970s.

Curious, I peeked inside. They were bound copies of the *ACLU News*, in continuous publication since 1936, when first edited by Executive Director Ernest Besig. I thumbed through the yellowing copies—very carefully because the paper was fragile and torn in some places—and read articles about labor strife, police raids on gay clubs, and the incarceration of Japanese Americans.

But there was no time for leisurely reading. It was the beginning of the Reagan era and the ACLU-NC was busy, as it is now. Our lawyers were defending the rights of federal employees to strike, for Iranian students to demonstrate, and for all women—rich or poor—in California to have the reproductive health care of their choice.

During my tenure as *ACLU News* editor, I continued to save copies to be archived, and ACLU-NC communications staff diligently kept up that responsibility.

Eight decades of editions of the *ACLU News* contain a treasure trove of civil liberties history—but, up until now, they have been inaccessible to anyone who cannot peruse them in person.

That is about to change with this digitization project.

ACLU-NC Executive Director Abdi Soltani, a lover of history, said that it had long been a dream of his to create this digital archive. “Our affiliate has been a leader in civil liberties in many ways, so as we celebrate the Centennial of the nationwide ACLU, it seemed a perfect time to digitally archive all of our newsletters.”

ACLU Creative Strategist Gigi Harney was tapped to coordinate the project, seeking input from affiliate staff, consulting with previous staff members, and coordinating with archivists and data experts from the California Historical Society (CHS).

“Our history reveals to current activists the inspiring long-term efforts that built the movement for civil rights and liberties.”

—ACLU-NC Executive Director  
Abdi Soltani

“ACLU-NC staff are still busy fighting day-to-day violations of civil liberties—possibly busier than ever,” said Soltani, “but we all felt it was crucial to carve out time to make this vital history accessible to those who are fighting—sometimes the same issues—today.”

## NORTHERN CALIFORNIA ARCHIVES

The ACLU of Northern California has a long relationship with the California Historical Society.

Frances Kaplan, CHS reference and outreach librarian, said that the ACLU-NC collection is one of the largest in the CHS archives. The first ACLU-NC records were donated to CHS in 1977 (made possible by support from the National Historical Publications and Records Commission) with additional deposits leading to the present. CHS now has 167 linear feet of ACLU-NC records that span the years shortly after the founding of the ACLU-NC during the 1934 General Strike to the present.

Kaplan explained that in addition to the *ACLU News*, the collection includes boxes of

legal cases as well as reports, correspondence and other documents that illuminate major civil liberties fights over the decades.

## SEARCHING THROUGH HISTORY

Al Bersch, metadata and systems librarian at CHS, helped to figure out how to organize such a high volume of information (approximately 4,500 pages of content) in ways that will be most helpful for researchers. The system he devised incorporates standard Library of Congress (LOC) research keywords as well as keywords developed by the ACLU-NC.

LOC keywords are important because they are a shared language that researchers use. However, because Congress approves each term, many preferred terms we use in the social justice movement aren't included. So, we are going both routes: using LOC keywords but also adding our own.

The *ACLU News* will not only provide information and context about what the ACLU-NC was working on at a particular time, but once searchable, they will also help researchers locate case files housed at CHS. “I cannot over-emphasize how heavily requested the ACLU-NC materials are,” Kaplan noted. “Nearly every week someone comes to the library or contacts me by email about something that they either believe is in the records, or a research question that I know will be answered by going through the ACLU-NC archives.”

Researchers will be able to search the *ACLU News* online for the case or subject they are interested in, see what year and what names were connected to it, and then use that information as a springboard to additional research.

## EXPLORE THE ARCHIVES

The digitized *ACLU News* editions back up and preserve the physical archives at the California Historical Society, and make the newsletters available to anyone anywhere in the world.

Find the **first decade of the *ACLU News* archives now at**  
**WWW.ACLUNC.ORG/ARCHIVES/CHS**





Abuse in Japanese internment camps and widespread racial discrimination shows distressing parallels to today's civil and immigration issues.

## LEARNING FROM HISTORY: PARALLELS FROM THE EARLY YEARS OF THE ACLU-NC

The project is launching in February 2020 with the first decade of the *ACLU News*. That decade alone—from 1936-1945—contains crucial and fascinating stories, many of which resonate today.

In the very first issue, the affiliate wrote about a key freedom of religion case—9-year-old Charlotte Gabrielli, a student in Sacramento who refused to say the Pledge of Allegiance because she was a Jehovah's Witness.

Another issue that year carried an article—and a dramatic photo—about Sol Nitzberg and Jack Green, labor organizers in Santa Rosa who were tarred and feathered and then paraded through the streets by a vigilante mob. They were represented by the ACLU-NC.

"Sol's grandson researched the ACLU records of his grandfather's case," librarian Kaplan explained, "and in 2015 donated his family's collection of materials about his grandfather. So having the ACLU records also helps us receive other important donations of unique and original materials."

San Francisco Chronicle legal affairs reporter Bob Egelko has long used the ACLU-NC as a resource for information about lawsuits and jurisprudence. "I love writing stories that look back as well as forward, and the archives contain history of state and federal court cases that even my overstuffed file cabinets don't hold."

Egelko noted an issue that dominated the first decade of the *ACLU News*: the affiliate's challenge to the World War II incarceration of Japanese Americans and its representation of Fred Korematsu.

The headlines from the 1940s are telling: In April 1942, the headline read, "Citizens Affected by Evacuation Orders Should Receive Hearings." In July 1942, "3 Evacuation Test Cases." By June, 1944, "Evacuation Cases Argued: Claim Military's Orders Based on Race Prejudice."

And the reporting wasn't only from the courtroom. In August 1944, after Besig traveled to the desolate Tule Lake Segregation Center, the headline read "Tyranny Reigns at Tule Lake." The front-page story begins, "Gestapo-like conditions at the Center can be judged by the fact that someone there poured a sack of sugar in the gas tank of Mr. Besig's car...."

"I've written a couple of stories in the last few years mentioning the U.S. internment of Japanese-Americans," Egelko recalled, "one where a judge compared it to the president's travel ban. Rereading them, I think they could have benefited from the kind of historical perspective that comes from those who went through the experience, or represented those who did." The digital archives will make those stories more accessible.



PHOTO BY SHIRLEY NAKAO

Fred Korematsu (left) joined with ACLU-NC founder Ernest Besig (right), in one of 5 ACLU cases challenging the mass expulsion and internment of Japanese Americans.


**"This archive preserves and makes accessible the proud history of the ACLU of Northern California."**

**—ACLU Deputy Executive Director Dorothy Ehrlich**

Harney explained, "We have policies around the ACLU-NC's legal cases and how those cases are documented for posterity. But the organization also has much valuable information that isn't in the legal documents, but can be found in the *ACLU News*, such as photographs, organizational reports, budgets, and editorials."

The digitized *ACLU News* will have special value for civil liberties advocates at the national office and around the country who are fighting some of the same fights.

Dorothy Ehrlich, ACLU-NC executive director from 1978 to 2006 and currently the Deputy Executive Director of the National ACLU, said that she was recently trying to recapture the ACLU-NC role in conceptualizing the original Driving While Black or Brown campaign. "We identified that problem at the ACLU-NC when we started our Racial Justice Project, and it was soon adopted as a national campaign. We are now reaching a two-decade anniversary since that work was launched—and the problems of racism in the criminal justice system persist."

"So many of our challenges are still with us," Ehrlich added, "and it is important to see how they were addressed in the past. Having the ability to access digital *ACLU News* files will genuinely open up a storehouse of information that cannot currently be penetrated. This is part of our collective memory." 

*Elaine Elinson served as the editor of the ACLU News from 1980 – 2001.*



# ACLU’S DISTRICT ATTORNEY ADVOCACY: IN IT FOR THE LONG HAUL

BY YOEL HAILE

The three ACLU affiliates in California began working on District Attorney accountability a decade ago, in 2010, as part of the ACLU’s longstanding work to abolish the death penalty. Like our work with the death penalty, improving the broken criminal justice system through DA advocacy takes time—but can have big results.


## A BRIEF HISTORY OF THE ACLU’S DA ADVOCACY IN CALIFORNIA

The first stage of this work was in 2010, when 56 of 58 District Attorneys in the state were up for election. We created a small booklet—called *What a Difference a DA Makes*—that engaged reporters and stakeholders. It was the first such effort we were aware of—and it resulted in a lot of attention.

In 2014, we went further. We created DA candidate briefing books and hosted candidate forums in counties that had contested races. In 2018, when 56 out of the 58 DAs were again up for reelection, we launched a robust public education campaign that included our [www.vote4da.org](http://www.vote4da.org) website, and worked with community partners in 11 of the largest California counties to organize candidate forums, issue education, and raise the profiles of the DA races.

As a result, the work we and our partners did resulted in significant narrative change of DA candidates from the antiquated “tough on crime” rhetoric to conversations around ending mass incarceration, challenging systemic racism within

the criminal justice system, and holding law enforcement officers accountable. 2018 also saw the highest number of contested DA races ever in California.

In 2019, there was only one DA race—San Francisco. We sent over 15,000 mailers for our members to learn about the role of the District Attorney—and to remind them to vote in the election. We sent an extensive questionnaire to all the candidates and posted their responses on the website [www.vote4da.org](http://www.vote4da.org). We also partnered with Project Rebound, a program to support formerly incarcerated students at San Francisco State to host a candidate forum that led to a historic commitment to never seek gang enhancements and sentences longer than 20 years for young people under the age of 26 by the now District Attorney, Chesa Boudin. The ACLU-NC has a longstanding concern with gang enhancements that go beyond alleged crimes, because of due process, freedom of association, and significant racial disparities in the CalGang database. 

*Yoel Haile is the Criminal Justice Program Manager at the ACLU of Northern California*

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**The work the ACLU of Northern California and our partners did resulted in significant narrative change of DA candidates from the antiquated “tough on crime” rhetoric to conversations around ending mass incarceration, challenging systemic racism within the criminal justice system, and holding law enforcement officers accountable.**

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## WANT TO TAKE ACTION?

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

Subscribe to our email action list at [ACLUNC.ORG/EMAIL](http://ACLUNC.ORG/EMAIL)

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## JOIN THE ACLU LEGACY CHALLENGE

- 1. **NAME** THE ACLU IN YOUR WILL
- 2. **TELL US** ABOUT YOUR FUTURE GIFT
- 3. **ACTIVATE** AN IMMEDIATE CASH MATCH TO THE ACLU

For a short time, name the ACLU in your will, and The Crankstart Foundation will make an immediate matching cash donation of up to 10% of the value of your future gift to the ACLU.

For more information, visit [aclu.org/jointhechallenge](http://aclu.org/jointhechallenge) or call (877) 867-1025 or email [legacy@aclu.org](mailto:legacy@aclu.org)



## INTERVIEW WITH ACTIVIST ELISABETH OCAMPO

*Below is Yoel Haile's conversation with Elisabeth Ocampo, who asked the gang enhancement question of Chesa Boudin. Elisabeth is a senior and a business major at San Francisco State University and the mother of two children.*

### TELL US ABOUT YOURSELF AND HOW YOU BECAME AFFILIATED WITH PROJECT REBOUND

I was born and raised in Redwood City. At the College of San Mateo, I was exposed to the statewide network through Underground Scholars (a group that creates a pathway for formerly incarcerated and system-impacted individuals into higher education) at UC Berkeley. I was an ambassador for Underground and participated in the Dream Beyond Bars conference at Columbia University. As I was getting ready to transfer, Project Rebound at San Francisco State helped me get admission and enroll. They have been really supportive.

### WHEN YOU ASKED A QUESTION ABOUT GANG ENHANCEMENTS AT THE DA CANDIDATE FORUM, YOU SHARED A LITTLE BIT OF YOUR STORY. WHY DID YOU CHOOSE TO ASK THAT SPECIFIC QUESTION?

At the age of 13, I was labeled a gang member and it always came up no matter where I was in the Bay Area and who I was stopped by or who I was with. I grew up with it being a normal thing to me. I help people now, bringing knowledge and educating folks how these systems are made to go against us and are part of an unjust system.

Two people I know—a guy who reached out to me trying to change his life and a woman who is now a student at UC Santa Cruz—were said to be “associating,” because they were celebrating at a community event hosted by the Sheriff’s Office. They grew up together, and she was trying to empower him to change his lifestyle. He ended up getting arrested a few days after that event for associating with her—because he is on parole, and you’re not supposed to associate yourself with “known gang members.” She doesn’t consider herself to be one, but she’s labeled as one. Because of that, he sat in a cell for three months and the judge ruled he violated his parole.

We did as much as we could to show the court that she is not a gang member, she had letters of support from professors, she teaches yoga at the juvenile hall. But we couldn’t change the outcome.

Everything hits close to home, not just because of this example but because of how people face additional years, and possibly life, for gang enhancements is really ridiculous.

### WHY DID YOU THINK IT WAS IMPORTANT FOR YOU TO BE INVOLVED AND ENGAGED IN THE SAN FRANCISCO DA RACE?

I felt like it was important as a woman of color, student, and a community member. I don’t think community members feel welcome to events like that because they feel like they won’t be heard.

### WHAT DO YOU THINK THE IMPACT OF THE DISTRICT ATTORNEY-ELECT’S POLICY COMMITMENT TO NEVER SEEK GANG ENHANCEMENTS WILL BE FOR YOU AND YOUR COMMUNITY?

For people that are already serving time, I think it creates the possibility of coming back home to their families and recreating themselves. I hope that it drives other DAs to follow.

### WHY IS IT IMPORTANT THAT PEOPLE PAY ATTENTION AND GET ENGAGED WITH THE DISTRICT ATTORNEY’S ROLE AND ELECTION?


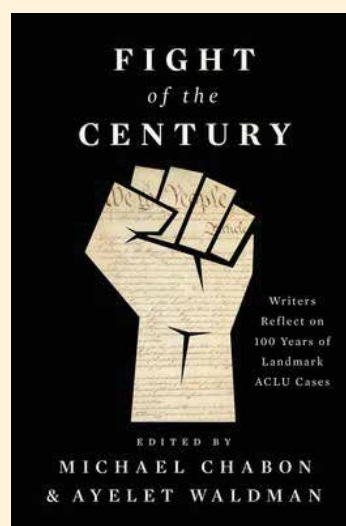
They’re locking up our people. It’s not just incarceration, it’s the way everything works. The more we lock people up, the less stable they are, the more restrictions they have, the less opportunities they have. So everything kind of goes on and on, I feel like that goes parallel with homelessness, unemployment, etc. If people want to see healthy communities and a brighter San Francisco, it is essential to be part of these conversations and know what’s going on. 



PHOTO BY GIGI HARNEY

“If people want to see healthy communities and a brighter San Francisco, it is essential to be part of these conversations and know what’s going on.”

—Elisabeth Ocampo, who was labelled a gang member at age 13



### CELEBRATING THE ACLU’S CENTENNIAL IN 2020

The National ACLU turned 100 years old in January 2020.

New book *Fight of the Century* showcases many of today’s greatest writers contributing original pieces inspired by historic ACLU cases.

ELECTION DAY REGISTRATION

Voter suppression happens in a number of ways. There is the overt, such as voter roll purges. Then there are the structural barriers that may appear neutral on the surface, but that disproportionately impact people of color, the young, immigrants, people with disabilities, and those who speak limited English.

Historically, a requirement to register to vote 15 days prior to an election has been a major barrier to voting in California, particularly for renters and others who move frequently and for those who tune in close to the election but after the deadline. There are nearly 5 million eligible but unregistered voters in California. To address the problem, the ACLU of California co-sponsored SB 72, a state law that expands Election Day Registration to every polling site in California. Gov. Gavin Newsom signed it into law in October, making California the 14th state along with the District of Columbia to provide Election Day Registration at polling places.

Effective this year, any eligible citizen can vote by conditional ballot at a polling place or vote center. These ballots are counted after county election officials have processed the registration and verified a voter’s eligibility.

Making registration available on Election Day has been found to increase voter participation. “Voter registration has been the biggest administrative barrier to voter participation in California and so with Election Day Registration, we can help to close the participation gap,” said Raúl Macías, Voting Rights Project Manager & Attorney at the ACLU of California. “California has historically had one of the lowest voter registration rates in the whole country, and we know that unregistered voters tend to be overrepresented by historically disenfranchised communities.”

The successful passage of the Election Day Registration law, co-sponsored by the ACLU, was an example of our voting rights team springing into action after a devastating court defeat. In 2018, the Supreme Court dealt a blow to voting rights with a decision that upheld an Ohio voter purge practice and allowed the state to remove registrants from the rolls for not voting in two federal elections. A conservative group used that undemocratic ruling as the legal grounds to force Los Angeles County to begin sending notices to an estimated 1.5 million inactive voters, which is the first step in removing them from the voter rolls. In response, the ACLU fought for SB 72 to expand access to Election Day Registration to every polling place in the state.

In addition to expanding Election Day Registration, the ACLU and co-counsel litigated against the Secretary of State and the Department of Motor Vehicles to automate voter registration for drivers’ license applicants. The settlement we negotiated ultimately guaranteed that automatic registration would be implemented before the 2018 primary election. In the 20 months since the reform took effect, over 7.1 million Californians registered or updated their registration at the DMV.

**VICTORY!**

**Effective this year, any eligible citizen can vote by conditional ballot at a polling place or vote center.**

The ACLU of California co-sponsored SB 72, a state law that expands Election Day Registration to every polling site in California.

**Nearly 1.9 million eligible but unregistered voters live in counties impacted by Election Day Registration.**

WINS IN CALIFORNIA COURTS

Last year, The ACLU Foundation of Northern California and our partner Disability Rights of California prevailed in a lawsuit that required the state to expand voter registration to more agencies that serve people with disabilities and people receiving public assistance. In *Senior and Disability Action v. Secretary of State Padilla*, we argued that the Secretary of State had failed to designate offices that serve millions of poor and disabled people at Voter Registration Agencies—as required by state and federal law. A San Francisco Superior Court Judge agreed and ordered Secretary Padilla to direct the California Student Aid Commission, and General Relief and General Assistance programs to offer voter registration to the estimated 1.8 million people who seek assistance at their offices each year.

In another key court case, *Asian Americans Advancing Justice-Los Angeles et al v. Secretary of State Padilla*, the ACLU and our legal partners won a victory for limited English language speakers in the California Court of Appeal. In November, a panel of three judges ruled that Padilla had improperly used higher federal thresholds to determine which language speakers received translated voting materials. As a result, the speakers of 16 Asian languages were denied facsimile ballots and other voting assistance in their native tongue. In November 2020, an additional nearly 1,300 precincts statewide will have coverage for additional languages, including

assistance for people who speak Hindi, Japanese and Thai. “This makes it possible for many thousands of Californians to more easily participate in our democratic process,” said William Freeman, a senior counsel with the ACLU Foundation of Northern California. “California must continue to be in the forefront of encouraging robust voter participation in our state’s diverse communities.”

FIGHTING FELONY DISENFRANCHISEMENT

In California and across the country, the ACLU has been fighting to repeal felony disenfranchisement laws that are a holdover from the Jim Crow era. These laws systematically lock black and brown people out of the voting booth. Over 15 years, the ACLU-NC and our partners such as All of Us or None, a grassroots organization fighting for the rights of formerly and currently incarcerated people, have worked to restore the vote step by step in California. The next step is to restore the right to vote for people on parole. There are about 50,000 people in California on parole, many of them citizens currently prohibited from voting.

This prohibition causes confusion for thousands of people who are formerly incarcerated but otherwise eligible to vote. **Too many people wind up not voting because of the uncertainty that the current parole restriction causes.** The ACLU of California has co-sponsored ACA 6, a constitutional amendment that would automatically restore a person’s right to vote upon release from prison. The “Free the Vote Act,” has passed the Assembly. If it wins approval in the Senate, the ballot measure will go before voters in November.

Too many people wind up not voting because of the uncertainty that the current parole restriction causes. The ACLU of California has co-sponsored ACA 6, a constitutional amendment that would automatically restore a person’s right to vote upon release from prison.

[www.FreeTheVoteCA.org](http://www.FreeTheVoteCA.org)



## VOTER'S CHOICE ACT

Big changes are coming for many California voters in November 2020. Half of eligible voters live in counties that have adopted an optional voting model passed by lawmakers in 2016 under the Voter's Choice Act. The new system relies primarily on voting by mail and replaces neighborhood polling sites with a smaller number of new vote centers that can be used by any voter, are open for more days, and are spread out across the county.

This new model has the potential to increase voter turnout by making voting more convenient. All voters in participating counties (except for voters in Los Angeles, which is adopting the model without providing universal access to vote by mail), will receive a ballot one month before the election, which they can return by mail (**postage is prepaid**), place it in one of the county's new drop boxes, or return it in person at a vote center. Voters who prefer to vote in person can visit any vote center in the county, not just the one closest to them. Vote centers will begin to open 10 days before the Election Day, and more will open three days before Election Day. Vote centers will also all offer voters who missed the registration deadline the opportunity to register and vote. However, because most polling places will no longer be open, there is potential for voter confusion. The ACLU voting rights team is monitoring Voter's Choice Act counties to make sure officials are adopting the reform responsibly, transparently, are seeking meaningful public input, are distributing vote centers equitably, and are doing a good job informing the public about the important changes.

## ACLU VOTING RIGHTS NATIONWIDE

The ACLU's national voting rights project was established in 1965. Its mission is to ensure that all Americans are able to vote, that voting is free and easy, and that all votes are counted equally.

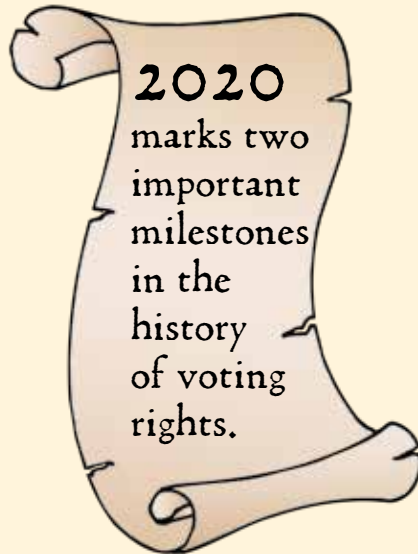
Ever since the Supreme Court's gutting of the Voting Rights Act in *Shelby County v. Holder* in 2013, followed by the election of Trump in 2016, the war on voting rights has escalated.

We have seen an alarming increase in voting restrictions concocted by local and state elections officials including photo ID laws, restraints on voter registration, voter purges, cuts to early voting, restrictions on the casting and counting of absentee and provisional ballots, polling place closures and consolidations, and criminalization of acts associated with registration or voting.

In response to voter suppression on a scale that we have not seen in a generation, the ACLU advocated for H.R. 4, the Voting Rights Advancement Act, which the U.S. House of Representatives passed in December. This essential law strengthens voting rights protections.

From fighting voter suppression in Georgia, to going all the way to the Supreme Court to block the Trump administration's citizenship question in the Census, the ACLU has remained vigilant in challenging discriminatory voting measures.

# MILESTONES FOR VOTING RIGHTS



Feb. 3 is the 150th anniversary of the 15th Amendment, while Aug. 18 is the centennial of the ratification of the 19th amendment. Respectively, they guarantee the right to vote without regard to race or gender.

**The 15th Amendment** states: "The right of Citizens of the United States to vote shall not be denied or abridged by the United States or any State on account of race, color, or previous condition of servitude." The amendment also gave Congress the power to enforce the law, but that enforcement was short-lived.

For almost 100 years after the 15th Amendment, many jurisdictions used a combination of tactics to quash the vote of communities of color. It wasn't until the Civil Rights Movement and the passage of the Voting Rights Act in 1965 that the 15th Amendment began to have force again.

**The 19th Amendment** granted women the right to vote after a century of protest. It states: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex."


While the passage of the 19th Amendment was historic, its expected impact on other political and economic rights of women, and their ability to run for and be elected to office, have taken far longer to materialize.

While both amendments are historic advances, the long work of ensuring equality in representation for people of color and women continues.

In the 20 months since the ACLU won a settlement with DMV over automatic registration, **OVER 7.1 million Californians registered or updated their registration at the DMV.**



As the result of an ACLU lawsuit, in November **1,300 precincts statewide will include language assistance for 16 Asian languages.**

We will continue to work to ensure that all eligible citizens have the right to vote and have their ballot counted. 

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

## LETTER FROM THE EXECUTIVE DIRECTOR



PHOTO BY BETHANIE HINES

As you read this issue of *ACLU News*, I hope you walk away with at least three things.

**The urgency of the moment.** As we gear up for elections in 2020, we all feel with great urgency what is at stake in our country today. This issue's cover story on the right to vote underscores how important it is to ensure that every citizen has the right and ability to participate in our democracy. Across all our issues—from reproductive rights to immigrants' rights—we face the urgency of defending rights, but also seizing the moment to advance proactive change in California.

**The origins of our movements.** We are also making time and space to understand our origins. As the ACLU celebrates its centennial, I am thrilled that the ACLU of Northern California can share its history by making 84 years of this newsletter accessible to any person with an internet connection. Going further back, this issue highlights Gold Chains, our project to unearth the legacy of racism in the founding of California.

**The importance of your engagement.** I hope you know and feel—in your bones—how important your support of the ACLU is. The breadth, depth and durability of this work is only possible because of you. Through your support of ACLU and other organizations, and through your participation in your community and country, you are the most important line of defense of our country's values and people's rights.

On the topic of your engagement... California's general election is on March 3. Odds are you already know there is a Presidential primary. My ask of you is to learn more about the candidates for State Assembly and Senate and where they stand on key civil liberties issues before you cast your vote.

Yours,

Abdi Soltani  
Executive Director, ACLU of Northern California

# VOTE ON MARCH 3

## WE WANT PRESIDENTIAL CANDIDATES TO STAND UP FOR RIGHTS **FOR ALL OF US**

FIND OUT WHERE THE PRESIDENTIAL CANDIDATES STAND AT  
**[WWW.RIGHTSFORALL.ORG](http://WWW.RIGHTSFORALL.ORG)**

It's not enough for candidates to talk generally about rights on the campaign trail. When we cast our ballots, we want to know that they have embraced specific policies that advance Rights for All within their presidency.

We asked the leading candidates for president to commit to criminal justice reform policies that will protect public safety, reduce mass incarceration by 50%, and address other major injustices.



## DON'T FORGET TO **VOTE DOWN THE BALLOT** ON CALIFORNIA RACES

VOTE FOR:

STATE SENATOR | ASSEMBLYMEMBER | LOCAL REPRESENTATIVES

*Vote by mail or in person*

SOME KEY ACLU-NC ISSUES:

DIGITAL PRIVACY | POLICE ACCOUNTABILITY | CRIMINAL JUSTICE

**[WWW.ACLUNC.ORG](http://WWW.ACLUNC.ORG)**

**Check your registration status, where to vote,  
and what's on your ballot at:**

**[WWW.VOTERSEDGE.ORG/CA](http://WWW.VOTERSEDGE.ORG/CA)**