

ACLUnews

FALL 2012

VOLUME LXXVI ISSUE 3

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CLOVIS SCHOOL DISTRICT: SEX EDUCATION THAT GETS AN "F"

By Rebecca Farmer

Sex education in high school that doesn't mention condoms? In California? Mica Ghimenti and Aubree Smith were shocked when they discovered the Clovis Unified School District was teaching abstinence-only-until-marriage sex ed to their kids. So these Fresno County parents reached out to the ACLU of Northern California for help.

The ACLU sued Clovis Unified on behalf of the two parents, the American Academy of Pediatrics California District IX, and the Gay-Straight Alliance Network, with pro bono assistance from the law firm of Simpson, Thatcher & Bartlett. The lawsuit charges that the district is violating California law and putting teens' health at risk by teaching students biased, inaccurate information and denying them critical instruction about condoms and contraception.



Aubree Smith, parent and plaintiff

California state law mandates that sexual health education in public schools be comprehensive, medically accurate, science-based, and bias-free. Meanwhile, Clovis Unified is teaching teens from a textbook that makes no mention of condoms, even in chapters about HIV/AIDS and on preventing STDs and unintended pregnancy.

Instead of getting critical information about condoms and contraception, teens in the Clovis high schools are told that to prevent STDs and unintended pregnancies, they should just "practice abstinence," "respect yourself," "get plenty of rest," and "go out as a group."

But that's not all. The curriculum teaches that everyone, even adults, should avoid sexual activity until they are married.

CONTINUED ON PAGE 5

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for the ACLU of Northern California's
BILL OF RIGHTS DAY CELEBRATION
SUNDAY, DECEMBER 9, 2012

HONORING

JEANNE WOODFORD for her work to reform the criminal justice system & replace the death penalty with life without parole

BARBARA BRENNER for her volunteer service to the ACLU & leadership in health activism

Featuring Master of Ceremonies
AUNDRE "THE WONDERWOMAN" HERRON

Come celebrate our collective civil liberties accomplishments of 2012 including the tremendous work to replace the death penalty with life without parole.

ILWU Local 34 Union Hall, San Francisco
Doors 1PM, program 2PM, reception afterward
\$10 - \$25 sliding scale admission

For more information or to register online
please visit www.aclunc.org/bord
or call 415-621-2493 x350

VOTE ON NOVEMBER 6

Justice that works

YESON34.ORG

Proposition 34 (SAFE California Act) replaces the death penalty with justice that works: life in prison without the possibility of parole, which eliminates the risk of ever executing an innocent person and saves California and its counties \$130 million per year.

SEE MORE ACLU-NC POSITIONS ON
CALIFORNIA BALLOT INITIATIVES
ON PAGE 4



ACLU

AMERICAN CIVIL LIBERTIES UNION
of NORTHERN CALIFORNIA

BOARD OF DIRECTORS ELECTION

VOTING INFORMATION

WHO CAN VOTE:

The by-laws of the ACLU of Northern California call for the “at large” Directors to be elected by our general membership. The label affixed to this issue of the *ACLU News* indicates on the top line if you are a current member and thus eligible to vote. Your label states “VOTE” if you are eligible to vote or “INELIGIBLE” if you are not eligible to vote.

If your label states that you are ineligible to vote, but you have recently renewed your membership, please send in your ballot with a note that includes your name and phone number, so we can verify your status. If you are ineligible because you have not renewed your membership but would like to do so at this time, please enclose your membership renewal check in the same envelope as your ballot. (Please note that it is your membership dues payable to the ACLU, not tax-deductible donations to the ACLU Foundation, that make you eligible to vote.)

HOW THE CANDIDATES WERE NOMINATED:

As explained in the summer 2012 issue of the *ACLU News*, our by-laws specify two methods for nominating candidates for directorships. Candidates may be nominated by the current Board of Directors after the Board considers recommendations from its Nominating Committee. Candidates may also be nominated by petition bearing the signatures of at least 15 of our members in good standing.

INSTRUCTIONS FOR VOTING:

The candidates are listed in alphabetical order. We have 10 candidates running to fill 10 vacancies on our Board of Directors. You may vote for up to 10 candidates.

You cannot cast more than one vote for any candidate. That applies even if you vote for fewer than 10 candidates. If you share a joint membership with another member, each of you can vote for 10 candidates. Do so by using both of the two columns provided for that purpose.

After marking your ballot, clip it and enclose it in an envelope. Your address label (on the reverse side of this ballot) must be included to ensure voter eligibility.

ADDRESS THE ENVELOPE TO:

ELECTIONS COMMITTEE
ACLU of Northern California
39 Drumm Street
San Francisco, CA 94111

If you prefer that your ballot be confidential, put your ballot in one envelope, then insert that envelope plus your address label in a second envelope and send to our Elections Committee at the address indicated above. In that case, we will separate your envelopes before we count your ballot.

In order for your ballot to be counted, we must receive it at the address shown above by noon on December 6, 2012.

As required by our by-laws, in order to have a quorum for our election, we need at least 100 timely returned ballots from our members.

To help you assess this year’s candidates, we’re including brief statements submitted by the candidates (see page 3). We’ve also indicated how they were nominated.

ACLU-NC BOARD OF DIRECTORS BALLOT

Please vote by marking one square next to each candidate you support.
You may vote for up to 10 candidates on this ballot. If you share joint membership with another member, use both squares.

<input type="checkbox"/>	<input type="checkbox"/>	MARIA HEKKER
<input type="checkbox"/>	<input type="checkbox"/>	RUBEN LIZARDO
<input type="checkbox"/>	<input type="checkbox"/>	SCOTTY MCLENNAN
<input type="checkbox"/>	<input type="checkbox"/>	DAVID OPPENHEIMER
<input type="checkbox"/>	<input type="checkbox"/>	ISMAIL RAMSEY

<input type="checkbox"/>	<input type="checkbox"/>	SIMIN SHAMJI
<input type="checkbox"/>	<input type="checkbox"/>	BIANCA SIERRA
<input type="checkbox"/>	<input type="checkbox"/>	BEVERLY TUCKER
<input type="checkbox"/>	<input type="checkbox"/>	FRANCISCO UGARTE
<input type="checkbox"/>	<input type="checkbox"/>	MICHELLE WELSH

Please clip and send along with your address label to:

Elections Committee
ACLU of Northern California
39 Drumm Street
San Francisco, CA 94111

Ballots must be received by noon on Dec. 6, 2012

CANDIDATE STATEMENTS



Maria Hekker

I am very honored to be nominated as a candidate in the election of the ACLU-NC at-large Board of Directors. I am grateful for this opportunity to join the ACLU's important work in protecting the civil liberties of Northern California's many diverse communities. I am excited to have the opportunity to add my background in the non-profit world, as well as my corporate, legal and finance experience, to the myriad

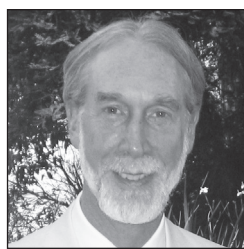
talents already resident in the staff and on the Board of the ACLU-NC. Thank you for your vote.



Ruben Lizardo

I have been supporter and ally of the ACLU for more than two decades—because of its lead role protecting civil rights and opening up opportunity for vulnerable Californians. I would be honored to serve on the board. As an activist and alliance builder, I am most interested in the ACLU-NC's work to end disproportionate suspensions and expulsions of kids of color from public schools, reduce the numbers of

young men of color that are pushed into jails and prisons, and strengthen policies that ensure our state benefits from the cultural and economic vitality of our state's immigrant communities. I currently work at PolicyLink where I lead the Alliance for Boys and Men of Color (www.allianceforbmoc.org) and our equitable jobs and workforce projects and initiatives.



Scotty McLennan

I would be honored to continue serving on the board of the ACLU-NC, after decades of being a card-carrying member of the ACLU here and in Massachusetts. I am a lawyer and Unitarian Universalist minister who spent the first ten years of my career doing legal services work in a low-income community in Boston under church sponsorship, before becoming the University Chaplain at Tufts and advisor to the

student community service organization. For the last twelve years I have been the Dean for Religious Life at Stanford University, teaching courses on ethics in the professions and nonviolent social change. I am deeply committed to issues like reproductive rights and marriage equality, where I feel religious organizations have often been on the wrong side.



David Oppenheimer

It's a great honor to be nominated to the ACLU Board, and in these perilous times a great responsibility as well. I hope I can justify the judgment of the nominating committee. I've been involved in the ACLU-NC since the 1980s. I've served on the Board, the Legal Committee, the Executive Committee, the Lawyer's Council Steering Committee, and as a solicitor in the Major Gifts campaign. I would bring to the Board my 30 years of experience as a law professor, teaching

courses and writing in the area of discrimination, equality, employment rights, and civil procedure; my 10 years full-time experience as a lawyer handling discrimination claims; and my experience as a past board member of several civil rights and liberties groups.



Ismail Ramsey

I have been honored to serve on the Board of Directors of ACLU-NC for the past three years. I am committed to fighting to protect our civil liberties, particularly for those accused of crimes. This is an extension of my everyday law practice, in which I defend criminal defendants. For the last decade, I have seen on a daily basis the impact of our criminal justice system on our youth. As an African American male who grew up in the East Bay, I am committed to educating young

people in our area about civil liberties and the role they play in a democratic society. I have also served on a variety of Boards, including the Donald P. McCullum Youth Court, and I currently coach a high school mock trial team in Richmond. I look forward to continue helping further the mission of the ACLU.



Simin Shamji

I am honored to be nominated to serve on the Board of Directors of the ACLU-NC. It would be hard to find an organization that more perfectly matches my background, skills and passions in life. I grew up in Dar es Salaam, Tanzania during a time when civil rights and civil liberties, particularly for South Asian immigrants, did not exist. As a consequence,

I have always cherished these rights and believe strongly in protecting them for everyone. In my current position at the Office of the Public Defender in San Francisco, I work extensively on criminal justice policy, including sentencing reform and advocating for alternatives to incarceration. If elected, I will work tirelessly to protect and uphold the rights that are guaranteed under the Constitution.



Bianca Sierra

I am honored to be nominated to the Board of Directors of the ACLU-NC. As the Executive Director of Centro Legal de la Raza, an Oakland-based non-profit providing free legal services to low-income, Spanish-speaking, and immigrant communities and the daughter of Mexican immigrants, I am deeply committed to and passionate about the fight for social justice. I am excited and eager to serve the ACLU-NC

because of its long history fighting for and protecting civil liberties for all members of our society. If elected, I plan to bring my passion and perseverance to further the organization's mission by contributing my leadership skills and commitment to advocating for underrepresented communities.



Beverly Tucker

I hope to continue to serve as a member of the Board of Directors of the ACLU-NC. I served two terms as a board member in the 1980s and then for the next twenty years while I worked as chief counsel of California Teachers Association, I worked in coalitions with the ACLU on several ballot initiative campaigns. I was impressed by the dynamic growth of the ACLU and its development of new strategies to meet changing circumstances and challenges, e.g.,

aggressive government anti-terrorism activities and electronic surveillance. During my career as a lawyer, I worked on labor, employment discrimination, education, and civil rights issues always seeking to protect and expand the rights of the disadvantaged and less powerful. Please vote for me.



Francisco Ugarte

It is a true honor to be nominated to serve on the Board of the ACLU – NC. I work as Senior Attorney at Dolores Street Community Services, a non-profit organization that provides free legal defense to immigrants facing deportation. I specialize in litigating constitutional defenses to removal in immigration court. I admire the zealous advocacy of the ACLU, and have worked with the ACLU on several projects, including providing legal defense to workers arrested during

immigration raids, working to restore civil rights to undocumented youth in San Francisco, and stopping unfair police/immigration enforcement programs like S-Comm. If elected to the Board, I will continue to support ACLU's goals of defending basic civil and constitutional rights.

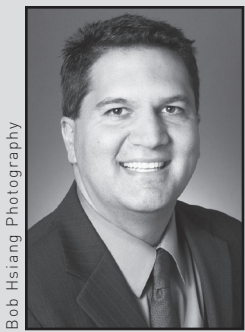


Michelle Welsh

I became a volunteer activist with the ACLU in 1978 when I joined the Board of the Monterey County Chapter after working with ACLU on the No on Proposition 6 campaign. I continue to serve on the Board of the Monterey County Chapter and chair its legal committee. I represented the Chapter on the ACLU-NC Board from 1994 to 2004. During that time I chaired the Field Activists Committee and

served on the Executive committee. In 2009 I was elected to the ACLU-NC Board as an at-large member. I have served as Chair of the Board since January 2011, which has enabled me to work closely with the Board and staff. I also participated in two national ACLU conferences proudly representing ACLU-NC. I am a lawyer in practice in Pacific Grove and an adjunct professor of Constitutional Law at Monterey College of Law. I am honored to be nominated for re-election to the Board of the ACLU-NC.

LETTER FROM THE EXECUTIVE DIRECTOR



What a summer it's been! Here are some highlights:

1. Sued Clovis Unified over its sex education program that compares women who have had premarital sex to dirty shoes.
2. Settled a lawsuit with UC Davis on behalf of pepper-sprayed students.
3. Settled lawsuit in the Central Valley to make sure young English Learners are actually taught to read.
4. Heard ACLU-NC staff attorney Michael Risher argue before an 11-judge en banc panel of the Ninth Circuit in our case challenging seizure of DNA from arrestees.
5. Worked with students during phone-in days on campuses to encourage Gov. Brown to sign the TRUST ACT for immigrant rights.
6. Got Gov. Brown to sign our bill on school discipline reform, encouraging districts to use alternatives before resorting to suspensions and expulsions.
7. Got Gov. Brown to sign our bill designating the new health exchange as an agency to also register voters. That's a lot of potential voters.
8. Persuaded the *Sacramento Bee* to endorse Proposition 34, reversing its 150-year position to now support replacing the death penalty. Worth a read at www.sacbee.com/deathpenalty.
9. Heard my 5-year old Juno read the yard sign I put up: "Yes on 34, Justice that Works." He pronounces it "justikah," but he's on message.
10. While lost in Desolation Wilderness, I was guided back to the trail by a woman who turned out to be an ACLU member. Our members really lead the way. We would be lost without you... literally.

For the most recent developments, read more at www.aclunc.org. Back to work,

Abdi Soltani
Executive Director

ACLUnews

THE PUBLICATION OF THE
AMERICAN CIVIL LIBERTIES UNION OF NORTHERN CALIFORNIA

Membership (\$20 and up) includes a subscription to the *ACLU News*. For membership information call (415) 621-2493 or visit www.aclunc.org

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VOTE ON NOVEMBER 6 CONTINUED FROM PAGE 1

Propositions 30 and 38 ✓ YES

The ACLU of Northern California endorsed both of these measures to counter the onslaught of multiple years of court closures, cuts to public education, and erosion of the state's social services safety-net. Proposition 30 is the governor's tax measure, which raises the sales tax and income tax to pay for K-12, higher education and other state services. Proposition 38 raises the income tax to pay for pre-K and K-12 public schools.

"We typically stay out of tax-related frays," said Abdi Soltani, executive director of the ACLU of Northern California, "but our board came to the conclusion that without additional revenues, the next wave of cuts would result in violations of basic constitutional rights to education and equal justice. Instead of splitting votes between these measures, we would encourage our members and supporters to vote Yes on Prop 30 and 38."

Proposition 31 ✓ NO

Proposition 31 establishes a two-year budget cycle and a pay-as-you-go approach to state spending on social services that could have a detrimental impact on low-income Californians most in need of safety net programs.

Proposition 32 ✓ NO

Proposition 32 makes it overly burdensome for unions to raise funds for political activity because of the restriction it places on paycheck deductions (which are normally not used by corporations), effectively squelching union political speech. Union members already have the right to opt out.

Proposition 34 ✓ YES

Proposition 34 would replace the death penalty with life in prison without the possibility of parole. *Read more on page 1.*

Proposition 35 ✓ NO

Proposition 35 would require registered sex offenders to provide online screen names and information about their Internet service providers to law enforcement, even if their convictions are very old and having nothing to do with the Internet or children. This infringes on free speech and the ability to engage in anonymous online speech.

Proposition 36 ✓ YES

Proposition 36 restores the original intent and core purpose of the Three Strikes Law. It would help reduce over-incarceration in California by eliminating the 25 years-to-life sentences that are currently imposed for nonviolent, non-serious crimes, and saves \$100 million per year.

Measure S (City of Berkeley) ✓ NO

City of Berkeley Measure S places an undue burden on First Amendment rights to free speech by requiring that people engage in constitutionally protected speech while standing rather than sitting, and allows police unfettered discretion to target a small minority of people who violate the terms of the measure—likely homeless, poor, and young people.

With a Single Sentence, You Can Defend Freedom Now and Forever.

Right now, by adding the ACLU to your will, you can leave a legacy of liberty for generations to come and defend our freedom today.

Name the ACLU in your estate plans and the LuEsther T. Mertz Charitable Trust will make a cash matching contribution of up to \$10,000 to the ACLU today, while matching funds are available.

For simple bequest language to include in your will and for information on other gifts that qualify for the Legacy Challenge, visit www.aclu.org/legacy or call toll-free 877-867-1025.



AMERICAN CIVIL LIBERTIES UNION
LEGACY
CHALLENGE

THANK YOU, HOWARD QUINN COMPANY, FOR OVER 15 YEARS OF PRINTING THE ACLU NEWS!

Union printer Howard Quinn Company has printed the *ACLU News* for over fifteen years. As they shut their doors, we thank them for their years of printing the newsletter.

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By Danielle Riendeau

Hands Off Our DNA Lawsuit Gets Another Day in Court

In September the ACLU-NC presented oral argument before an en banc panel of 11 judges of the Ninth Circuit Court of Appeals in a federal class-action lawsuit challenging a California law that mandates that DNA is collected from anyone arrested on suspicion of a felony, even if they are never charged or convicted. The law in question violates constitutional guarantees of privacy and freedom from unreasonable search and seizure. Earlier this year, a divided three-judge panel of the Ninth Circuit upheld the law. The ACLU asked for the full Court to re-hear the case, which was granted.

The suit, *Haskell v. Harris*, was filed in 2009 on behalf of Lily Haskell and three other plaintiffs who were forced to turn over a cheek swab of their genetic blueprint to police. Lily was arrested after joining a peace rally in San Francisco. Although she was released without any charges, her DNA is now stored in national databank.

Victory for Young English Learners

The Dinuba Unified School District agreed to stop teaching a fundamentally flawed program to young students who are English learners, in response to a recent ACLU of California lawsuit. The program did not teach reading to many first and second graders who are English learners. Now, young English learners in Dinuba will have access to the same quality of instruction as their peers. See the back page for more information about ACLU-NC's work to ensure equal education opportunity for all California students.

Keeping Free Speech Free

The City of Milpitas cited resident Rob Means for placing a 26" x 16" lawn sign in his front yard that said "We

are the 99%." The city gave him two choices: Reduce the sign to one square foot, as required by the Milpitas Sign Ordinance, or pay a \$700 fee to apply for a variance to the size limitation. The rule has had a chilling effect on the freedom of expression: Another resident removed a similar sign after receiving a take-down notice. The ACLU-NC asked city officials to suspend or fix its overly-broad ordinance. After no meaningful action from the city, the ACLU-NC filed suit to compel Milpitas to fix its rule and protect free speech.

Shining a Light on Occupy-Related FBI Spying


In mid-July, the ACLU-NC filed a Freedom of Information Act (FOIA) lawsuit against the FBI to find out whether and to what extent the agency has been spying on members of the Occupy movement. The protest movement, which quickly spread across the nation last fall, was subjected to violent police crackdowns, involving everything from tear gas and so-called "less lethal" munitions to pepper spray and batons. Documents obtained by the Partnership for Civil Justice Fund show that the Department of Homeland Se-

curity was engaged in nationwide monitoring and surveillance of the Occupy movement. The ACLU-NC's FOIA sought to uncover whether the FBI was also involved.

After we filed suit, the FBI released just 13 pages, confirming that the FBI was conducting surveillance of the movement. The agency claims it only has a grand total of 37 pages on all of these topics, and is refusing to hand over almost two thirds of those documents. One of the justifications for withholding the information is that it supposed to be kept secret "in the interest of national defense or foreign policy."

It's unclear how information about the Occupy movement could implicate national security, and if it does, how the FBI can claim that it has only 37 pages of documents. The ACLU-NC intends to push for additional information from the FBI on these issues.

Creating Better School Conditions

The ACLU-NC sued the West Contra Costa Unified School District over abhorrent conditions at the district's Community Day School Program. The classrooms there have at times had no electricity or heat, leaky ceilings, insufficient desks and chairs, rat and feral cat feces, and mushrooms growing out of the floors. The purpose of the Richmond-based program is to help some of the district's most vulnerable students get back on track, but the school district is failing to meet these students' needs. The lawsuit seeks to compel the district to provide adequate staffing, instructional materials, and legally-required services to its students in a safe and healthy environment where students can learn. See the Q&A on page 8 of this newsletter for more details on the case. 

Danielle Riendeau is the Communications Coordinator at the ACLU of Northern California.

SEX EDUCATION LAWSUIT CONTINUED FROM PAGE 1

Additional materials compare a woman who is not a virgin to a dirty shoe and suggest that men are unable to stop themselves once they become sexually aroused.

"Our kids need complete, accurate information to help them protect themselves against STDs and unintended pregnancy. That's information they'll need at whatever point in their life they become sexually active," plaintiff Aubree Smith said. Her 17-year-old daughter is a senior at Clovis High School.

Studies have shown that sex education limited to promoting abstinence does not reduce teen sexual activity. It puts teens' health at risk. Here are two stark facts:


In Fresno County, teens account for nearly a third of chlamydia cases and a quarter of gonorrhea cases, both of which can have serious health consequences if they are not detected and treated.

Although teen birth rates are dropping across the state, they remain high in the Central Valley. Fresno County has had one of the highest teen birth rates in the state for over a decade.

A 2011 report by the University of California San Francisco showed that although California's public schools have made great strides in the quality of sexuality education and HIV/AIDS prevention, many districts still fail to provide students with the complete, accurate information that they need and that the law requires.

Additionally, sex education must be accurate and relevant for all students, regardless of their sexual orientation. Messages about sexuality and sexual orientation in sex ed can have a dramatic impact on young people. When sex ed instruction speaks negatively about sexual orientation or assumes that everyone is heterosexual, that can

be very damaging for young people who are lesbian, gay or bisexual, and for students who think they might be.

This lawsuit is the first of its kind in California, and is an important step in the ACLU-NC's decade of work around sex education. 

Rebecca Farmer is the Communications Director at the ACLU of Northern California.


"OUR KIDS NEED COMPLETE, ACCURATE INFORMATION."

—AUBREE SMITH, PARENT AND PLAINTIFF

KEEPING TASERS OUT OF SAN FRANCISCO

Over the summer San Francisco Police Chief Greg Suhr announced a call for the SFPD to be outfitted with Tasers—devices that cause excruciating pain with a jolt of electricity. The ACLU of Northern California has cautioned against rushing into adopting Tasers, warning that they pose a risk of serious injuries or death.

ACLU-NC attorney Micaela Davis testified in front of the San Francisco Police Commission explaining the danger of Tasers and urging the SFPD to fully implement crisis intervention training before turning to Tasers. "The fact remains that Tasers are not a simple alternative to firearms, and the idea that Tasers are harmless is false," she said.

In both 2010 and early 2011 the police commission rejected previous SFPD requests for Tasers and instead passed a resolution requiring a more detailed study on the potential use of Tasers as well as other less-lethal weapons options. It also urged the SFPD to prioritize the implementation of crisis intervention training for officers. At the August 1 meeting this year, the commission again voted to suspend their decision on adopting Tasers and renewed its call for a complete study on Tasers and alternative options as required by the prior resolution. The ACLU-NC continues to monitor the situation. 

By The ACLU California Legislative Office

It is the end of a two-year legislative session and over 700 bills were sent to the Governor for his signature. The ACLU of California reviews each of these bills, and focuses energy on priority bills we shepherd through the legislative process. *As of press time, the governor had signed or vetoed the following ACLU priority bills:*

Education ☒ BOTH BILLS SIGNED

AB 1729, authored by Assemblymember Ammiano, will expand effective alternatives to suspension and expulsion for superintendents and principals. It does not change current law, which allows suspension and expulsion in serious situation. The additional alternatives enumerated in the bill are meant to keep kids in school, help them make things right with anyone they've hurt, and teach them more appropriate behavior.

AB 1575, authored by Assemblymember Lara, ensures that the guarantee of free education is applied equally to all children in our state and remains a meaningful protection in our Constitution. The bill provides necessary guidance, notification, and accountability currently lacking in our education system to identify and address fees for participation in educational activities.

Reproductive Justice ☒ SIGNED

SB 623, authored by Senator Kehoe, allows the University of California of San Francisco to continue evaluating the safety, effectiveness and satisfaction rates of early abortions when performed by nurse practitioners, certified nurse midwives, and physician assistants under a statewide pilot project.

AB 2530, authored by Assemblymember Atkins, will stop the use of dangerous shackles on pregnant women in California's prisons and jails.

Voting Rights ☒ SIGNED

SB 35, authored by Senator Padilla, empowers the Secretary of State to enforce the National Voter Registration Act. The bill also requires the new California Health Benefit Exchange to provide online voter registration, establish protocols for streamlining online voter registration, codify best practices established by the Secretary of State, and require the translation of online voter registration.

Criminal Justice ☒ SIGNED

AB 472, authored by Assemblymember Ammiano, will provide immunity from certain drug crimes for persons who call 911 for drug overdoses.

Immigration ✗ VETOED

The ACLU of California supported the TRUST Act (AB 1081), authored by Assemblymember Ammiano. The bill would have restored trust and transparency between communities and local police by limiting local jails from holding people on immigration-based detention requests when they pose no risk to public safety. It would also have created safeguards against racial profiling. The TRUST Act sought to mitigate the failures of the utterly broken federal immigration program called Secure Communities (S-Comm) that has resulted in the deportations of over 72,000 Californians. This bill would have allowed local police to do their jobs and focus on public safety for everyone in the community.


First Amendment ✗ VETOED

SB 1160, authored by Senator Padilla, would have protected free speech by establishing a statewide standard to protect communication services from service provider or government interruption, unless a magistrate makes certain findings or under extreme emergency circumstances where there is insufficient time to obtain a court order. The bill responded, in part, to the recent BART shut down of cell phone services.

Privacy ✗ VETOED

The California Location Privacy Act of 2012 (SB 1434), authored by Senator Leno, would have made sure that law enforcement gets a warrant before getting location information generated by smartphones, tablets and other mobile devices. Mobile location technologies can track whereabouts in real time and generate a detailed log of where someone has been—extending back months or even years. California should lead the nation in privacy law that matches our modern, mobile world.

Looking Forward

Not all bills could reach the Governor. SB 210, authored by Senator Hancock would have limited the number of pre-trial detainees who are needlessly locked up just because they could not afford bail. Unfortunately, the bill was held in the Assembly this session, but our work for justice in this area will continue. 

The Sacramento Legislative Office works with the three California ACLU affiliates: Northern California, Southern California, and San Diego.

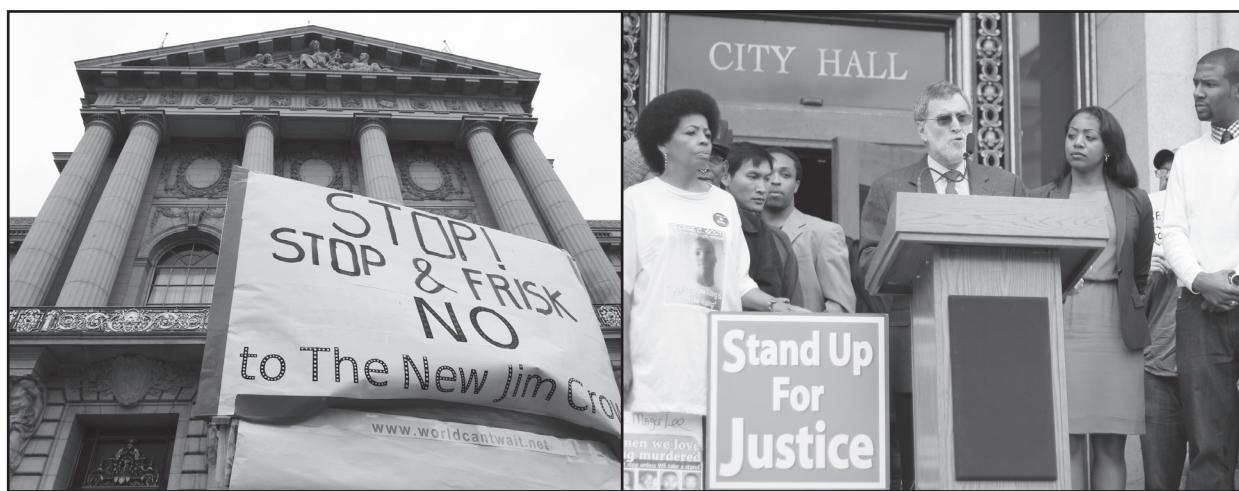
PUTTING THE BRAKES ON STOP-AND-FRISK IN SAN FRANCISCO

By Danielle Riendeau

In late June, San Francisco Mayor Ed Lee told the *San Francisco Chronicle* that he wanted to bring New York's stop-and-frisk policy to San Francisco. The ACLU-NC quickly sent a letter to Mayor Lee explaining why the policy is so problematic, and joined with community organizations to discourage the mayor from pursuing its implementation.

With outrage and push-back from the community, the ACLU-NC and city council members successfully convinced the mayor to retract his proposal.

Stop-and-frisk is so dangerous because it is toxic to police-community relations, especially in communities of color. Our ACLU colleagues in New York have seen first-hand just how discriminatory the policy has been since its implementation there. The NYCLU found that while young black and Latino men between the ages of 14 and 24 comprise only 4.7% of the population of the city, they accounted for a whopping 41.6% of stops.




Speaking at a rally outside San Francisco City Hall, ACLU-NC Legal Director Alan Schlosser told the crowd, "Make no mistake, stop-and-frisk is a code word for racial profiling."

A full 90% of the people stopped were completely innocent, meaning no arrest or citation resulted from the stop. And no gun was retrieved in 99.9% of those stops—the stated purpose of the policy.

Police already have the legal authority to stop individuals based on reasonable suspicion that they are involved in criminal activity, and to pat them down if there are reasonable grounds to believe the person is armed.

San Francisco has a mixed record when it comes to racial disparities in arrests. A 2006 *San Francisco Chronicle* article reported substantially higher arrest levels of San Francisco's African American population than other ethnic groups, and at a higher rate than African Americans elsewhere in California. Since then, the department has taken steps to rectify the situation. Last year San Francisco reaffirmed its commitment to unbiased policing with a policy that explicitly prohibits the police from using race in determining whether to initiate any law enforcement action. Adopting a New York-style stop-and-frisk policy would have stopped that progress in its tracks.

The ACLU-NC will continue its work to ensure that communities of color are not unfairly targeted by law enforcement. 

Danielle Riendeau is the Communications Coordinator at the ACLU of Northern California.

BUILDING COMMUNITY, CREATING CHANGE

Organizing Intern Angelica Quirarte shares her thoughts on the first summer retreat of the ACLU of California's Campus Network, our activist engagement program for rising leaders organizing on civil liberties issues on campuses and in communities across the region.

By Angelica Quirarte

The Campus Network Summer Retreat reignited my passion for social justice, and it inspired collaboration among amazing student leaders who share a desire for progress and change.


My role before and during the retreat was an advantage for me as the summer Organizing and Community Engagement Intern. I created and delivered a brief presentation to participants about the ACLU, what we stand for, and the campaigns and social issues the ACLU of Northern California is currently working on. As I stood in front of the group, I came to the realization that I had been entrusted with an important task—and I felt empowered. After all, not everyone can say they created a presentation for an ACLU Campus Network retreat.

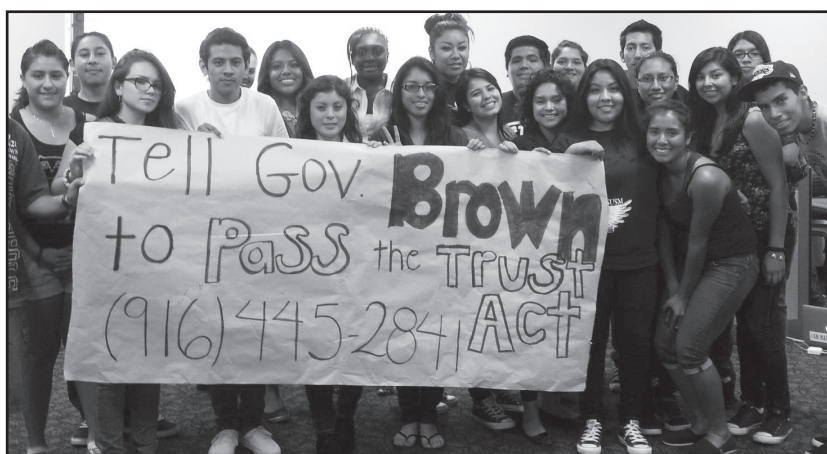
The rest of the weekend involved in-depth presentations about the ACLU-NC's criminal justice and immigrants' rights work. Despite the load of information being provided to us, we found time to bond as a group.

In one of the many group activities, we made and launched our own kites. Seeing the kites flying in unison up in the air, I realized that we were becoming one with the experience, our shared concerns, and our plans to bring about social change.

This retreat was one of the best retreats I have attended. I learned, networked, and gained friendships. I was re-introduced to the world of organizing. Seeing everyone invested in the campaigns and their willingness to get things started gave me hope for future projects.

The fact of the matter is that spaces like these are hard to find. I have attended spaces among other student leaders, but all of them lacked something I found in this retreat: community and solidarity.

In our bonding and shared experiences we found the energy for future organizing, we found friendship, and we found empowerment. I am lucky to have had the opportunity to be part of this amazing experience. 



Coming out of the retreat, the students worked together in support of the TRUST Act and to promote alternatives to incarceration.

SAFETY MATTERS FOR THE CENTRAL VALLEY

By Daniel Galindo

The ACLU of Northern California and the American Friends Service Committee have formed an exciting new collaboration: the "Safety Matters / Vivir Seguros" campaign, which is working to enhance public safety and civil liberties in California's Central Valley immigrant communities. The campaign is working in Tulare, Madera and San Joaquin counties to minimize immigration consequences from day-to-day interactions that immigrant communities have with police.

The federal Secure Communities program (called S-Comm), has resulted in mass deportations of immigrants who come into contact with police—even if that interaction is that the person was cited for a minor traffic violation or called the police for help. These practices do not make our communities safer, but create a climate of fear that prevents victims and witnesses of crimes from coming forward or calling the police for help.

Over the last year, ACLU-NC trained dozens of activists in the Central Valley in how to give "Know Your Rights" presentations to Spanish-speaking members of their community about

Safety Matters Vivir Seguros




A PUBLIC SAFETY CAMPAIGN

protecting their rights when confronted by law enforcement. In the course of the trainings, we discovered similar work being done by the AFSC, and decided to join our efforts.

Through the new Safety Matters / Vivir Seguros campaign, we plan to document the high number of deportations, car impoundments, and arrests taking place in this region. We also plan to show the police there is a real problem and enact meaningful

policies that change the situation.

We held a local forum in the three target counties to introduce community members to the campaign. This summer we also led a Government 101 workshop for residents from Tulare, Madera and San Joaquin counties to educate them about how local government works. The workshop included strategizing about county-specific next steps and goals. With the enthusiasm of neighbors and families who want to learn—and stand up for—their rights, this partnership is sure to succeed. 

Daniel Galindo is an Organizer at the ACLU of Northern California.

ACLU-NC- NORTH PENINSULA CHAPTER ANNUAL MEETING

California Can't Afford the Death Penalty: Why the death penalty is taking a toll on California

Speakers: Aundré Herron: A former prosecutor, the sister of a murder victim, and a defense attorney who now knows that the death penalty is broken beyond repair. **Michael Mitchell:** A past member of an execution team, a former prison warden, and a retired police officer now dedicated to preventing the execution of innocent people.

Monday, October 15, 2012 at 7 PM
Silicon Valley Community Foundation,
1300 S. El Camino Real #100, San Mateo

See www.aclunp.org for more details.

Questions? Please contact (650) 286-7791
or npenaclu@gmail.com.

Are you a member of the North Peninsula Chapter (Northern San Mateo County)?

The North Peninsula Chapter invites those interested in filling one of the open chapter board seats to send their name, contact information, and a few sentences about their civil liberties interests to npenaclu@gmail.com.

GET INVOLVED!

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ASK THE EXPERTS!

The Education Equity Project

Jory Steele has been an attorney with the ACLU of Northern California since 2005 and now serves as the Education Equity Project Director. The daughter of parents who work to dismantle racial discrimination in education, Steele is leading the ACLU-NC's charge to achieve education equity for all students in California.

What inspired the creation of the Education Equity Project at the ACLU of Northern California?

Education is the vehicle by which the state's most vulnerable populations have an opportunity to succeed and reach their highest potential. All too often, however, California fails to fulfill its promise to educate its population equally. When students of color, LGBTQ students, and students from other vulnerable communities are subjected to heightened levels of bias, harassment and discrimination, they become more likely to feel alienated and stop attending school. Because California's future depends upon a well-educated populace, we must work to ensure that all the state's children receive a quality education.

Why is education equity a civil liberties issue?

Education is the foundation of our democracy; without an informed, educated population, our society's well-being is threatened. It is, at least in part, for this reason that California's Constitution enshrines education as a fundamental right. The purpose of the Education Equity Project is to work to make our Constitution's promise of equal educational opportunity real.

In California, a majority of our population is comprised of people from traditionally minority communities. Young people of color are too often denied equal access to a quality education in myriad ways, including overly punitive disciplinary policies that push them out of school, lack of access to meaningful educational opportunities for English learners, and being forced to learn in schools with appalling physical conditions and inadequate materials and services. When we fail our society's most vulnerable students, not only do we deny them their individual right to an education, we put our society itself at risk.

What inspired your personal commitment to working to ensure education equity?

The importance of education has been driven home to me by my parents and grandparents, who themselves have fought to ensure that everyone in this country be afforded a quality education. My dad grew up in segregated Chicago, where his parents led a boycott of his elementary school because the students were not being taught to read. Despite, or perhaps because of this shaky academic beginning, my father has dedicated his professional life to improving opportunities for students of color. My family always emphasized education, and modeled for me how education can improve the lives of individuals, and ultimately, of entire families. Education really is the great equalizer.



Jory Steele, ACLU-NC Education Equity Project Director


How do a school's physical conditions impact a student's ability to learn?

There's no way for a student who attends a school plagued with vermin, overcrowded classrooms and a lack of textbooks can learn at the same level as a student who attends school in a clean facility with enough certified teachers, books and supplies. We filed a lawsuit in July against the West Contra Costa Unified School District after discovering that students in the Community Day School Program, which is supposed to help academically at-risk children, were going to school in an environment that at times had no electricity, no heat, leaky ceilings, rotten floors, rat and feral cat feces and mushrooms growing out of the floor. It is simply unacceptable for any student to be expected to attend such a school. Schools need to be safe and clean, and they need to provide students with the teaching, materials, and services they need to succeed. Sadly, in too many of our state's schools, especially those that serve children of color, poor conditions are yet another hurdle students must overcome to be able to learn and succeed at school.

What are some of the particular challenges that English language learners face in California?

Although fully one quarter of California's students are English Learners, too often meeting their educational needs seems to be an afterthought. As a result, their chances at academic success are undercut. For example, first and second graders in Dinuba, a small town in Tulare County, had been forced into a program that made these 6- and 7-year olds learn English by diagramming sentences, didn't teach them to read, and didn't even allow teachers to use books and stories as teaching tools. After the ACLU's California affiliates and other civil rights groups sued, school officials agreed to implement a new and better program, and agreed to create both an after-school program and a summer program to help young students denied reading instruction catch up with their peers. Across the state, we must do a better job of making sure that English learner students receive the skills and education they need to succeed in school.

What is some of the most exciting work you anticipate moving forward?

We have a full and dynamic agenda of litigation and policy work aimed at ensuring that all students in California are able to learn and grow. In the months to come we'll be working hard on issues related to school discipline and police on school campuses, and we'll continue to work to ensure that English language learners are afforded equal educational opportunities. We will also be collaborating with the other ACLU California affiliates for comprehensive statewide change. 

This interview was conducted and compiled by ACLU-NC Senior Communications Officer Will Matthews.