

# ACLUnews

SPRING 2010

BECAUSE FREEDOM CAN'T PROTECT ITSELF

VOLUME LXXIV ISSUE 2

## WHAT'S INSIDE

3

ACLU Members Take  
Sacramento by StormSPECIAL CENTER INSERT:  
2009 YEAR IN REVIEW

5

Know Your Rights with  
New ACLU Publications

## WHAT A DIFFERENCE A DA MAKES

By Natasha Minsker

**A**mong all the public officials voters elect, there is one office that is perhaps the most powerful and the most unknown — the district attorney. Can you name the district attorney for your county? Do you know the names of the candidates running for district attorney — let alone what policies they stand for? Consider what a difference a DA makes.

In Robertson County, Texas, in November, 2000, a 24-year-old single mother of four, Regina Kelly, was caught up in a drug sweep triggered by the uncorroborated word of a single police informant. Even though Kelly had no prior drug record and no drugs were found on her or in her home, District Attorney John Paschall offered her a terrible choice: plead guilty to the charges and go home a convicted felon or remain in prison, fight the charges, jeopardize custody of her daughters and risk a long prison sentence for a crime she didn't commit.

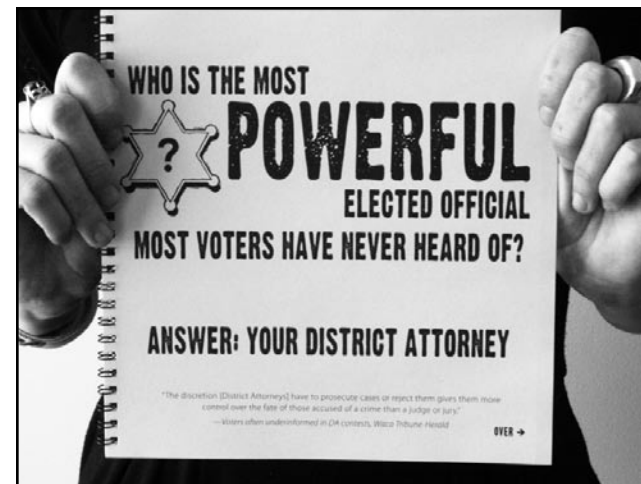
Compare Paschall's approach to fighting crime with that of Dallas District Attorney Craig Watkins. Watkins created a Conviction Integrity Unit in the DA's office which uses DNA testing to either exonerate or confirm convictions of those now serving time in Texas prisons. This unit has already exonerated 22 men wrongfully imprisoned for crimes they did not

commit. In the process, the DA's office was able to identify the actual perpetrators in several cases.

With the power to decide whom to sentence — and how severely — District Attorneys (or DAs) hold one of the most powerful positions in our legal system. DAs have nearly unbridled discretion; discretion that allows them to choose between life and death; discretion that allows them to say who goes to prison and who goes home; discretion that lets them impose hundreds of millions of dollars in costs on taxpayers statewide.

DAs are supposed to reflect the interests of all members of the community. But do they? Is your county DA acting in the best interests of your community? Many people don't even realize that District Attorneys are elected officials. It is through elections that we, the voters, can hold them accountable for their actions.

Despite their awesome responsibility, incumbent DAs frequently aren't even challenged. One study found that 85% of DA elections went uncontested, with only one candidate. In the small number of contested elections, incumbents and challengers rarely bring up key issues, relying on personal attacks and war stories instead of shedding light on policy dif-



ferences that have serious consequences for all of us. Under such circumstances, it's difficult to keep DAs accountable to the people they serve.

This June, 56 California District Attorneys are up for election. In 23 of those races there is more than one candidate. Contested elections for DA will occur in counties all over Northern California, from Santa Clara, to Sonoma, to Lake, to Humboldt.

To bring attention to these elections and the issues that matter, the ACLU-NC has launched a DA voter education campaign, "What a Difference a DA Makes." The goal is to spread awareness that DAs are elected politicians with enormous power in our criminal justice system. Community members need meaningful opportunities to learn about job performance and the impact of policy choices on public safety and state and county budgets. If DAs are not compelled to disclose their priorities and practices, the opportunity for abuse goes unchecked.

By bringing DA contests to light, we can hold DAs accountable for the policy choices they make and the impact these choices have on our communities. See the box below, and get involved today! ■

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### GET INVOLVED IN YOUR LOCAL DISTRICT ATTORNEY RACE BY ATTENDING CANDIDATE FORUMS, ASKING QUESTIONS OF CANDIDATES FROM THE TOOLKIT, ETC.

#### HERE ARE QUESTIONS YOU CAN ASK YOUR DA CANDIDATE.

**Find the candidates running for DA in your community online, then contact their campaigns to find out the answers to these and other questions. Find more questions in the toolkit.**

1) The California Commission on the Fair Administration of Justice concluded that California remains at risk of executing an innocent person. Are you concerned about the wrongful conviction of innocent people and what would you do as District Attorney to minimize this risk?

2) What would your office policy be regarding charging juveniles in adult court? When would you use your authority to file charges directly in adult court, when would you ask the court to authorize filing charges in adult court and when would you pursue a case in juvenile court?

3) Do you support sending non-violent drug offenders to state prison? Why or why not?

WELCOME TO THE ACLU NEWS. READ MORE AT [WWW.ACLUNC.ORG](http://WWW.ACLUNC.ORG)

## LETTER FROM THE EXECUTIVE DIRECTOR

BOB HSIAO PHOTOGRAPHY



This April marked my one year anniversary at the ACLU. People have asked me about the highlights of that year.

Let me share with you one evening in particular — which shares one moment in my learning about the strength of the

ACLU as a truly national organization.

I went to New York for a meeting with directors of other ACLU affiliates. A massive snowstorm came bearing toward us. Most of the group got out of town ahead of the storm. But a few of us got snowed in, including the directors of the ACLU in Texas and Florida, two states in the Strategic Affiliate Initiative.

One night, as the snow piled outside, we sat down to dinner at 7pm. And when we finally got up to leave, it was 12:30 in the morning. We filled five and a half hours hearing stories about the work in each state.

In Texas, the ACLU has uncovered horrid conditions for the detention of immigrant families, including children, resulting in national impact through the media, courts, and public policy. The Texas ACLU is also taking on their state board of education on the teaching of religion in public schools.

In Florida, the state of hanging chads, the ACLU is protecting the right to vote in a swing state, from protecting minority voters who were purged from the rolls, to ensuring election machines are reliable.

The Strategic Affiliate Initiative is really changing the landscape of civil liberties for the country — and for the better. This ACLU News features an interview with Scott Crichton, the director of the ACLU of Montana.

If you would like to learn more about the Strategic Affiliate Initiative and the Campaign for the Future which makes it possible, please contact me. We look forward to celebrating the conclusion of the Campaign this fall.

*Abdi Soltani*

Abdi Soltani  
Executive Director

## IN THEIR OWN WORDS: REFLECTIONS FROM CARD-CARRYING MEMBERS

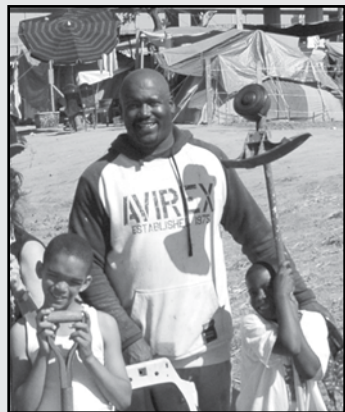
A group of young people came to me and said, “We don’t know anything about black history.” They asked me “What is a noose?” So I am teaching them about racism, social justice, organizing, and getting involved in the ACLU. Each community has a responsibility to teach its young people their own history, and the young people are hungry for it. I tell them to do like a quarterback: hand this off to each other.

And it’s not just the young people who need to know. If we don’t know each other’s story, we don’t know each other. Ethnic communities have to tell their own story. I can support Latinos, but I cannot speak for them. A Hmong can support me, but I must speak for myself. Then the community at large reaps more unity and strength by relating to each other through our common issues. The ACLU is a vehicle for this larger community.

I started the National Network in Action 10 years ago. Our motto is “Educate, motivate, energize, mobilize and organize to take our community to a higher level.” I teach Know Your Rights presentations nationwide and it’s a joy for me to see people grow through knowledge. Yet when I look at the schools in West Fresno, the system is failing. A school gave a reading test for 5th-8th graders; 2 kids passed out of 250. That’s where stats are made, and that’s how people decide to build more prisons.

In West Fresno there are churches 2 minutes from each other. Between those churches is a war zone. There’s a lot of “I’m going to stay in my corner, you stay in your corner, when there’s police brutality I’ll call Reverend Harris, I’m not going to deal with it.” Keep your faith, but let’s not dialogue about faith. Let’s dialogue about the social well-being of the people.

Reverend Floyd Harris  
ACLU-Fresno board member, Founder of National Network in Action



Reverend Harris with  
a Fresno clean-up crew  
organized by the National  
Network in Action.

## A SPECIAL THANK YOU: 2010 BENEFACTORS DINNER

In March, over 200 ACLU-NC supporters gathered for the Benefactors Dinner, our annual celebration to honor and thank the individuals who sustain the ACLU’s work in Northern California and nationwide.

Guests listened intently as Scott Crichton, Executive Director of the ACLU of Montana, shared stories from the front lines of the ACLU’s fight in the “Treasure State.” Montana has nearly the same number of square miles as California — but a mere fraction of California’s ACLU members and donors who can support programs spanning such vast geographic territory.



SUSANA MILLMAN



But the civil liberties landscape in Montana has shifted due to the hard work of local activists and an influx of funds from *The ACLU Campaign for the Future*. Donors in Northern California have given over \$22 million for this special local and national campaign — a portion of which is directed to ACLU affiliates, like the ACLU of Montana, which are poised to make significant change but local resources are not enough.

As Crichton put it, because of these donations to the ACLU Campaign for the Future, “we are much closer to fulfilling our vision of a world where dignity, freedom and civil liberties are a reality for each individual.” See the back page of this issue for a Q&A with Scott Crichton.

*Above left: Development Committee Chair Susan Mizner thanks Board Member and volunteer Marlene De Lancie for many years of service to the ACLU-NC. Left: Racial Justice Project Director Diana Tate with long-time friend of the ACLU, Barbara Meislin.*

## CIVIL RIGHTS ATTORNEY KELLI EVANS NAMED ASSOCIATE DIRECTOR

GIGI PANDIAN



Kelli Evans has joined the leadership of the ACLU-NC as Associate Director. Evans’ career as a civil rights attorney includes serving as federal court-appointed Monitor of the Oakland Police Department, as a senior trial attorney in the Civil Rights Division of the U.S. Department of Justice, and as an attorney in private practice.

Evans’ new position is a return to ACLU-NC. She previously served as staff attorney at the affiliate, with an emphasis on criminal justice, race discrimination, and LGBT rights.

Evans received her undergraduate degree from Stanford University and her law degree from the University of California at Davis, where she was the recipient of the Martin Luther King, Jr., Award for Public Service.

Evans’ role focuses on leading ACLU multi-faceted campaigns and programs to have the maximum impact for civil liberties.

## MAGGIE CROSBY GIVEN REPRODUCTIVE RIGHTS AWARD

GIGI PANDIAN



ACLU-NC Staff Attorney **Maggie Crosby** recently received an award from the California Coalition for Reproductive Freedom. Crosby was awarded one of CCRF’s “Generation Awards,” one of which is given to an emerging leader, the other to a guardian of women’s health (i.e., long time advocate). Crosby was awarded the “guardian” title for her decades of work in California to protect vulnerable women’s access to reproductive health care.

ing leader, the other to a guardian of women’s health (i.e., long time advocate). Crosby was awarded the “guardian” title for her decades of work in California to protect vulnerable women’s access to reproductive health care.

*Correction: In the Winter 2010 issue of the ACLU News, the photo credit was not included for the cover image. The photo of Lily Haskell, plaintiff in the ACLU-NC’s DNA collection lawsuit, was taken by Vanessa Huang. We regret the omission.*

## ACLUnews

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Nancy Pemberton **CHAIR**  
Abdi Soltani **EXECUTIVE DIRECTOR**  
Gigi Pandian **INTERIM EDITOR, DESIGNER**



39 Drumm Street, San Francisco, CA 94111  
(415) 621-2493

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# SACRAMENTO, HERE WE COME...

By Tiffany Mok

Along the hallways of our state’s capitol in March, dozens of ACLU members and supporters prepared to exercise one of their most cherished rights — the right to petition their government.

The ACLU staff educated members about key bills, and prepared the group by giving them the fundamental tool we have — knowledge of the Constitution and how its interpretation applies to proposed legislation.

This year, members lobbied on three issues that are priorities for the ACLU’s California Legislative Office: the death penalty, criminal justice, and education equity.

## CALIFORNIA RACIAL JUSTICE ACT

Participants at the lobby day learned that Senate Bill (SB) 1331 (Cedillo–D), the California Racial Justice Act, would ensure that no one is sentenced to die in California because of race or ethnicity. The Legislation creates a procedure for the court to determine whether race was a significant factor in the decision to seek or impose the death penalty in that case. Most Californians assume that death sentences are imposed based on the gravity of the crime, not because of the race of the victim or defendant. Unfortunately, studies have shown this may not be always true.

## SHACKLING PREGNANT WOMEN

ACLU members spoke on other criminal justice issues, including the fact that nearly two-thirds of county jails shackle pregnant women in ways that could cause miscarriage or other injuries. The ACLU is co-sponsoring Assembly Bill (AB) 1900 (Skinner–D) that remedies this issue by setting up standards to assure that pregnant women be restrained in the least restrictive way possible in state and local detention facilities.

## SENTENCING REFORM

As the state grapples with the budget, the ACLU continues to herald fiscally-sound criminal justice reforms. The ACLU is co-sponsoring AB 2372 (Ammiano–D), a common-sense reform that raises the grand theft threshold amount from \$400 to \$950 to adjust for inflation since the level was established in 1982.

The Department of Corrections estimates the bill would lead to prison savings of \$68 million due to the reduction of low-level property offenders that would otherwise be sent to state prison.

The ACLU will continue advocating for additional sentencing reforms that reserve state prison for serious offenders. There are dozens of nonviolent offenses classified as wobblers (misdemeanor or felony) that result in lengthy and expensive prison sentences.

For example, California currently incarcerates more than 4,000 inmates for petty theft with a prior conviction — a wobbler. Converting a number of wobblers into straight misdemeanors can reduce state prison spending by \$700 million each year.

Additionally, low-level drug offenders could serve time at the local level through community service, treatment or probation instead of wasting hundreds of millions of dollars by sending them to state prison.

Finally, restoring funding for recidivism-reduction programs cut from the Budget last year and increasing sentencing credits for inmates who complete these programs will lower recidivism rates, increase public safety, and save us money.

## GOOD SAMARITAN

The ACLU is also co-sponsoring AB 2460 (Ammiano–D) that provides limited immunity for certain crimes to “Good Samaritans” who contact emergency services about drug overdoses (including alcohol) and the victims they are seeking to save. Research has shown that fear of arrest or police involvement is the most significant barrier to people calling 911 for help in overdose situations.

## REPAIRING SCHOOLS

Additionally, ACLU members lobbied the Legislature to provide funding for emergency repairs to school facilities where there is an urgent threat to the health and safety of



*Ken Sugarman, Daniel Galindo, Lanette Davies, and Francisco Ceballos lobbying with the ACLU in Sacramento.*

students and teachers. These “emergency repair” funds were part of the settlement agreement from the *Williams v. State of California* lawsuit. In *Williams*, the ACLU and other organizations claimed the State was denying thousands of California students their fundamental right to an education under the California Constitution because it failed to give them the basic tools necessary for that education. The settlement legislation included an agreement to provide sufficient instructional materials, qualified teachers and safe school facilities for the lowest performing schools in the state. In light of recent budget cuts the “emergency repair” funding has been eliminated or stalled despite the state’s settlement agreement. ■

*Tiffany Mok is a Legislative Advocate at the ACLU’s California Legislative Office.*

*See related article about the 2010 Conference & Lobby Day on page 7.*

## LEGAL BRIEFS

By Rebecca Farmer

## COMBATTING RACIAL PROFILING IN OAKLAND

In February, the City of Oakland filed papers proposing a court order that would give police unfettered power to label young men gang members and subject them to severe restrictions in a vast, 100 square block area of North Oakland. Called “gang injunctions,” these court orders make everyday activities a crime for people labeled gang members and many don’t require that police present any evidence to a judge. Injunctions predominantly impact young men of color and place severe restrictions on people’s daily activities. They make it a crime to do things like pick up medicine for a sick child late at night or go to the grocery to pick up a carton of milk. The injunctions last indefinitely.

The ACLU-NC and Lawyers’ Committee for Civil Rights filed a friend of the brief based on concerns about due process, freedom of association, racial profiling, and ineffectiveness of injunctions as a public safety strategy. The ACLU-NC also met with the Oakland City Attorney and spoke out widely against the injunction in the press. As a result, the City Attorney has promised to address the majority of concerns raised by the ACLU-NC. In an April court hearing, the judge raised some of the concerns addressed in the ACLU-NC brief, and in order to give people more time to address these due process concerns, postponed a ruling and set a new hearing on May 27.

## KEEPING DISCRIMINATION OUT OF INSTRUCTION

A 24 year old student at Fresno City College contacted the ACLU-NC after her health science professor, Bradley Lopez, presented religiously-based and anti-gay views as “science” and “fact” in his teaching. For example, he presented a slide listing “homosexual facts,” including that homosexuality is a “biological misapplication of human sexuality” and said that the “recommended treatment” is “psychological counseling” or “hormone supplements.” The professor also described LGBT people as a threat to society.

In a letter to Fresno City College in February, the ACLU-NC demanded that the school ensure that all its health science classes teach unbiased and medically accurate information. Such lectures by Professor Lopez violate federal and state constitutional protections guaranteeing the separation of church and state because the classes are being taught at a publicly funded college. Additionally, the school has a legal obligation to combat anti-gay bias in instruction.

The college responded immediately by launching an investigation. In March, the college issued a formal response to students and the ACLU, finding that Professor Lopez did violate school policy and that his instruction may have created a hostile learning environment. The school has not yet announced any plan of action.

## LOOKING OUT FOR PROTESTORS’ RIGHTS

Early one December morning, UC Berkeley police officers arrested protestors who had occupied campus building Wheeler Hall as part of a series of protests against a significant increase in student fees. The protestors were arrested for misdemeanor trespassing and taken to a county jail, rather than being issued citations.

The same day, the ACLU-NC sent a letter to the University expressing concern that the protesters’ constitutional rights may have been violated. The First Amendment prohibits police from deciding that demonstrators should be held in custody—rather than being cited and released—to prevent them from further demonstration.

The ACLU letter noted that although the full details of the arrests are not known, it is troubling that so many protestors who seem likely to have only committed misdemeanors were instead being jailed. It also asked that campus police ensure that arrests that lead to protestors being jailed are based on proper factors, and not intended to suppress further protected speech. At press time, ACLU-NC had no response from the University. ■

*Rebecca Farmer is the Media Relations Director at the ACLU of Northern California.*

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# THE NEW JIM CROW: HOW THE WAR ON DRUGS GAVE BIRTH TO A PERMANENT AMERICAN UNDERCASTE

An Opinion Piece by Michelle Alexander

*The following text is excerpted from an article that appeared on March 8, 2010 in the Huffington Post.*

Ever since Barack Obama lifted his right hand and took his oath of office, ordinary people and their leaders around the globe have been celebrating our nation’s “triumph over race.” Obama’s election has been touted as the final nail in the coffin of Jim Crow, the bookend placed on the history of racial caste in America. There’s an implicit yet undeniable message embedded in his appearance on the world stage: this is what democracy can do for you. If you are poor, marginalized, or relegated to an inferior caste, there is hope for you. Trust us. Trust our rules, laws, customs, and wars. You, too, can get to the promised land. Perhaps greater lies have been told in the past century, but they can be counted on one hand. Racial caste is alive and well in America.

Most people don’t like it when I say this. It makes them angry. In the “era of colorblindness” there’s a nearly fanatical desire to cling to the myth that we as a nation have “moved beyond” race. Here are a few facts that run counter to that triumphant racial narrative:

- There are more African Americans under correctional control today — in prison or jail, on probation or parole — than were enslaved in 1850, a decade before the Civil War began.
- As of 2004, more African American men were disenfranchised (due to felon disenfranchisement laws) than in 1870, the year the Fifteenth Amendment was ratified, prohibiting laws that explicitly deny the right to vote on the basis of race.
- A black child born today is less likely to be raised by both parents than a black child born during slavery. The recent disintegration of the African American family is due in large part to the mass imprisonment of black fathers.
- If you take into account prisoners, a large majority of African American men in some urban areas have been labeled felons for life. These men are part of a growing undercaste — not class, caste — permanently relegated, by law, to a second-class status. They can be denied the right to vote, automatically excluded from juries, and legally discriminated against in employment, housing,

access to education, and public benefits, much as their grandparents and great-grandparents were during the Jim Crow era.

There is, of course, a colorblind explanation for all this: crime rates. Our prison population has exploded from about 300,000 to more than 2 million in a few short decades, it is said, because of rampant crime. The uncomfortable truth, however, is that crime rates do not explain the sudden and dramatic mass incarceration of African Americans during the past 30 years. The vast majority of that increase is due to the War on Drugs. Drug offenses alone account for about two-thirds of the increase in the federal inmate population, and more than half of the increase in the state prison population.

The drug war has been waged almost exclusively in poor communities of color, even though studies consistently show that people of all colors use and sell illegal drugs at remarkably similar rates. That is not what you would guess, though, when entering our nation’s prisons and jails, overflowing as they are with black and brown drug offenders. In some states, African Americans comprise 80%-90% of all drug offenders sent to prison.

This is the point at which I am typically interrupted and reminded that black men have higher rates of violent crime. Again, not so. The drug war has never been focused on rooting out drug kingpins or violent offenders. Federal funding flows to those agencies that increase dramatically the volume

of drug arrests, not the agencies most successful in bringing down the bosses.

The results have been predictable: people of color rounded up en masse for relatively minor, non-violent drug offenses. In 2005, four out of five drug arrests were for possession, only one out of five for sales. Most people in state prison have no history of violence or even of significant selling activity.

In this way, a new racial undercaste has been created in an astonishingly short period of time — a new Jim Crow system. Millions of people of color are now saddled with criminal records and legally denied the very rights that their parents and grandparents fought for and, in some cases, died for.

This is not Martin Luther King, Jr.’s dream. This is not the promised land. The cyclical rebirth of caste in America is a recurring racial nightmare. ■

*Michelle Alexander is the author of The New Jim Crow: Mass Incarceration in the Age of Colorblindness (The New Press, 2010). The former director of the Racial Justice Project of the ACLU in Northern California, she also served as a law clerk to Justice Harry Blackmun on the U.S. Supreme Court. Currently, she holds a joint appointment with the Kirwan Institute for the Study of Race and Ethnicity and the Moritz College of Law at Ohio State University.*

## AN EXECUTION THAT STARTED A MOVEMENT

By Katy Fox

May 2, 2010, will mark the 50-year anniversary of Caryl Chessman’s execution, an execution that galvanized the struggle for abolition of the death penalty. Chessman, a career criminal who had been incarcerated numerous times for robberies and theft, was sentenced to death at age 27. While in San Quentin he wrote and published four best-selling books and appeared on the cover of Time Magazine less than two months before his execution. By alerting national and international communities of the issues surrounding capital punishment, his execution began a movement that many activists consider their awakening.

“When people ask me how I came to work on this issue, I say not by way of pros and cons and statistics and arguments for why it’s wrong,” says Lance Lindsey, executive director of Death Penalty Focus. “It came to me through my stomach. As a young man I saw the news that Caryl Chessman was executed and I was blown over.”

National ACLU Deputy Executive Director and long-time Executive Director of ACLU-NC Dorothy Ehrlich was 8 when Chessman was executed. She remembers it vividly. She was on the playground in elementary school when her teacher stepped outside and yelled “It’s 10 o’clock in the morning and Caryl Chessman has been executed!” Her memories give voice to the sentiments of a previous generation as well as her own. “Everyone in the whole class started jumping up

and down and cheering, other than me,” Ehrlich said. “I had no idea that so many people were in favor of this execution. I was entirely taken aback. In my family I had learned that this was a moment of sorrow, and instead there was this extraordinary celebration that was universal on the playground except for me.”

USF Professor Steven Shatz, who has been an expert witness and consultant in numerous capital cases and authored several amicus briefs for U.S. Supreme Court cases, was 14-years old. His classmates defied their teacher to stand for a moment of silence at the time of the execution. This, their first act of civil disobedience, stood as an example of what was for him and many of his peers a lifelong commitment to questioning governmental action.

ACLU staff, activists and supporters have been dedicated to ending the death penalty for over five decades. In 2005, the ACLU-NC created its death penalty policy project with a full-time staff member working to achieve this goal in California. In collaboration with the ACLU of Southern California and San Diego, our statewide team now includes eight people, two who work full-time on the issue. As a result of our leadership and the work of our many partners, today we are closer than ever to succeeding. ■

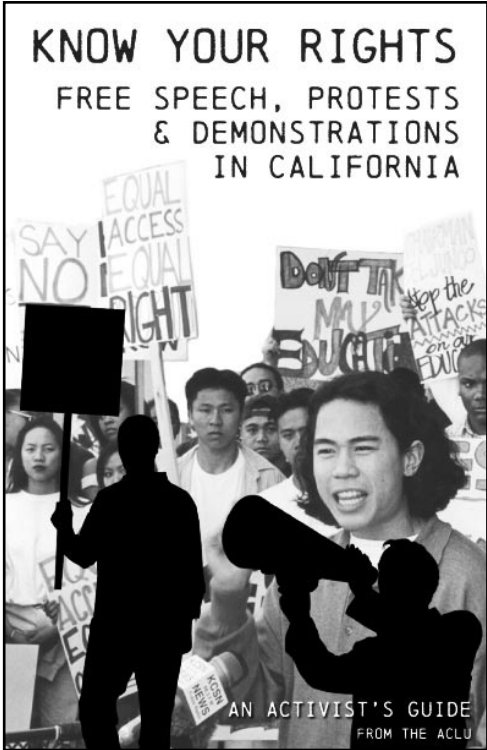
*Katy Fox is volunteer Field Correspondent at the ACLU of Northern California.*

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# NEW “KNOW YOUR RIGHTS” MATERIALS

The ACLU-NC has produced four new “know your rights” publications empowering Californians with information about their rights to demonstrate, their rights with the police, and their rights in school.

## KNOW YOUR RIGHTS: FREE SPEECH, PROTESTS & DEMONSTRATIONS IN CALIFORNIA



Both the California Constitution and the First Amendment to the United States Constitution protect your right to free expression. But there are many questions you face when you decide to organize and speak out. When do you need a police permit? Are there things you cannot say or do? Are there any limitations on when or where you can demonstrate? What about civil disobedience? This guide will help answer these questions.

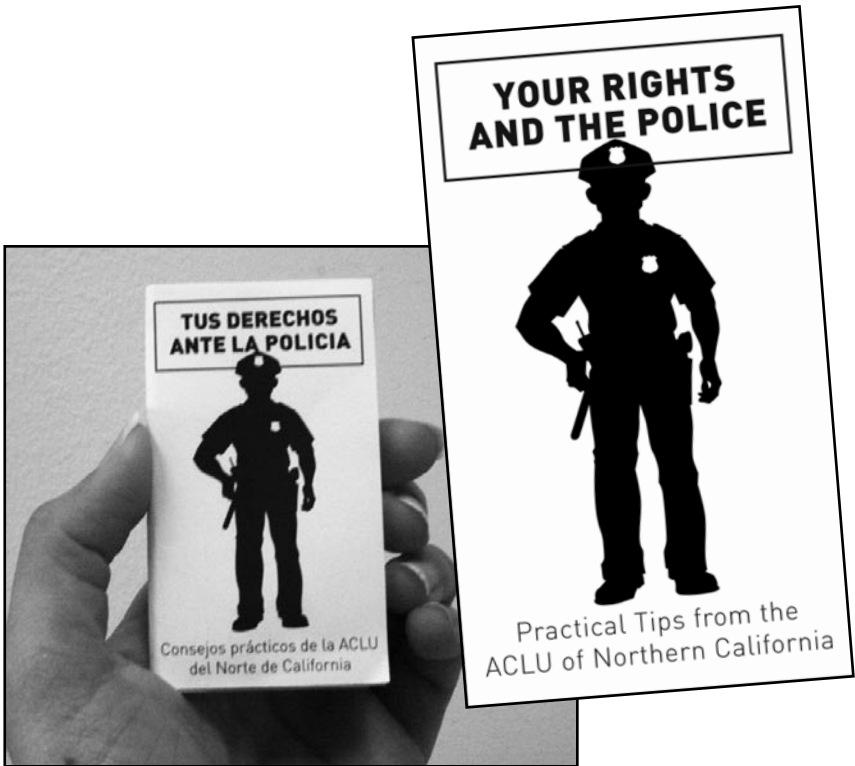
This comprehensive 30-page reference guide has a single page companion flyer of key tips that is easy to photocopy and distribute to activists.

Find the guide online at [www.aclunc.org/rightsofdemonstrators](http://www.aclunc.org/rightsofdemonstrators)

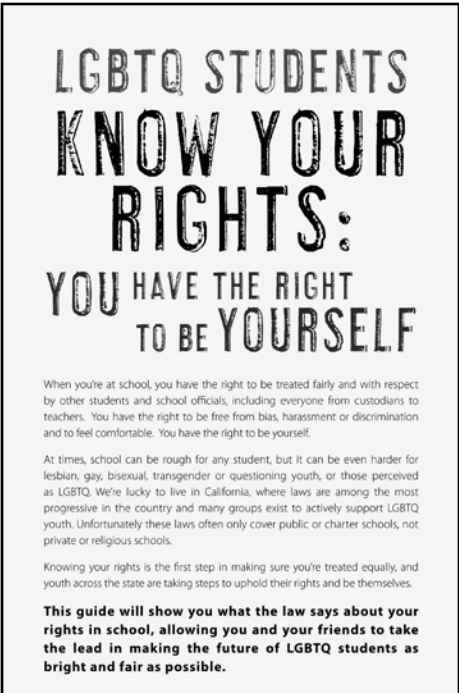
## YOUR RIGHTS AND THE POLICE

Available in both English and Spanish, these wallet-size cards offer some practical tips about interacting with police officers in California. With “dos” and “don’t” sections about being stopped for questioning, stopped in your car, and being arrested or taken to a police station, these cards are a handy pocket reference.

Find the information online at [www.aclunc.org/policerights](http://www.aclunc.org/policerights)



## LGBTQ STUDENTS: YOU HAVE THE RIGHT TO BE YOURSELF



Available in both English and Spanish for LGBT high school students, this guide explains what the law says about rights in school, allowing students to take the lead in making the future of LGBT students as bright and fair as possible.

This spring, the ACLU-NC has been conducting a series of trainings throughout the Central Valley, sharing the information contained within the guide. Aimed primarily at LGBT youth and their families, Gay-Straight Alliance advisors and those working within the state’s education system, these sessions provide a face-to-face opportunity for those interested in the rights of LGBT students to learn more about the topics covered.

California has among the most progressive laws in the country concerning gay and gender non-conforming youth, and through our efforts we hope to ensure that all students, regardless of their sexual orientation or gender identity, know that they are entitled to a safe and supportive school environment.

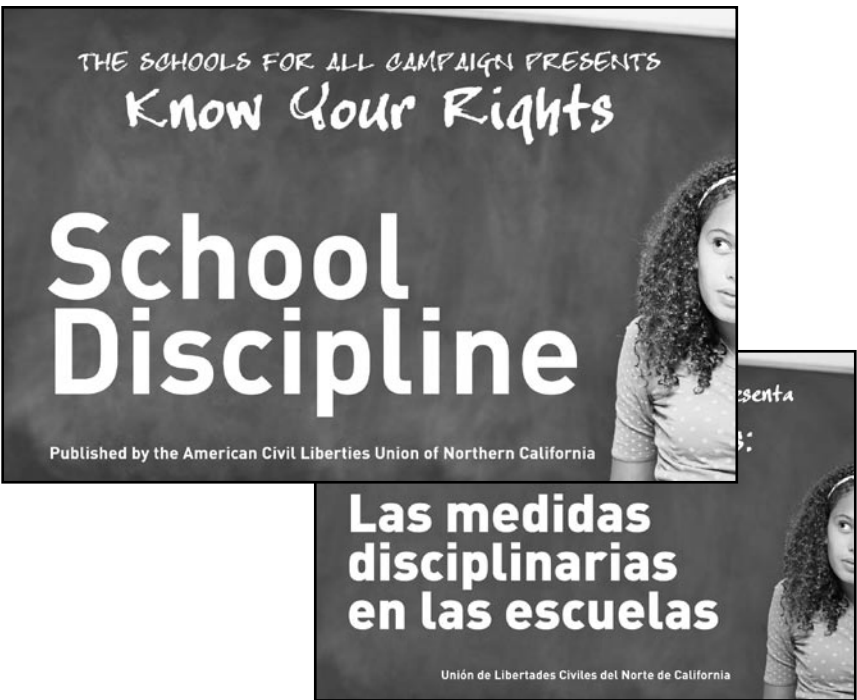
Find the guide online at [www.aclunc.org/lgbtq](http://www.aclunc.org/lgbtq)

## KNOW YOUR RIGHTS: SCHOOL DISCIPLINE

Available in both English and Spanish, this pamphlet is designed to help students and parents understand their rights regarding school discipline processes. It provides information about when and how a school can discipline a student and a student’s specific rights during disciplinary proceedings, such as suspension, expulsion, and involuntary transfer.

This guide was made possible by The Evelyn & Walter Haas, Jr. Fund.

Find the guide online at [www.aclunc.org/school\\_discipline](http://www.aclunc.org/school_discipline)



Check out all of these public education materials online at [www.aclunc.org](http://www.aclunc.org), and contact Gigi Pandian at [gpandian@aclunc.org](mailto:gpandian@aclunc.org) if you’re interested in receiving hard copies of any of these materials.

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# THE ACLU CAMPAIGN FOR THE FUTURE: HELEN & RAJ DESAI’S GIFT TO FUTURE GENERATIONS

When they first met at U.C. Berkeley’s International House in 1951, Raj and Helen Desai already shared a commitment to justice. Helen, an art history major from Santa Ana, credits her parents with giving her an awareness of the civil rights movement and social inequality. Raj, who came of age in Mumbai when Mahatma Gandhi’s anti-colonial crusade for Indian independence was at its peak, carried those lessons with him when he came to study engineering at Berkeley.

They both grew to recognize the ACLU as the organization that comes closest to embodying their beliefs — it is all-inclusive, it focuses on inequality and it fights for the underdog.

Helen remembers her first donation of \$30 to the ACLU almost three decades ago. Over the years, the couple’s generosity has never wavered and their commitment has grown.

After September 11, they both felt that the climate of fear fostered by the government was undermining core American values. “Our Constitution is quite clear on freedom of speech, assembly and other important elements of our democracy,” Helen asserts. “The ACLU is crucial in helping our country maintain these values — they could have easily been eroded, as many seemed willing to give up the openness of our society.”

Raj agrees. “We saw innocent people being detained, some for a long time without cause. The ACLU challenged



Raj and Helen Desai with one of their granddaughters, Anjali Henderson.

that — it took on these difficult cases, cases others wouldn’t touch. That’s what the ACLU does.”

Last year, they opened their home to host an event honoring the ACLU-NC’s 75th anniversary. “We invited many people from India,” explains Raj, “and it was a real eye-opener for those who did not know of the ACLU.”

“It was also an opportunity for our terrific new executive director Abdi Soltani to meet people from a different community,” he added.

The Desais have a long history of activism. In the early 1970s, they were the neighborhood founders of the first recycling center in San Francisco — started in their own garage in the Richmond District. Since the 60s, Helen has participated in the non-violent peace and social change movement, including civil disobedience at the Diablo Canyon Nuclear Power station and Lawrence Livermore Nuclear Weapons Lab.

Raj, a former board member of the San Francisco Human Rights Commission, led workshops on earthquake-resistant engineering in Gujarat after the devastating earthquake there in 2001.

They are long-time supporters of the Asian Art Museum, where Helen has been a docent for 40 years, and served as a myth advisor to the museum’s Storyteller program. “Art and justice are not so far apart,” she explains, “they both encourage us to act in kindness, seek truth and be more loving.”

The Desais consider their donation to The ACLU Campaign for the Future as a gift to their children and 7 grandchildren. “We have tried to instill in them the same values that are embodied in the Constitution — life, liberty and the pursuit of happiness. And we feel terrific if we can help — through the ACLU — to ensure those values for future generations.” ■

Read more about the impact The ACLU Campaign for the Future is having beyond California in the Ask the Experts section on page 8.

## FRESH, FIERCE, AND FABULOUS: THE HOWARD A. FRIEDMAN FIRST AMENDMENT EDUCATION PROJECT’S SPRING CONFERENCE



### SNAPSHOTS FROM THE DAY



CONFERENCE PHOTOS BY ALICIA WALTERS

On Tuesday, April 13, students from high schools across Northern California came together at the San Francisco State University campus for “Fresh, Fierce, and Fabulous,” the 2010 Howard A. Friedman First Amendment Education Project conference. The conference is run by the Project’s Youth Activist Committee (YAC) of high school students. At right are scenes from the day. Below are highlights of workshops presented.

### WORKSHOP HIGHLIGHTS

- Education is a Right: Educational Justice in California
- Beat the Heat: Police Brutality and Youth Rights with the Police
- Don’t Let the Phobias & Bias Keep You Down: Building Networks of Support for LGBTQ Youth
- What Do I Look Like? Racial Profiling



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# 2010 CONFERENCE & LOBBY DAY

By Miriam Gerace

The first weekend in March was filled with opportunities for ACLU-NC members to connect with fellow activists, lobby, or just plain have fun in beautiful downtown Sacramento. The ACLU Conference & Lobby Day is an annual springtime event that brings together ACLU supporters, chapter leaders, community organizations and allies from throughout Northern California. Together, we study pressing civil liberties concerns, build advocacy skills, and network with others who are passionate about social justice. In-person visits to educate decision-makers at the Capitol cap off the event.

## SPOTLIGHT ON IMMIGRANT RIGHTS

The intersection of immigration and civil liberties was a conference highlight. A plenary lunch on immigrant rights and national security, and two Spanish-English work sessions with community leaders marked the event. As in past years, the lead topic was complemented by panels on reproductive justice, voting rights, digital privacy, and more.

Hector Cerda, a Native American graduate student in the Masters of Social Work program at CSU Fresno, was one of many active participants in the immigration conversation. “My people from my father’s side of the family are known as the Purepecha, my people from my mother’s side of the family are known as the Apache (N’de) and I have lived in the San Joaquin Valley my entire life,” writes Hector. “My interest has always been advocating for rights related to my ethnic background yet I also find myself being in solidarity with other groups that suffer from similar oppression.”

Hector’s passion dovetails perfectly with the ACLU’s tradition of standing up for fundamental constitutional protections embodied in our Constitution and Bill of Rights. As ACLU supporters know, due process and equal protection apply to every person in the United States and are not limited to citizens.

Community organizer Leonel Flores also traveled to Sacramento to share his perspective on immigration. “I’ve been active since 1994 in Fresno,” Leonel explains. “I’ve organized against Prop. 187, in favor of driver’s licenses, in support of citizenship and voting rights.” As a well-respected community leader, Leonel made sure to bring concerns and hopes to the conference on behalf of other immigrants. “The conference was an important opportunity to share information on needs in the [Central] Valley, on work that’s underway and changes we hope to implement.”

The open conversation between ACLU supporters and allies energized Dianne Segura, Board member of the ACLU Sacramento County chapter. “I appreciated that the dialogue included both issues and perspectives. When it comes to this issue, one size does not fit all.”

From the “Red Scare” of the 1920s — when immigrants were summarily detained and deported because of their political views — to now, the ACLU stands strong to make the Constitution a living document for everyone in this country.

## A REAL LIFE HERO

Our 2010 conference was highlighted by a visit from a real life hero, an ordinary American who took extraordinary risks to

fight for civil rights and liberties and was featured in the HBO film American Violet.

Regina Kelly is a working-class African American woman who faced trumped-up charges after a paramilitary-style narcotics task force raided her neighborhood in Hearne, Texas. Drug “sweeps” in Regina’s neighborhood targeted low-income African Americans based on the uncorroborated word of a single, confidential informant coerced by police. Charges were designed to elicit guilty pleas from as many innocent individuals as possible, and many frightened individuals pled to lesser offenses rather than face decades behind bars. These tactics are the hallmarks of the “war on drugs.”

Regina chose to fight, even at the risk of losing custody of her children. With the help of a team of committed ACLU lawyers, she prevailed against the drug task force, a powerful local District Attorney and rampant bias in the local criminal justice system.

Regina took questions and shared details of her powerful journey with ACLU-NC members after a screening of the film. ■

*Miriam Gerace is the Senior Communications Strategist at the ACLU of Northern California.*

*See related article on page 3.*



*ACLU members and supporters preparing to lobby legislators at the 2010 Conference & Lobby Day in Sacramento.*

## GET INVOLVED! CHAPTERS AND CLUBS IN YOUR COMMUNITY

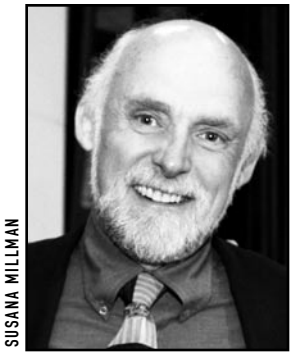
### Northern California Chapters

- Berkeley/North East Bay
- Chico
- Greater Fresno
- Mt. Diablo
- Marin County
- Mid-Peninsula
- Monterey County
- North Peninsula (Daly City to San Carlos)
- Paul Robeson (Oakland)
- Redwood (Humboldt County)
- Sacramento County
- San Joaquin
- Santa Clara Valley
- Santa Cruz County
- Shasta-Tehama-Trinity Counties
- Sonoma County
- Stanislaus County
- Yolo County

### Campus Clubs

- Golden Gate University
- Santa Clara University Law
- Stanford University
- UC Berkeley
- UC Davis King Hall Law

Get contact information at  
**WWW.ACLUNC.ORG/ACTION/CHAPTERS**  
or by calling (415) 621-2493 x369



SUSANA WILLMAN

Scott Crichton

HOW DOES OPERATING THE ACLU IN MONTANA PROVE UNIQUE COMPARED TO OTHER STATES IN THE US?

As the 4th largest state geographically, we have a population of less than one million people, and on the street people still look one another in the eye and offer greetings. Practically, it means that government is still accessible to real people making real efforts to communicate with a citizen legislature. (They meet in odd numbered years for a 90 day session). There is a strong libertarian streak that runs throughout the body politic. I'm not talking about "libertarian" as a party, but rather as a way of looking at the individual in relationship to the government. That seems to transcend party lines and resonates with Democrats and Republicans alike.

MONTANA WROTE ITS CONSTITUTION IN 1972. HOW IS ITS RECENT CONCEPTION OF BENEFIT TO PEOPLE WHO ARE DEDICATED TO PROTECTING CIVIL LIBERTIES?

Some constitutional scholars have called our state constitution one of the most enlightened social contracts ever drafted. Thanks in large part to the herculean efforts of the Montana League of Women Voters, a constitutional convention was called for in 1970 which, due to a unique constellation of historical factors, led to its creation in 1972. What matters most to us as civil libertarians is that it includes an explicit right to privacy and a right to human dignity. Not surprisingly, much of our litigation is brought forward in state court as we fight to preserve a woman's right to choose, establish protections for our LGBT population and more.

COULD YOU DESCRIBE A TYPICAL DAY IN A TYPICAL WEEK AS THE HEAD OF THE ACLU OF MONTANA?

There is no typical day — that's part of what I love about this work. I'm always finding new challenges and learning new lessons from what all comes our way. One example: "Death with Dignity," or physician assisted dying, was thrust upon us by 2008 litigation brought by Compassion and Choices on behalf of a truck driver who was terminally ill and wanted the aid of a physician in dying. The case spawned a record number of amicus briefs anticipating that the Montana Supreme Court might rule on specific

# ASK THE EXPERTS!

## STRATEGIC AFFILIATE INITIATIVE

Scott Crichton is the Executive Director of the ACLU in Montana. In 2006, the ACLU of Montana was selected to become part of the national ACLU's Strategic Affiliate Initiative (SAI). The SAI, funded by The ACLU Campaign for the Future, will significantly strengthen the capacity of ten to twelve key affiliates over the next several years. Crichton discusses the challenges and successes surrounding civil liberties struggles in his state.

provisions in our state constitution that provide for privacy and human dignity. While the Court never reached the constitutional issues, they did affirm the practice for doctors to provide lethal doses for self administering — much like exists in Washington and Oregon. We just convened a hugely successful statewide conference called End of Life Choices: A Community Conversation.

MONTANA WILL SOON BE ONE OF THE FEW ACLU AFFILIATES WITH A FULL-TIME STAFF MEMBER DEVOTED EXCLUSIVELY TO LEADING A STATEWIDE EFFORT TO END THE DEATH PENALTY. MANY BELIEVE THAT IT MAY BE POSSIBLE TO END DEATH SENTENCING THERE IN THE NEAR TERM. WHY?

A federation of national anti-death penalty funders took notice in 2007 when we got a bill through the House, and again in 2009 when we got a bill through our Senate to become the first state to have a Republican controlled chamber vote to abolish. We have come to understand that we don't need everyone to agree that the death penalty is wrong. In some cases, it is enough for some to reach the conclusion it can't be done fairly, flawlessly or expeditiously, and so they agree it is time to stop the practice. We are focused on organizing voices from law enforcement and from the community of murder victims' families and are actively reaching out to social conservatives and evangelicals so we can prevail in 2011.

WHAT ARE OTHER ISSUES THAT THE ACLU OF MONTANA IS PRIORITIZING THIS YEAR?

Criminal justice reform is a top priority. Our county jails and state prisons are overcrowded and underfunded. While Native Americans, our largest minority group, comprise 7% of our state's population, they account for nearly a quarter of all male inmates and more than one third of our female inmates. We are facing numerous challenges, not the least of which is defending our victories. One strategy

for attacking over-incarceration is to link litigation with public policy reform, highlighting the need for jail standards and humane conditions of confinement in prisons. We are advocating for policies that are smart on crime, that treat mental health and drug addictions as medical problems rather than criminal problems.

WHAT IS THE CLIMATE IN MONTANA SURROUNDING IMMIGRATION?

Montana is a border state, with a long and proud tradition of having more than 400 miles of unguarded common boundaries with our Canadian neighbors. That has changed radically since September 11, 2001. There are xenophobic legislators and "faux news" devotees who try to scapegoat and demonize immigrants with divisive legislative proposals. There are no organizations here like La Raza, and sadly, the Catholic Church has not made immigration a high priority, so we are forced to be the lightning rods on these issues as part of our legislative agenda. In concert with a statewide human rights group, we managed to defeat more than a dozen hostile bills introduced in 2009.

ACLU AFFILIATES IN LESS POPULOUS STATES STRUGGLED FOR MANY YEARS WITH LIMITED RESOURCES. HOW HAVE THINGS CHANGED IN RECENT YEARS?

I am in my 22nd year as Executive Director. For most of that time, our staff consisted of me and an office administrator. Thanks to one generous Montanan donor, we became the first small affiliate to hire a full time staff attorney. We were one of five affiliates--along with Texas, Florida, Michigan and Mississippi - as the first cohort of states for the ACLU's Strategic Affiliate Initiative. It was heartening to be recognized for being ambitious, accountable, collaborative, disciplined and strategic in the way we operated. Now, thanks to numerous generous donors across the country, we have been given the opportunity to operate much more like a full service affiliate. Our SAI plan allowed us to bring on directors of public policy, communications, and development. While they are "directors," they also embody the "department." In addition, we hired a seasoned litigator who mentors a younger attorney who is focused on jail and prison work. The growth has challenged me to move from being a one man band to being a band leader. I'm loving it. ■

*This interview was conducted by ACLU-NC volunteer Field Correspondent Katy Fox.*

## ACLU-NC MAILING PREFERENCES

To Our Members:

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

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

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

While mailings—under strict privacy guidelines—form the basis of our new member acquisition program, and are key to our growth, we understand some members do not wish to receive solicitations from other groups and we gladly honor requests from our members to be removed from the process.

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

ACLU-NC Membership Department  
39 Drumm Street, San Francisco, CA 94111

☐ I prefer not to receive materials from other organizations. Please eliminate my name from membership exchange/rental lists.

Member # \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_