

ACLUnews

FALL 2016

VOLUME LXXX ISSUE 3

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WHEN A PHONE CALL MEANS ACCESS TO JUSTICE

By Leslie Fulbright

Senior Staff Attorney Julia Harumi Mass was representing detained immigrants in a lawsuit challenging the use of shackles at court hearings when she noticed another problem at the Immigration and Customs Enforcement (ICE) facilities she visited: a telephone system that made it virtually impossible to speak with her clients.

The detention centers, where ICE holds people fighting accusations that they violated civil codes governing legal status or seeking asylum, are in places like Yuba County and Sacramento, so she wanted to set up a phone account to talk to potential plaintiffs. She asked the phone company to designate a line as confidential for attorney-client communications to avoid monitoring or recording. And she prepaid for the expensive calls because many of the people she was working with couldn't afford to pay for them.

She quickly learned that even with these efforts, it was almost impossible to communicate with the clients.

The phones required someone to accept the call, even though it was prepaid. She missed many of the calls that came in. When she did receive them, a voice recording informed her the calls were being monitored. Clients were unable to leave messages and she didn't know who to call back.

"I would come to the office in the morning with six messages that an inmate was trying to reach me, I didn't know who it was and couldn't connect," she said. "Unless I was sitting right by the phone when they called, we couldn't communicate."

She spoke to other immigration attorneys and learned they were driving for hours just to ask clients a question. The obstacles were making representation extremely difficult. She made a records request and began investigating and researching the policies, rates and other issues.

Mass learned that some detainees were held in cells for 22 hours a day, with very little phone access. Those who could make calls were charged exorbitant fees. And the calls automatically cut off after 15 minutes. There was no privacy and guards and other inmates could hear the conversations, many of which included confidential information.

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ACLU VOTER GUIDE

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 MORE EFFECTIVELY

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 FAILED DEATH PENALTY

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 LEGALIZES MARIJUANA
 FOR ADULTS 21+

Learn more about these propositions
 as well as ACLU-NC positions on
 local measures at
WWW.ACLUNC.ORG/ELECTION

BOARD NOMINEES' 2016 CANDIDATE STATEMENTS



ALLEN ASCH

I would be honored to be re-elected to serve on the board of the ACLU-NC. I joined the ACLU of Southern California while in high school in the 1980s, worked as a cooperating attorney with the ACLU in Missouri and New Jersey in the 1990s, and helped form the Sacramento chapter of the ACLU in 2007. My recent local ACLU activism in Sacramento includes fighting for immigrants' rights implementing the TRUST Act, lecturing to high school students about their rights in school, and advising the local Black Lives Matter chapter about their rights when interacting with police.



CHINA BROTSKY

China is Director of Finance and Operations at SumOfUs, a global online corporate accountability campaign organization. She is a serial entrepreneur and founded a number of nonprofit social enterprises in the technology and real estate sectors as well as a bi-national peer-learning network on collaborative space. She has a lifelong commitment to social and environmental justice. She also uses her skills in finance and operations on the Boards of Directors of 350.org, Global Greengrants Fund and the Nonprofit Centers Network.



JUSTIN BROWN

I truly believe in the ACLU's commitment to activism, specifically on behalf of minority groups. It is important to me that organizations like the ACLU not only exist, but thrive, and continue fighting against civil rights infringements. My work as a Certified Public Accountant has given me in-depth knowledge of non-profit finance, accounting software programs, annual external audits, financial statement presentation, and grant revenue recognition, all of which are critical to the ACLU-NC's financial health. If elected to the board, I would like to provide guidance and feedback in these areas and continue serving on the Finance Committee.



VERONICA DIAZ

My organizing experience in the migrant town of Salinas sparked my desire to unionize workers and engage them in the political process with the goal of addressing labor inequality. Through my work at the Teamsters Joint Council 7, I am able to connect workers and immigrants with their elected officials and thereby politically empower this largely underrepresented population. As the daughter of an immigrant farmworker and granddaughter of a Bracero, family traditions rooted in union mobilization and civil rights have guided my career towards uniting California's most marginalized workers.



ROBERT FUENTEZ

Robert A. Fuentes is a public interest attorney focused on civil rights and employment litigation. He holds a J.D. from Yale Law School, an M.P.A. from Harvard Kennedy School, and a B.A. from Stanford University.

Born and raised in the Central Valley, California, Robert believes that the work of the ACLU-NC should be expanded throughout the region of the state that most desperately needs it. He is committed to working with the Board, staff, and communities to promote the mission of the ACLU-NC to advance the civil liberties of our state's most vulnerable populations.



SAVITH IYENGAR

I respectfully seek to serve a second term on the board of the ACLU-NC. My dedication to the ACLU has long shaped my philosophy and career. In school, my free speech work was featured in the Harvard Law Bulletin. As an attorney, I have worked to protect civil rights alongside the ACLU-NC, including defeating the shackling of thousands of immigrant detainees. In 2015, I received the California Lawyer Attorney of the Year Award for this work. I have served on the Finance, Audit, Equity and Inclusion, and Officer Nominating Committees. I would be honored to continue to proudly serve the organization.



MATT MURRAY

I would be honored to continue my service on the ACLU-NC Board of Directors. I am a public interest attorney primarily representing workers and unions. I have served on the ACLU-NC Legal Committee since 2012 and was appointed to an interim position on the Board this summer. I co-founded student ACLU groups at both UC Berkeley and Harvard Law School, and previously served on the ACLU-NC Board while I was a student. I am passionate about the broad range of civil liberties the ACLU fights to protect, and I am excited to continue my contributions to this great organization.



ISA NOYOLA

Isa Noyola is excited about the nomination to be on the board. As a director of programs at Transgender Law Center, she works extensively for the release of transgender women from ICE detention and an end to deportations. She brings an intersectional lens to her advocacy and has years of experience in the nonprofit sector. Isa is a national leader in the transgender community and in immigrant rights movement. She identifies as a translatina, trainer/facilitator, fund raiser, activist, and cultural organizer. Isa is a passionate national advocate around viable strategies & conversations of how philanthropy and NGOs can better resource the transgender community and leadership.



PEDRO RAMIREZ

It's an honor to be nominated as a candidate to the Board of the ACLU-NC. As an immigrant who has the fortune of benefiting from the DACA program, I believe I can bring a great deal of personal and professional experience to the Board. I grew up and reside in the Central Valley, a region of great need. Throughout my career I've had the opportunity to work for organizations that advocate for access to higher education, immigration reform, farm worker and labor rights, and recently access to clean and affordable water. I believe

my experience in government and the nonprofit world will be an asset to the board. Thank you for your support and I look forward to working with our members to advance our shared goals!



YOMI WRONG

It would be my honor to continue to serve as an At-large member of the Board of Directors. My passion for civil liberties and commitment to the ACLU's work has deepened during my previous term. Since joining the board, I have transitioned from my role as Executive Director of the Center for Independent Living to a management role in ADA compliance at Sutter Health. So my role in the Disability Rights Movement has changed, but my dedication to its principles has not wavered. I believe the ACLU is just starting to make significant impact in the area of Disability Rights and I would like to be part of identifying those intersections where civil liberties advocacy can help advance equality for all people with disabilities.

Please see the instructions at right, then clip ballot below 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. 5, 2016**

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"/> | ALLEN ASCH |
| <input type="checkbox"/> | <input type="checkbox"/> | CHINA BROTSKY |
| <input type="checkbox"/> | <input type="checkbox"/> | JUSTIN BROWN |
| <input type="checkbox"/> | <input type="checkbox"/> | VERONICA DIAZ |
| <input type="checkbox"/> | <input type="checkbox"/> | ROBERT FUENTEZ |
| <input type="checkbox"/> | <input type="checkbox"/> | SAVITH IYENGAR |
| <input type="checkbox"/> | <input type="checkbox"/> | MATT MURRAY |
| <input type="checkbox"/> | <input type="checkbox"/> | ISA NOYOLA |
| <input type="checkbox"/> | <input type="checkbox"/> | PEDRO RAMIREZ |
| <input type="checkbox"/> | <input type="checkbox"/> | YOMI WRONG |

BOARD OF DIRECTORS ELECTION

VOTING INFORMATION

WHO CAN VOTE

The bylaws 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 2016 issue of the *ACLU News*, our bylaws 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 Dec. 5, 2016.

As required by our bylaws, 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 opposite page).

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. Once you make this election, you do not need to do so again unless you wish to change your preference back.

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

ACLU Membership Department
125 Broad Street, 18th Floor
New York, NY 10004

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

Member # _____

Name _____

Address _____

City, State, Zip _____

EDUCATION ROUNDUP

By Irene Rojas-Carroll

MANY CALIFORNIA CHARTER SCHOOLS ILLEGALLY EXCLUDE STUDENTS

The ACLU and our partner Public Advocates released a study in August showing that many California charter schools maintain exclusionary policies that are clearly illegal and have the potential to create a two-tiered system of public education.

Like other public schools, it is illegal for charter schools to pick and choose which students to enroll. However, the review reveals that many charter schools in California—at least 253, or 20 percent of charters in California—post enrollment policies and forms that are illegal.

The study found violations including exclusion based on academic performance, discrimination against English learners, illegal parent/guardian volunteer requirements, and requirements that discourage undocumented students. The report urges students and their families to check their local charter schools' policies and advocate for changes when these policies are confusing, discouraging, or illegal. If the school refuses to remedy the problems, Californians can file complaints with the schools' authorizers or the county office of education where the school is located.

THESE CHARTER SCHOOL POLICIES HAVE THE POTENTIAL TO CREATE A TWO-TIERED SYSTEM OF PUBLIC EDUCATION.

ACLU FILES SUIT AGAINST STOCKTON UNIFIED FOR WITHHOLDING PUBLIC RECORDS ON STUDENT ARRESTS

In June, the ACLU of Northern California filed suit against the Stockton Unified School District (SUSD) for refusing to release public records of SUSD Police

Department student arrest and citation data as required by state law, such as how often police officers are arresting students for minor misbehavior and what demographics of students are most affected. The district is also using millions of dollars in state funds designated for the benefit of English-language learners, low-income students, and foster youth to pay for police expenditures.

In response to an earlier public records act request by the ACLU, the district said that it generated 12,000 police "incident reports" over the last four years, but refused to provide any information on the reasons for arrests or citations, or on the demographics of the students affected. As a result of our advocacy, the district released documents showing that school police officers arrest black students at three times their rate of enrollment. Increased police-student contact at schools also disproportionately harms LGBTQ youth and students with disabilities.

"The school-to-prison pipeline is pushing students out of the classrooms in which they belong, and into the criminal justice system," said Linnea Nelson, staff attorney with the ACLU of Northern California. "Our schools should be places of learning, where we address conflict through counseling and intervention, not over-policing and criminalization."

HAVE SCHOOLS DONE THEIR HOMEWORK ON SEX ED?

This fall marks the first back-to-school season when students will benefit from a new law, the California Healthy Youth Act. Abstinence-only sex education has been illegal in California for over a decade but before the new law, important sexual health education topics were slipping through the cracks in many districts.

The new law mandates that schools teach comprehensive sexual health education once in middle school and then once in high school. This instruction must be medically accurate and focus on healthy attitudes, behaviors, and relationships. Among other topics, schools must teach about all FDA-approved methods of preventing pregnancy, HIV, and other Sexually Transmitted Infections (STIs); healthy decision-making; and sexual harassment, abuse, and trafficking.

Inclusive sex education helps create a healthy school climate and helps LGBTQ students thrive. With the new law, instruction needs to affirmatively recognize different sexual orientations and be inclusive of same-sex relationships. In addition, schools must teach about gender, gender expression, gender identity, and the harm of negative gender stereotypes.

The ACLU-NC is leading implementation of the law with resources and curricula at aclunc.org/our-work/know-your-rights/sex-education.


LGBTQ ADVOCATES AND SCHOLARS APPLAUD NEW INCLUSIVE HISTORY-SOCIAL SCIENCE FRAMEWORK

In July, the California State Board of Education announced that it adopted a new History-Social Science Framework for K-12 instruction. Among the many changes made to the Framework, which provides teachers and schools with guidelines for history-social science content standards, LGBTQ people and their contributions to California and U.S. history are accurately represented for the first time. The Framework also added information on the contributions of people with disabilities, financial literacy, voter education, and histories of genocide.

An inclusive curriculum builds stronger opportunities for LGBTQ students' academic and social success, and facilitates learning environments where all students can thrive. For the past two years, LGBTQ youth and advocacy organizations, joined by leading scholars of LGBTQ history across the U.S., have worked to ensure that the Framework is LGBTQ-inclusive.

The new Framework includes key historical figures, moments in the struggle for equity, and the evolution of communities and identities. It facilitates implementation of the Fair,

Accurate, Inclusive, and Respectful Education Act of 2012 (FAIR Education Act), which ensures that important contributions by LGBTQ Americans and people with disabilities are no longer excluded from history education.

"California has taken yet another step to affirm our shared values of inclusivity and fairness," said Melissa Goodman, director of the ACLU of Southern California's LGBTQ, Gender and Reproductive Justice Project. 

Irene Rojas-Carroll is a Communications Associate at the ACLU of Northern California.

LGBT PEOPLE AND THEIR CONTRIBUTIONS TO CALIFORNIA AND US HISTORY ARE ACCURATELY REPRESENTED FOR THE FIRST TIME.

ACLUnews

THE PUBLICATION OF THE
AMERICAN CIVIL LIBERTIES UNION OF NORTHERN CALIFORNIA

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THE RIGHT TO REMAIN A STUDENT: HOW CALIFORNIA SCHOOL POLICIES FAIL TO PROTECT AND SERVE

Over the past two decades, police officers have increasingly displaced school administrators as disciplinarians, responding to minor offenses that pose no direct threat to personal safety. This increase in student-police interactions has funneled thousands of students into the school-to-prison pipeline. *The Right to Remain a Student: How California School Policies Fail to Protect and Serve* is a report released by the ACLU of California in October.

The report details these consequences and describes the current state of school district policies in California that pertain to police on campus. Additionally, it shares model policies that both promote school safety and protect student rights.

Between four and eight police officers are permanently assigned to John C. Fremont High School in South Los Angeles. Leslie M. and Carlos P. attend Fremont and say that it feels like going to school in prison, surrounded by armed guards who make students feel more tense and less safe.

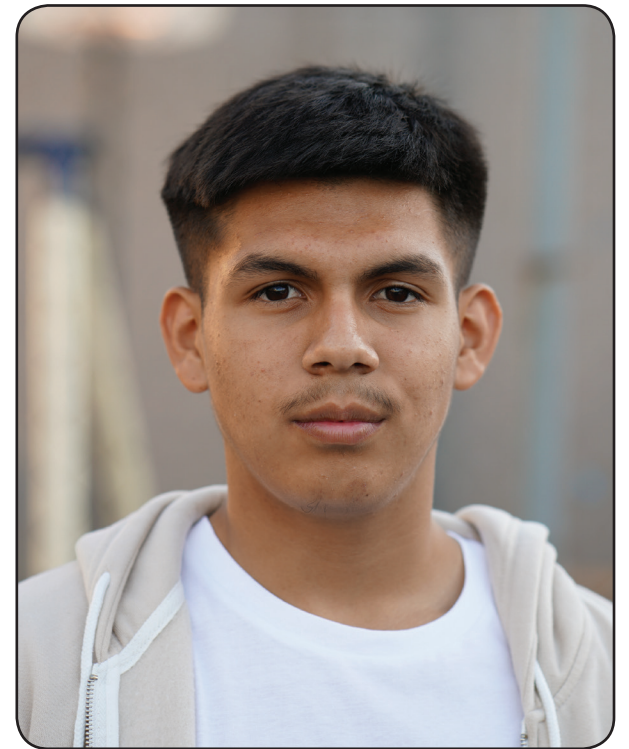
This feeling only grew after police intervened in a fight between students in June 2016. Los Angeles School Police responded to the fight by discharging pepper spray indiscriminately into the surrounding crowd, harming over 35 students. Leslie and Carlos were there that day and reported a chaotic scene. Carlos saw one student rush into a classroom, desperately trying to wash out his eyes. Leslie saw another student screaming in pain from the red welts on her

skin and the irritant in her eyes. During the commotion, one of the officers locked the doors to one of the school buildings, trapping students inside with a cloud of pepper spray. The students were not told whether the district disciplined any of the officers, and many of the officers remained on campus after the incident.

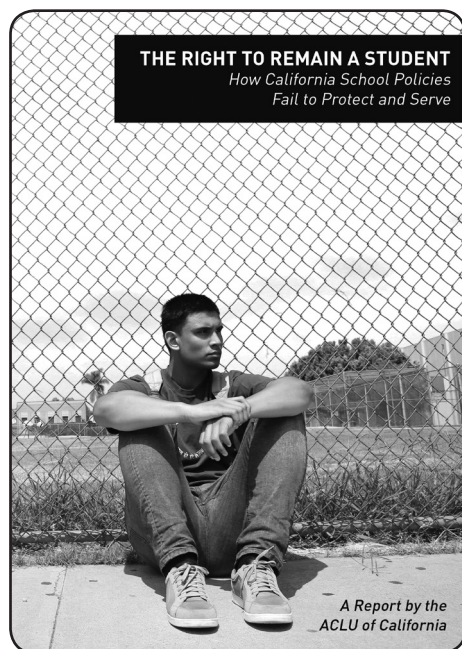
From Cesar Chavez High School in Stockton, 2016 graduate D’Ahjanique Smiley reports a climate of fear cre-


ated by a heavy district police presence. Multiple times each month, students are subjected to random searches where police bring drug-sniffing dogs into classrooms and force students to turn out pockets and backpacks. D’Ahjanique says these searches make students feel that police are “more there to scare us than to help us and to make us feel safe and comfortable.”

This climate of intimidation was especially harmful to D’Ahjanique’s friend Richard.* The 17-year old had been looking forward to walking across the stage at graduation and going to college to make his grandparents proud.



Carlos P. of Fremont High School feels unsafe because of the numerous police officers assigned to his campus.



But throughout his senior year, Richard faced ongoing police harassment due to his appearance as a biracial Latino-Filipino student who wore baggy shorts and tattoos. He regularly faced questioning and pat-downs when walking to class, was made to sit on the curb in handcuffs during a vehicle stop for expired tags, and was finally arrested for breaking up a scuffle between his 15-year-old brother and another freshman boy. Tired of the harassment, Richard decided that school wasn’t for him anymore and dropped out. 

See additional new reports on page 11.

MOVING TOWARD EDUCATION EQUITY IN CALIFORNIA

By the ACLU of California’s Education Equity Team

Sixty years after *Brown v. Board of Education* and the desegregation of our schools under law, low-income students of color, especially in California, continue to face gross inequities in education opportunities. That’s why the ACLU of California, Public Advocates, and dozens of other education and civil rights organizations supported Gov. Jerry Brown in 2013 when he signed the Local Control Funding Formula. LCFF overhauled California’s education finance system that in theory creates a more equitable system of funding by distributing state dollars on the basis of student need.


The more low-income, foster youth, and English learner students a school district has, the more dollars the district receives from the state. But in the past

three years, we have been disappointed to see too many school districts fall short on their legal obligation to use these increased state dollars to improve services for these high-need California students.

That’s why we support a promising new LCFF accountability system adopted by California this month to hold school districts accountable for meeting their obligation to better serve all students, especially high-need students. Unlike the old accountability system, which narrowly focused almost entirely on test scores, the new accountability system takes a broader view of a student’s education experience. Every district will receive a multi-dimensional report card that provides a comprehensive data snapshot of every district’s education program so we can identify which districts

aren’t doing enough to meet the needs of low-income students, English language learners, and foster youth.

It honors the complex challenges facing high-need students by monitoring how districts are faring on factors that disproportionately impact low-income students of color, such as suspension rates, chronic absence from school, basic school resources, access to courses, and parent involvement in the school district. It also includes a top-line “equity report” that highlights the performance of specific student groups such as African-American, Latino, low-income students or foster youth on these dimensions.

We applaud the state for taking this critical next step in making sure high-need students reap the benefits of the new school finance system. 

LEGAL UPDATES

By Bethany Woolman and Christine P. Sun

Victory! *Preap v. Johnson*

This August saw a huge victory for immigrants caught in a mandatory detention dragnet, many of whom are longtime residents of the United States. In this ACLU class action lawsuit, a federal appeals court struck down the government's practice of holding people in detention for months—with no opportunity to argue for their release—while they bring lawful claims against deportation for crimes they may have committed years ago. “By refusing people bond hearings at which they can argue for their release from detention, the government unnecessarily rips immigrants away from their families, communities, and livelihoods,” said ACLU of Northern California Staff Attorney Angélica Salceda. The ruling means that thousands of California's immigrants may now make an individualized case against their detention while deportation proceedings are pending.

Victory! *NLG v. Hayward*

This July, in a first-of-its-kind victory for police accountability and transparency, an Alameda County judge ruled that a public agency can't charge excessive fees to the public to access police body-worn camera footage. The ACLU of Northern California sued the city of Hayward and its police department for unlawful and excessive costs late last year. The suit was brought on behalf of the National Lawyers Guild (NLG), after Hayward responded to a Public Records Act request by charging the NLG more than \$3,247 for police body camera footage of a Black Lives Matter protest.

Santa Clara County Passes Landmark Surveillance Policy

In cities and counties across the nation, it's commonplace for local law enforcement to secretly adopt invasive surveillance technologies like cell phone trackers or facial recognition cameras. But Santa Clara County is now the first county in the nation to institute consistent transparency, accountability and oversight measures for all decisions about surveillance technology. In a unanimous vote this June, the Santa Clara Board of Supervisors passed a groundbreaking law to stop secret surveillance, surveillance that often targets communities of color. The law, authored by Supervisor Joe Simitian, was the result of more than a year of collaboration with ACLU policy experts, county officials, local residents, and a diverse coalition of community organizations. “It's unacceptable for law enforcement to hide their practices from the public,” said Nicole Ozer, Technology & Civil Liberties Policy Director for the ACLU of California. “When surveillance plans are brought into the light, communities have the power to stop invasive and discriminatory surveillance practices before they start.”

Fresno Policy Punishes Tenants for 911 Calls

When the Fresno City Council recently looked likely to pass a troubling ordinance that imposed fines and other penalties against renters for “nuisances,” the ACLU-NC jumped into action. ACLU of Northern California Staff Attorney Abre' Conner sent multiple letters to the Council, raising a number of civil liberties concerns. Of particular concern was the law's definition of “juvenile or domestic disturbances” as a nuisance, which opened the door to targeting survivors of domestic violence. Vague and unconstitutional noise provisions also enabled residents to target neighbors out of racial bias. “By expanding what the city can punish as a nuisance violation, who the city could punish, and how, this ordinance invited racial profiling and draconian punishments on the people who are already hit the hardest by Fresno's housing crisis,” said Conner. Based on the ACLU's letters, the council added a domestic violence exception. The ordinance passed in May, and the ACLU-NC is monitoring its effects.



Last year, the Fresno County Sheriff gave Immigration & Customs Enforcement agents access to jailed individuals, so the ACLU is working to let people know their rights. “ICE has a long track record of abusing its power and trampling people's rights,” said ACLU-NC Staff Attorney Angélica Salceda.

Robinson v. Dignity Health

This June, the ACLU filed a federal lawsuit against the fifth largest health care system in the U.S.—Dignity Health—for denying a transgender employee health insurance coverage for transition-related health care. Plaintiff Joe Robinson is an operating nurse in a Dignity Health hospital, and although treatment related to gender transition is medically necessary, Mr. Robinson was denied coverage for his transition-related care because his employer categorically excludes all transition related care from its health insurance policy. “This discriminatory policy is plainly illegal under both Title VII and the Affordable Care Act,” said ACLU of

Northern California Senior Staff Attorney Elizabeth Gill. “Our client has a right to coverage of medically necessary treatments, just like any other Dignity Health employee.”

New SFPD Policy on Use of Force

After several months of advocacy by the ACLU-NC and other civil rights and community groups, the San Francisco Police Commission unanimously approved a new use of force policy for the SFPD this June. The policy bars the use of dangerous chokeholds known as “carotid restraints,” and holds officers to a higher, more protective standard. This is the first change to the policy governing SFPD use of force in over 20 years. The ACLU-NC is keeping an eye on implementation, and sent a letter this September to urge the Commission to put these new policies into effect immediately. “The problems of racially biased policing and extreme use of force are systemic, and must be faced in order to be changed,” said ACLU of Northern California Senior Counsel Alan Schlosser.

Stop the Sweeps!

This June, the ACLU of Northern California sent a demand letter to San Francisco Mayor Ed Lee, requesting that the city put an end to the illegal “sweeps” of homeless camps in which city workers and California Highway Patrol officers confiscate and destroy people's belongings. “Seizing and destroying people's property causes irreparable damage to an already vulnerable population, particularly when it means that they lose the clothing, shelter and medication they need to remain healthy or the tools they may use to make a living,” said Michael Risher, a Senior Staff Attorney at the ACLU of Northern California. “If anything, these sweeps are worsening, not solving, homelessness.”

ICE Agents in Fresno County Jail

The Fresno County Sheriff launched a pilot program in June of last year, giving Immigration & Customs Enforcement (ICE) agents unfettered access to people incarcerated in the county jail. The ACLU marked the one-year anniversary of the program by collaborating with local advocates to voice objections. “Under this policy, any person in Fresno County custody can be questioned by ICE and deported, whether or not they're charged with a crime,” said ACLU of Northern California Staff Attorney Angélica Salceda. “Letting this rogue agency operate in our community without any sort of transparency and accountability is a recipe for disaster.” With the program still currently operational, the ACLU is working to gain access to the jail in order to distribute Know Your Rights information materials and monitor ICE interviews.

CONTINUED ON THE NEXT PAGE

Lawsuit Challenging Harmful Driver's License Suspension Policies

In California, millions of people have their driver's licenses revoked for being unable to afford the exorbitant cost of traffic citations. For someone making minimum wage or living on disability payments, a simple speeding ticket can turn into ballooning debt, the loss of a license and employment, and a dizzying drop into the cycle of poverty.

The reality is, traffic tickets simply aren't what they used to be. What was once a \$100 violation in California now costs nearly \$500, and the costs quickly climb into the thousands when people miss deadlines to pay fees they can't afford.

This June, the ACLU-NC, along with a coalition of legal organizations, filed a groundbreaking lawsuit challenging Solano County's failure to consider a person's ability to pay prior to acting to suspend their driver's license for failure to pay. The coalition also sent letters to 17 counties that have the same problematic practices.

"We're filing this suit in order to protect a fundamental principle of our justice system—that a person should not be punished simply for being poor," said ACLU-NC Legal Director Christine P. Sun. "By not taking people's ability to pay into account, courts are hurting families, communities, and the state as a whole."

There are dramatic racial and socioeconomic disparities in driver's license suspensions related to unpaid traffic fines and fees. Racial profiling and over-policing

of communities of color means that the injustices of our traffic court system hit people of color particularly hard. In primarily Black and Latino communities in California, driver's license suspension rates range as high as five times the state average.

The U.S. Department of Justice recently urged local courts nationwide to put an end to policies that penalize people simply for being poor—including the practice of suspending driver's licenses when individuals miss payments on fines without considering their financial circumstances.

Lawsuit: Religious Groups Denying Immigrant Teens Access to Medical Care

When young people find themselves fleeing their home countries due to abuse, torture, or violence, these asylum-seekers deserve to be cared for as they try to make a new home in the United States.

In fact, the federal government is legally required to provide unaccompanied immigrant minors—children and teenagers who come to the U.S. on their own—with basic necessities, such as housing, food, and access to medical care, including family planning services and abortion.

This summer, the ACLU filed a lawsuit against the federal government for awarding millions of dollars annually to organizations that fail to provide crucial medical care to unaccompanied immigrant minors. The government authorizes some of these organizations to

refuse—on religious grounds—to follow the law that requires access to contraception and abortion.

"This denial of care has extraordinary consequences for this vulnerable population," said ACLU of Northern California Staff Attorney Jennifer Chou. "A high number of unaccompanied immigrant minors have been raped in their home countries or during their journey to the United States, and they have an acute need for critical reproductive health care."

A review of documents obtained in advance of the lawsuit revealed the case of a young woman who became pregnant after being raped as she traveled to the United States. Even though she was traumatized and had to be hospitalized for suicidal thoughts, she was kicked out of her Catholic shelter when she later asked for an abortion. As a result, she was transferred to another shelter, away from the social workers and other shelter support staff who constituted her only support system in this country.

The suit is ongoing. 

Read more legal updates online at www.aclunc.org/cases.

Bethany Woolman is a Communications Strategist at the ACLU of Northern California.

Christine P. Sun is the Associate Director and the Legal-Policy Director at the ACLU of Northern California.

**ASYLUM-SEEKERS
DESERVE TO BE
CARED FOR AS
THEY TRY TO MAKE
A NEW HOME
IN THE UNITED
STATES**

ACCESS TO PHONES

CONTINUED FROM PAGE 1

Led by Mass, the ACLU of Northern California sent a demand letter detailing the problems, then filed a class action lawsuit against ICE in 2013, charging that inadequate telephone access in detention facilities violated the immigrants' right to a full and fair hearing under federal law and the U.S. Constitution. Immigration detention is civil detention, as opposed to punitive incarceration in the criminal justice system.

"Most immigrants who are detained during their deportation proceedings don't stand a fighting chance," said Mass. "The ability to make and receive calls is something many of us can take for granted. For my clients, the telephone system made it nearly impossible to consult with or hire a lawyer, contact character witnesses, or gather evidence to support their cases. These are essential activities for anyone in a legal proceeding and immigration detainees need them to realize the promise of due process."

Inadequate telephone access in immigration detention facilities is an extraordinary violation of immigrants' basic due process rights while in removal proceedings, fighting for the opportunity to live and work in this country.

"In the United States, everyone is entitled to their

day in court, but ICE policies were denying even minimal contact with attorneys," Mass said.

After several years of litigation and negotiation, ICE agreed in June to a groundbreaking settlement that will change the rules in four detention centers that hold about 1,000 immigration detainees, and possibly throughout the nation.

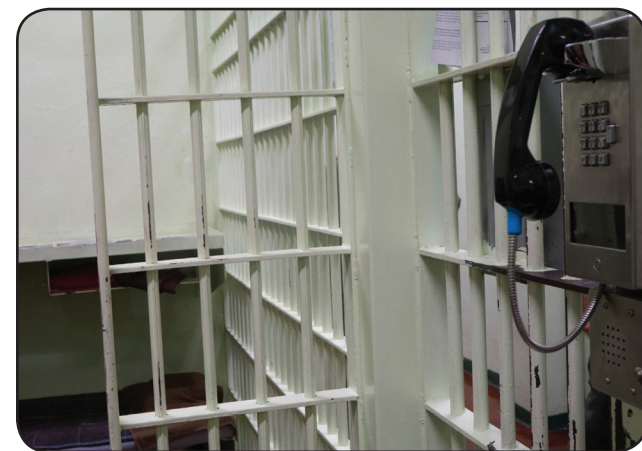
Under the agreement, detainees will be allowed to make free, unmonitored phone calls to lawyers and government agencies as well as private calls to relatives and people working on their cases. ICE will install 40 phone booths among four facilities for privacy and will extend the time permitted before a call automatically cuts off. And the people calling will have the ability to leave messages.

A hearing on final approval of the settlement is scheduled for Nov. 17.

After that, ICE has one year to make the changes in the four Northern California facilities.


Mass said it should serve as a model for immigrant detention centers throughout the country where similar problems exist. The editorial board of the *Los Angeles Times* agreed.

"Unfortunately, the agreement applies only to the four facilities named in the lawsuit," the *Los Angeles*



Even when phone access is granted, there is no privacy.

Times wrote in an editorial published in June. "ICE should on its own initiative apply these new policies nationwide to ensure the government respects the efforts of detainees to invoke their legal rights to a fair hearing over their immigration status."

Mass also reached a settlement in the shackling case she was working on when she discovered the phone problem, bringing an end to the federal government's practice of forcing detained immigrants to go through civil immigration hearings in handcuffs, leg irons, and chains. 

Leslie Fulbright is a Communications Strategist at the ACLU of Northern California.

**IN THE UNITED
STATES, EVERYONE IS
ENTITLED TO THEIR
DAY IN COURT, BUT ICE
POLICIES ARE DENYING
EVEN MINIMAL CONTACT
WITH ATTORNEYS.**

FOSTERING THE NEXT GENERATION OF CIVIL LIBERTIES LEADERS

By Evonne M. Silva

One of the favorite parts of my job is working with law and policy graduate students. For Jessica Smith, the ACLU of Northern California's Law and Policy Internship Program launched her work as a civil rights lawyer. She considers her participation in the program as a hugely impactful moment in her legal training and career.

Jessica is one of 45 law and policy graduate students selected to work with the ACLU-NC for a semester or summer as part of the redesigned Law & Policy Internship Program launched in August 2014. By investing to strengthen the program, the ACLU-NC deepened its commitment to train the next generation of civil rights and civil liberties lawyers and policy leaders.

Our Law and Policy interns come from across the country, bringing their diverse experiences and perspectives, intellectual curiosity and rigor to join us in pursuing cutting-edge litigation and policy advocacy. Students become active participants in our work, gaining skills and an opportunity to view and contribute to the messy business of securing fairness, equality, and justice for all.

Elizabeth "Liz" Toledo found this particularly true. She helped to advance the mission of the ACLU-NC through her work on a lawsuit to protect the First Amendment rights of a high school student and developing public education materials, while participating in legal advocacy campaigns with partner organizations.

And what's summer without a road trip? The Summer 2016 class joined the second annual tour of the San Joaquin Valley, which I organized with ACLU-NC attorney Jennifer Chou, who is based in our Central Valley office. The tour contextualizes the ACLU-NC's expanding work across the region, and students witness the efforts of individuals and communities working towards justice.

For Liliana Garcia, the ACLU-NC's focus on the Central Valley is a personal one, as it is for me. Born and raised in the Central Valley, Liliana describes the experience of working at the ACLU-NC as "indispensable" to her growth and training as a lawyer.

Our commitment to students extends beyond the internship. Students stay connected to each other and to the organization through the ACLU-NC's Law and Policy Alumni Network. The ACLU-NC established the network to foster the professional and collective leadership and activism of our alumni by providing a way to stay involved in the organization, to tap into professional development opportunities, and to join a community of leaders across the country who share the experience of working at the ACLU-NC.

For Jessica, her summer at the ACLU-NC has come full circle to realizing her dream of working as a staff attorney at the ACLU of Nevada. Below, Jessica, along with Liz and Liliana, share more about the impact of the Law & Policy Internship Program on their lives.

LILIANA GARCIA SPRING 2016 CLASS

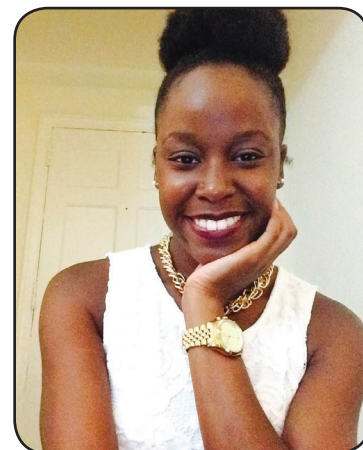
I was most inspired by the confidence that the staff had in my abilities, which made me more determined to do my very best work. Through the ACLU-NC's Law & Policy Internship Program, I had an opportunity to see my work help lift up the voices of the



communities we serve. I readily use the legal skills and training I developed during my time at the ACLU in my current work as a staff attorney with California Rural Legal Assistance, Inc.

JESSICA SMITH SUMMER 2015 CLASS

My time at the ACLU-NC left the greatest impression on my vision for how I do civil rights work. The experience provided a first glimpse into how lawyers combat systemic issues, working with a group of individuals to change the laws affecting them. This is something that Howard Law School emphasizes with stories of Justice Thurgood Marshall, and I got to witness firsthand through my internship. I continue to lean on what I learned during my internship, particularly the power and craft of legal writing, in law school and now as a staff attorney at the ACLU of Nevada.



ELIZABETH "LIZ" TOLEDO FALL 2015 CLASS

I am inspired by the way ACLU-NC staff work collaboratively through litigation, policy, development, and community activism to achieve a shared vision and advance the mission of the organization. I believe this type of collaboration creates lasting change, and it informed my understanding of lawyering that seeks to advance broader issues. My experience also provided me with critical insight on the practice of law, which further contextualized of what I learned in the classroom. ACLU



Summer 2016 Law & Policy interns and ACLU-NC staff at ACT for Women and Girls in Visalia as part of the second annual tour of California's San Joaquin Valley.

These interviews were conducted by Evonne M. Silva, the Legal-Policy Department Manager and Attorney at the ACLU of Northern California.

DONOR PERSPECTIVE

Cynthia Chen has been a contributor to the ACLU of Northern California since 2011. She recently shared some of her life experiences and perspectives about the ACLU with Ruth Herring, a member of our development team.

I came to the United States from Hong Kong in 1978. When I got to high school in America I never took American History classes seriously. About six years ago I met Abdi, but I didn't understand what the ACLU does. So I looked it up on the web, and then I realized, "Oh, that's what the U.S. history lessons were all about." The Bill of Rights is at the center of all this—and it concerns my family and me. The ACLU is expert in the Bill of Rights.

As a citizen, as a person, I've always been concerned about different issues, especially the rights of women, access to reproductive health, and LGBT issues. I had many gay and lesbian friends growing up and I am still close to them, and my daughter was active in fighting Proposition 8. But how many issues can you tackle as an individual by joining different organizations? I had to make a living and raise a family. I finally realized I needed a central station to go to. I came to admire and trust Abdi and the team, and I am inspired by their strategic legal work on issues I care deeply about. When people ask me why I support the ACLU, the first thing I say is, "I like the people there."

I'm also involved in helping some college students at UC Santa Cruz: undocumented




**"I WANT TO HELP UPHOLD THE
AVAILABILITY OF OPPORTUNITIES
FOR ALL PEOPLE WHO HAVE DREAMS
AND ASPIRATIONS."**

—CYNTHIA CHEN

immigrants who want to stay in this country and students with no supportive adults in their lives. I felt alienated as an immigrant teen myself. I felt I must do something to help. I was part of a group of volunteers, and with imagination and creative effort we were able to raise three times more than expected to help these kids. That was joy. We knew every dollar counted. A few months later, we received letters from several of these Dreamer kids... Some said they had never had a mattress in their lives until they came to America.

The right to this life in America has to be protected. It's not just about getting legal immigration status and citizenship. Then what? That's where I feel the ACLU is such a powerful and worthwhile organization to support. I want to help uphold the availability of opportunities for all people who have dreams and aspirations. Opportunities can only exist because many of our rights are protected by a system of pushing back and forth. Democracy is noisy and messy, and I have come to appreciate this noisy mess because the underlying mechanism has proven itself.

America's democracy continues to thrive while others failed. What is the difference? In my opinion, the ACLU keeps the nation's foundation—the Constitution—intact. I see the ACLU as a beloved big, beautiful elephant, which elegantly walks with steady, firm, and purposeful strides. I look forward to helping to keep the elephant healthy. 

CORI STELL BECOMES DIRECTOR OF DEVELOPMENT



Cori Stell has been a member of our Development Department for over a decade, serving as deputy director of development since 2010. She will assume her new post as director of Development this fall. Cori shared, "I wish Cheri Bryant didn't have to retire to allow me this exciting

opportunity. I am honored to continue to steward the amazing program she developed. I look forward to continuing to nurture and expand the partnerships between the ACLU and our dedicated community of supporters to advance civil liberties."

CANDICE FRANCIS NAMED DIRECTOR OF COMMUNICATIONS

Prior to joining the ACLU of Northern California as the communications director, Candice was the communications director at the Lawyers' Committee for Civil Rights of the San Francisco Bay Area (LCCR). At the ACLU-NC, she's working to ensure top-notch strategic communications to advance and amplify our legal and policy advocacy goals. "I am emboldened by the force and quality of the work being done at the ACLU of North-



ern California even at a time when penetrating the din that masquerades as news and information can be very demanding. Challenging injustice and inequity is our goal. Highlighting the difference we make in the lives of everyday people is our mission."

YEAR-END GIVING



**The ACLU of Northern
California is supported by
passionate individuals whose
donations help us protect civil
liberties in Northern California
and across the country.**

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LEGISLATIVE ROUNDUP FROM THE ACLU OF CALIFORNIA CENTER FOR ADVOCACY & POLICY

By Natasha Minsker

Every year, the ACLU of California reviews every state bill introduced and works on hundreds to protect civil liberties. We also sponsor several bills that we have identified as vehicles to advance and protect the rights of every Californian. This year, we had great success.

OUR GREATEST ACCOMPLISHMENTS

California now has some of the strongest protections against policing for profit in the country

Working with a broad coalition of racial justice, immigrants' rights, labor, and civil libertarian organizations, we sponsored and passed SB 443, a bill to rein in civil asset forfeiture abuse.

For years, California police have used federal law to take and keep a share of someone's money or property without convicting, charging, or even arresting that person for a crime. This tipped the scales of justice in favor of profits, not fairness.

With SB 443, unless someone is convicted of a crime, police can't use federal law to get a cut of any property they take, like homes, land, cars, etc. The same requirement applies for cases involving less than \$40,000 in cash. By curbing the financial incentive to "police for profit," the law will ensure that people's personal property and cash are no longer up for grabs.

As other states enacted discriminatory voting laws, California bucks the trend

Depriving people of the right to vote after a criminal conviction was a hallmark of the notorious Jim Crow period: the intent was to strip Black people of their political power. Unfortunately, this practice persists today throughout the country.

AB 2466 puts California on the right side of history and ensures that those who are eligible to vote can. After a decade of litigation and advocacy, this law clarifies, once and for all, that only people serving a state prison sentence or on parole temporarily lose the right to vote.

As other states pass a variety of voter suppression laws that negatively impact people of color and the poor, this law creates a more inclusive and robust democracy.

California is making it easier to reverse wrongful convictions

2015 set a record for the number of exonerations that took place throughout the country, with 149 people having been exonerated so far. Fortunately, California took a proactive step to safeguard against making these harmful injustices permanent ones.

Under SB 1134, someone who is wrongfully convicted would actually stand a fighting chance at getting a new hearing (or maybe even a new trial) based on newly

discovered evidence that could potentially prove their innocence. California previously had an unreasonably high standard to prove innocence based on new evidence.

California leads in upholding due process and limiting ICE abuses

For years, Immigration and Customs Enforcement (ICE) has deployed harmful tactics at the local, state and federal level to funnel as many immigrants as possible through their inhumane and out-of-control deportation machine.

California's TRUTH Act (AB 2792) puts vital know-your-rights information in the hands of immigrant community members held in local jails and in ICE's cross-hairs. The law will guarantee the "right to know" if ICE is targeting community members in jails, and the "right to say no" to abusive interrogation requests where deportation agents coerce, intimidate, and violate immigrants' fundamental rights.

These bills go into effect January 1, 2017.

OTHER SUCCESS THIS YEAR

The expansion of police secrecy was prevented

This year, we worked with our allies at the California Newspaper Association to ensure that a radical and unprecedented proposal didn't shroud important public records in secrecy.

AB 2611 went too far in the direction of excessive government secrecy and created unjustified exemptions to the California Public Records Act for law enforcement agencies. Fortunately, the bill didn't make it to Gov. Brown's desk.

OUR GREATEST DISAPPOINTMENT

Police misconduct records will remain a secret

As the Bay Area has been rocked by a recent sex scandal involving several law enforcement agencies, California is still one of the most secretive states when it comes to making police misconduct records public.

To the extent that officers are abusing their power, the public has every right to know the full findings of investigations into their wrongdoing. Senate Bill 1286 would have lifted this veil of police secrecy, but the California Legislature failed to let the measure move forward under intense



Natasha Minsker

STACY ANTONOPOULOS

pressure from law enforcement lobbyists. We will be back in 2017 to try again. 

See page 12 for more highlights of bills signed by the governor.

Natasha Minsker is Director of the ACLU of California's Center for Advocacy & Policy.

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BILL OF RIGHTS DAY CELEBRATION
SUNDAY, DEC. 11, 2016

Honoring Judge LaDoris Cordell (Ret.) & Patti Kouba

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For more information, contact Steven Medeiros at smedeiros@aclunc.org or 415.621.2493 x386

I TRAVELED AROUND CALIFORNIA WITH HOMELESS RIGHTS ACTIVISTS & LEARNED REAL SOLUTIONS

By Tessa D'Arcangelew

As a student at Humboldt State University, Alicia knew her life amongst the Redwoods would be very different from Orange County where she grew up. But she didn't expect a shortage of student housing. What's more, because her parents are undocumented, she didn't have an adult with credit who could co-sign rent applications and so she was denied. Alicia ended up homeless.

Alicia is not alone. Humboldt State University has a high number of homeless students, predominantly students of color. Overall, 3 percent of the population of Humboldt County is homeless, compared with the 1 percent national average.

It is easy to blame federal economic policies for the housing crises. In his book, *Dispatches from the War Zone*, author and community activist Mike Rhodes details these cause-and-effect policies,

such as a drastic 77 percent cut in affordable housing funding beginning in 1980. But these policies and the resulting homelessness in our communities is made worse, not better, by local lawmakers more concerned with hiding people living on the streets than providing stable housing and social services.

Mike Rhodes was involved in *Kincaid vs. City of Fresno*, a class-action lawsuit brought by the homeless, the ACLU-NC, Lawyers' Committee for Civil Rights of the San Francisco Bay Area, and the law firm of Heller Ehrman LLP. The lawsuit resulted in a \$1.5 million settlement when a judge determined the city acted unconstitutionally by seizing and immediately destroying people's property over several years.

Over a two-week period, Mike and I traveled to different cities throughout California to discuss his advocacy in Fresno and hear from local community activists and service providers in events organized by local ACLU-NC Chapters in Humboldt, Redding, Chico, Monterey and Santa Cruz. While other California cities might not have a policy like the one in Fresno, the policies and practices cities have adopted result in the same outcome: they make

people's already difficult lives that much harder, all but ensuring they continue living on the street.

For example, in Chico, less than 2 percent of all housing is vacant and available for rent. Student housing built by Chico State University counts towards the city's affordable housing obligations, giving students a place to live, but doing nothing for people with a marginal income. Rather than helping the homeless, City Councilmember Tami Ritter explained, "Chico passed an ordinance to criminalize acts of living. If someone has no alternative place to use a restroom, for example, they shouldn't be cited for doing what they need to do to live. As a council, we are failing people without homes."

Local policies such as sit-lie ordinances, laws that make it illegal to sleep in your car, stringent application processes for high-demand housing, or

building codes that deter affordable housing or authorized camping on private property, collectively result in criminalization of homeless people. They not only don't have a place to sleep or use the restroom, but ultimately, as Redding Social Worker Teri Zani says, "can't even exist, can't just be humans, without breaking the law." If that's not bad enough, in Redding multiple anti-homeless vigilante groups have developed.

One group goes around town seizing the property of homeless people, and claims their acts are sanctioned by local law enforcement.

We live in a time of great economic injustice in our country. While the constitution doesn't expressly name homeless people, it is clear that government policies create or contribute to homelessness. The ACLU of Northern California will continue to work to stop these policies and to protect the civil liberties of people who are homeless, who face disproportionate infringement of their rights. The homeless need our help, and they need the help of their neighbors.

In traveling to Eureka, Redding, Chico and Monterey, I learned that there is no single solution that will solve homelessness. But there are things we can all do, such as: buy

"HOMELESS PEOPLE ARE CRIMINALIZED TO THE EXTENT THAT THEY CAN'T EVEN EXIST, CAN'T JUST BE HUMANS, WITHOUT BREAKING THE LAW."


-REDDING SOCIAL WORKER TERI ZANI



MIKE RHODES

Chico homeless service providers Brad Montgomery and Laura Cootsona, Central Valley Organizer Pam Whalen, and Chico City Councilmember Tami Ritter, are surrounded by Chico residents and CSU students.

someone a bus ticket to reconnect with family; start or distribute a local newspaper that lets homeless people tell their own stories; provide them information about their rights; engage city councils to undo sit-lie and other criminalizing ordinances; re-code unused land for alternative living centers; or, bring your elected officials to meet the homeless and witness creative community-led projects.

Chico service provider Brad Montgomery said it best: "If there's a particular intervention program that interests you, learn more about it and get involved. They are all worthwhile and none of them have enough help." 

Tessa D'Arcangelew is the Organizer & Leadership Development Manager at the ACLU of Northern California.

JOIN US FOR THE ACLU-NC'S ANNUAL CHAPTER CELEBRATION & ELECTION EVENT'S

Monday, January 16-27, 2017

Learn more at:

www.aclunc.org/chapterelections

Please note: some chapters have not finalized their event details. Please check back periodically for updated details.

For more information, contact Steven Medeiros at smedeiros@aclunc.org or 415.621.2493 x386

NEW REPORTS FROM THE ACLU OF CALIFORNIA

DISCHARGED, THEN DISCARDED: HOW U.S. VETERANS ARE BANISHED BY THE COUNTRY THEY SWORE TO PROTECT

The federal government's failure to help naturalized immigrants serving in the U.S. military has led to the deportation of untold numbers of veterans, all of whom were entitled to become citizens because of their service, according to a report released by the ACLU of California.

A new ACLU of California report, *Discharged, Then Discarded*, found that deported veterans were in the U.S. legally and sustained physical wounds and emotional trauma in conflicts as far back as the war in Vietnam. Once they returned from service, however, they were subject to draconian immigration laws that reclassified many minor offenses as deportable crimes, and were effectively banished from this country.

DEPORTING VETERANS IS TRAGIC, DISGRACEFUL EXAMPLE OF OUR BROKEN IMMIGRATION SYSTEM.

CIVIL ASSET FORFEITURE: PROFITING FROM CALIFORNIA'S MOST VULNERABLE

Under federal asset forfeiture laws, the government can legally and permanently forfeit a person's property and money without charging the person with a crime, or seeking a conviction.

The ACLU of California recently released a policy brief, *Civil Asset Forfeiture: Profiting from California's Most Vulnerable*, examining civil asset forfeiture abuse by California law enforcement agencies, a practice that greatly impacts communities of color and low-income Californians.

California laws offer stronger protections, but state and local law enforcement agencies can circumvent them and operate under federal law by using the federal government's "equitable sharing" program. Under this program, California police can take and keep 80 percent of the profits from seizures, thus providing agencies with a financial incentive to use federal law instead of state law.

LETTER FROM THE EXECUTIVE DIRECTOR

Dear Friends,

I recently read an article about “election stress disorder.” And by all accounts, from seeing many ACLU people this fall, it seems many of us are suffering from it. There are a lot of political lawn signs in my neighborhood. My favorite reads “Giant Meteor 2016: Just End It Already.” I couldn’t agree more. But that prompts an important question: What’s on the other side of this election?

Here are three things I am thinking about.

The Supreme Court

Ted Cruz and I see certain things eye-to-eye. Speaking about the U.S. Supreme Court vacancy, he said in February 2016: “Our very Bill of Rights hangs in the balance. We are one vote away from a radical 5-4 majority.” I couldn’t agree more. For the past 40 years, ACLU lawyers have taken a cautious approach with federal litigation, not bringing cases that if we lose would make “bad law.” A different Supreme Court majority could open doors for us to bring the cases we have wanted to bring, as well as reverse precedents that took away people’s rights.

Criminal Justice Reform

One of the ACLU’s top priorities nationwide is reforming our criminal justice system. While the President can advance this cause at the federal level, the bulk of criminal justice issues are decided at the state level. We are working very hard to defeat Proposition 66, but if it passes (or passes with more votes than



Abdi Soltani

the repeal measure Prop 62 which we have endorsed), we will have a big job on our hands to keep executions from resuming in California. The outcome on marijuana legalization (Prop 64) and the Governor’s parole and juvenile justice reform measure (Prop 57) which the ACLU endorses, will also present new possibilities to implement those measures but also to advance additional reforms. Keep an eye out also for who follows Kamala Harris as attorney general if she wins her Senate race.

The California Legislature

While much of the focus is on the presidential race, we are also attentive to the makeup of the California legislature. We have many champions in the legislature, but two of the strongest are termed out this year. We are grateful to Sen. Mark Leno of San Francisco and Sen. Loni Hancock of Berkeley for their years of leadership advancing civil liberties in the legislature. They have often taken on some of the most difficult issues, and done so in a manner that is thoughtful and persistent.

Let me also close by thanking another champion for civil liberties—our very own Cheri Bryant. After 26 years leading our development program, Cheri is retiring this month. We are grateful to Cheri for all she has done to advance our mission and for her role as the partner and steward of our members and donors and your generous support.

Abdi Soltani
Executive Director
ACLU of Northern California

GOV. BROWN SIGNS KEY ACLU OF CALIFORNIA BILLS

- ✓ **SIGNED SB 443: Asset Forfeiture**
This law will help rein in policing for profit by requiring a criminal conviction in a majority of state asset forfeiture cases.
- ✓ **Signed SB 881: Suspended Licenses**
This law will help people who have their license suspended because they can’t afford to pay a traffic ticket to get their license back under Gov. Brown’s amnesty program.
- ✓ **Signed SB 1134: Innocence Standard**
This law will create a fairer standard to help the wrongfully convicted prove their innocence.
- ✓ **Signed SB 1389: False Confessions**
This law will require that police electronically record interrogations of anyone suspected of homicide in order to safeguard against false confessions and wrongful convictions.
- ✓ **Signed AB 813: Post-Conviction Relief**
This law will allow innocent people and immigrants facing deportation to challenge legally invalid convictions even if they are no longer in custody.
- ✓ **Signed AB 2792: TRUTH Act**
This law will give immigrants detained in local jails vital know-your-rights information.
- ✓ **Signed AB 2466: Voting Rights**
This law will clarify that only people serving a state prison sentence or who are on parole can temporarily lose the right to vote.
- ✓ **Signed AB 350: Voting Districts**
This law will provide the public more opportunities for input when new voting districts are drawn by a local government transitioning from at-large to district-based elections.

See page 10 for more details on these bills and more.