

ACLU *news*

DISSENT IS
PATRIOTIC

THE NEWSLETTER OF THE ACLU OF NORTHERN CALIFORNIA

FALL 2017 VOLUME LXXXI ISSUE 3

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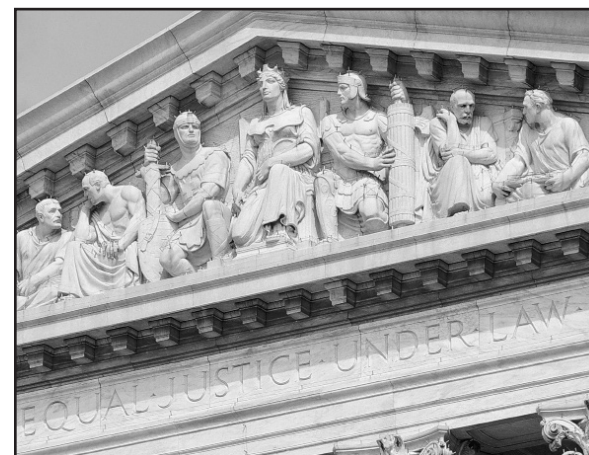
Hey, Meet Your DA

A sneak preview of this exciting new campaign

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THE ACLU GOES TO THE SUPREME COURT

When Donald Trump won the election after making campaign promises to violate constitutional rights, we said, "See You in Court." And we've been busy keeping our word. Some fights are going all the way to the nation's highest court. When the U.S. Supreme Court begins its next session, the ACLU will argue at least four important civil rights cases fighting for equality, privacy, liberty, and the right to vote.



CARPENTER V. UNITED STATES

One of the landmark cases heading to the high court will determine whether the government needs a warrant to access a person's cell phone location history. This issue precedes Donald Trump but is all the more urgent given the potential for abuse by local and federal authorities.

In 2011, without getting a probable cause warrant, the government obtained several months' worth of phone location records for suspects in a robbery investigation in the Detroit area. For one suspect, Timothy Carpenter, the records covered 127 days and revealed 12,898 separate points of location data over the course of four months, including information about where he prayed, slept, and more.

Police seek these kinds of cell phone location records from phone companies tens of thousands of times each year to assist with investigations. In most states, the law does not require a war-

rant for this information despite the private details the data shows about people's lives.

After Carpenter was convicted, based in part on the cell phone location evidence, he appealed to the Sixth U.S. Circuit Court of Appeals. The court ruled 2-1 that no warrant is required under the Fourth Amendment. The ACLU petitioned the Supreme Court for review.

While new technologies bring enormous conveniences, their ballooning capacities to collect data can be abused by law enforcement agencies. But the Constitution guarantees freedom from unreasonable government searches. The Supreme Court has a historic opportunity to help ensure that the sensitive data we leave behind when using essential devices is protected under the Fourth Amendment. In 2015, the ACLU sponsored the California Electronic Communications Privacy Act (CalECPA), which requires

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★ **THANK YOU!** ★

Thank you, members, for generously supporting the ACLU both financially and by taking action.

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 2017 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 five candidates running to fill five vacancies on our board of directors. You may vote for up to five candidates. You cannot cast more than one vote for any candidate. That applies even if you vote for fewer than five candidates. If you share a joint membership with another member, each of you can vote for five 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

BOARD ELECTION, 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 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 Dec. 20, 2017.

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 BOARD OF DIRECTORS BALLOT

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

**Ballots must be received by
Dec. 20, 2017.**

Send this ballot with your address label on the reverse side to:

**Board Election
ACLU of Northern California
39 Drumm Street
San Francisco, CA 94111**

- | | | |
|--------------------------|--------------------------|-------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | LISA HONIG |
| <input type="checkbox"/> | <input type="checkbox"/> | MAGAN PRITAM RAY |
| <input type="checkbox"/> | <input type="checkbox"/> | NANCY PEMBERTON |
| <input type="checkbox"/> | <input type="checkbox"/> | DAN GEIGER |
| <input type="checkbox"/> | <input type="checkbox"/> | JACQUELYN KENNEDY |

ACLU-NC BOARD STATEMENTS



Lisa Honig

I have been connected with the ACLU for almost 40 years, from seeking its assistance as a teenager to serving on the Board as an adult. In the 20 years that I served, I have been a member of the Executive Committee, and numerous other committees. I also had the honor of serving as the National Board representative for five years. As a lawyer and political activist, I have always sought to bring both an intellectual and a pragmatic approach to the ACLU's work. My commitment to the ACLU's work has never been

greater. I hope to have the opportunity to serve on the Board once again.



Magan Pritam Ray

It would be my privilege to continue to serve on the board of the ACLU-NC. As current Chair I am acutely aware of the responsibility the ACLU has in protecting our Constitution and extending civil liberties and civil rights to every person. Daughter of a refugee, first generation immigrant, mother of three young adult children, and member of the bar, I am deeply committed to ensuring equal protection to all, protecting our First Amendment rights, and cultivating a diverse and multi-generational movement of civil libertarians.



Nancy Pemberton

I am honored to be nominated to the ACLU-NC Board. I first joined this board in 1979 and have been a volunteer for the affiliate ever since, including serving as board chair for a total of six years. I am proud of helping to build this affiliate into the vibrant organization it is today. At this critical juncture in our country, we need the ACLU more than ever. This affiliate has been a leader in securing and expanding the civil rights and civil liberties for all. I hope to continue to be a part of those efforts.



Dan Geiger

I'd be honored to continue as a Director of ACLU-NC. I've been on ACLU-NC Finance and Investment Committees since the early 1990s, have a passionate commitment to ACLU's mission, and have been working for social, racial and gender justice for decades. As a former Executive Director of three non-profits, I bring deep organizational and financial skills to the Board. Currently, I'm a consultant and Co-Director of the Business Alliance for a Healthy California, mobilizing businesses to

support Medicare for all, and volunteer at San Quentin with Insight Garden Program, where I am also Board Treasurer.



Jacquelyn Kennedy

I would be honored to continue my service on the ACLU-NC Board of Directors during this critical fight in our nation's history for civil rights. My background in non-profit fundraising and development, including my current role as a Development Associate at the Alameda County Community Food Bank, equips me to support the financial health and future of the organization. I joined the ACLU in 2012 in the Field Fellowship program, working on the SAFE California Campaign to repeal the death

penalty. Since joining the board, I've served on multiple committees, including Development, Officer Nominating, Personnel, and Equity and Inclusion.

Please see the opposite page for information on how to vote in this board election.

ACLU MEMBERS ARE CHANGE MAKERS

Since the inauguration, we've witnessed unrelenting attacks on civil liberties: the Muslim ban, deportations and immigration detention tearing families apart, attacks on transgender service members, attacks on health care and encouragement of police use of force. But Californians are coming together to resist.

Over the summer recess, Californians came together to advocate for important policy changes here in California. The ACLU of Northern California launched Trainings for Change Makers, webinars to help people understand how they can be part of social justice movements, how the legislative process works, and how to push forward critical civil liberties legislation here in California.

The series includes trainings on protecting your digital security as an activist, ensuring your local schools are providing LGBTQ-inclusive sex education, the ACLU of CA's 2018 legislative agenda, and more. During the last




weekend of the California legislature's summer recess, Change Makers gathered in nearly 20 locations throughout Northern and Central California for a Day of Action to talk to their neighbors and community members about bail reform and immigrants' rights and empower

them to take action by calling their assemblymembers and Gov. Jerry Brown.

Throughout the recess, Change Makers also met with their assemblymembers in their district offices, joined phone banks at the ACLU or hosted them in their homes or offices, and held film screenings to educate their communities and encourage immediate action.

"I participated because immigration and criminal justice reform are both important issues to me," said ACLU member Sylvia Cunningham, who participated in the Day of Action. "It was amazing to see how engaged the community was regarding these issues. Several people we spoke to discussed how these issues affect their own lives. This was a great way for anyone to get involved in the political process, and to feel like you're making a difference."

Our work won't stop until the promises of freedom, justice and equality guaranteed to all people by our constitution are realized. 

Join us! Contact Tessa D'Arcangelew at tdarcangelew@aclunc.org for more information.

THE ACLU FIGHTS FOR BASIC SERVICES

Residents of West Park, California have suffered decades of government neglect. As a disadvantaged unincorporated community comprised mostly of low-income people of color, West Park residents are denied basic municipal services such as transportation infrastructure and clean water. With the help of the ACLU and California Rural Legal Assistance (CRLA), the community is building power from the ground up to demand representation from their city and county.

A train track is all that separates West Park from Fresno City, but across that track all city services cease to exist. West Park is what's known as a disadvantaged unincorporated community (DUC)—the residents, most of whom are poor people of color, receive no municipal services, though some residents have lived in West Park for over 50 years. There are no sidewalks, few stoplights, no bus lines, and inadequately paved streets. Cars drive the town's main street at unsafe speeds. There is no sewage system or storm drains and the


streets are exposed to flooding. Worse still, people are so scared of the tap water that they rely primarily on bottled water, an expense that for some represents 20 percent of their monthly income.

With help from the ACLU and CRLA, West Park residents are now fighting back. Calling themselves Los Olvidados (The Forgotten) of West Park, roughly 20 residents are dedicating themselves to developing a community group that can self-advocate for West Park's needs at the city and county level. The ACLU, in partnership with CRLA, is helping people who live in West Park with resources and training to

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organize and build grassroots power. Together, we're providing Know Your Rights materials, attending community meetings, giving presentations and workshops, and fielding questions on advocacy and strategic impact litigation.

Additionally, a group of ACLU legal interns conducted the first community needs assessment of West Park in two decades. The interns went to over 70 houses to interview West Park residents. They asked about water quality, expenditures on basic services, infrastructure needs, and general safety. With the information they gathered, Los Olvidados, CRLA and the ACLU will be able to better pinpoint which areas of advocacy to focus on.

This work is a proactive part of the ACLU's core commitment to equal protection under the law, ensuring that communities of color and poor communities have access to basic services. 

This article was written by Brady Hirsch, a Communications Associate at the ACLU of Northern California.

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JOIN US FOR THE ACLU OF
NORTHERN CALIFORNIA'S

ANNUAL CHAPTER CELEBRATION & ELECTION EVENTS



January 15-26, 2017

Learn more about your local ACLU chapter's
annual celebration & election events 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
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or 415.621.2493 x386

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and our Standing

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FOR OUR ANNUAL

BILL OF RIGHTS DAY CELEBRATION

SUNDAY, DEC. 3, 2017

Rotunda
300 Frank H Ogawa Plaza
Oakland, CA

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

THE ACLU'S SANCTUARY SCHOOLS CAMPAIGN PROTECTS STUDENTS FROM ICE DEPORTATION

With the expansion of Immigration and Customs Enforcement (ICE) deportations, immigrant students and their families fear that school will become a venue for President Trump's immigration policies. The ACLU is leading advocacy efforts across the state to make schools a sanctuary place and protect the constitutional rights of all California students.

The ACLU of California is committed to protecting the right to education guaranteed by the California Constitution, and ensuring that school remains a safe place for all students and families, regardless of their immigration status.

School should be a place where students can pursue their education without the fear that they or their family will be deported, and school officials should not use school resources or personnel to facilitate immigration enforcement on campus. When schools become a site for immigration enforcement, their educational purpose is compromised by a pervasive climate of fear, conflict, and stress that harms all students—and is especially damaging to immigrant students and students of color.

The ACLU has created a set of resources that help equip students and parents with the tools




Know Your Rights illustrations are helping spread the word about students' rights in California public schools.

they need to organize and advocate to their school board. We also have created a set of measures that school districts, colleges and universities can take to ensure that their students and families are guaranteed equal access to school.

We are working to ensure that these policies

are adopted and implemented in every district. We've already seen success. In May, the Los Angeles Unified School District passed a binding "Safe Schools Resolution for Immigrant Students and Families," largely based on the ACLU's model sanctuary school board policies. The resolution was passed in part as a response to a parent who was picked up by ICE while dropping their child off at school.

Schools across California are declaring schools as sanctuary "safe zones" by affirming their values of diversity and inclusion and adopting policies in which schools won't assist in enforcement of federal immigration law, in order to safeguard student privacy and guarantee equal access to school. The recommended policies also train teachers, administrators, and other school staff on how to respond to ICE agents and coordinate resources to support students and families. 

NEW SEX ED LAW KEEPS YOUNG PEOPLE SAFE AND HEALTHY—BOTH IN SCHOOL AND OUT

The California Healthy Youth Act (CHYA), which took effect in January 2016, is the most comprehensive and progressive sexual health education and HIV prevention law in the nation. Championed by the ACLU, the law is focused on building knowledge and skills that will equip young people to have healthy relationships now and in the future.

We began working on sex education in the late 1990s, when many public schools in the state were teaching abstinence-only programs that were rife with misinformation and bias. Programs told girls "don't aim to tease if you don't aim to please," presented all boys as rapists-in-waiting, and taught the false information that HIV could pass through a latex condom. Many programs were also deeply homophobic.


Over the years of working on this issue, we have successfully partnered with parents, stu-

dents, and community organizations to improve local sex ed programming, passed several laws that built up to the Healthy Youth Act, and sued the Clovis Unified School District, whose curriculum included a video that compared a woman who was not a virgin to a dirty shoe. The judge in that case, in a historic ruling, stated that "access to medically and socially appropriate sexual education is an important public right."

The California Healthy Youth Act now requires that all public middle schools and high schools teach medically accurate, LGBTQ inclusive sexual health and HIV prevention education that not only gives information about preventing pregnancy and STIs, but also helps students understand sexuality as a normal part of human development.

Quality sex education is especially critical for low-income communities of color. Systemic

discrimination, poverty, lack of access to health care, and the resulting health disparities are all barriers to quality reproductive and sexual health information.

At a time when the federal government is once again moving toward an embrace of abstinence-only instruction, California's commitment to providing students with comprehensive sex education is all the more important. Under the Healthy Youth Act, our schools must give young people the information they need to make informed decisions about their bodies and their families now and in the future. Information about adolescent development, gender, and sexual orientation helps students understand themselves and their peers, while information about preventing sexually transmitted infections, unintended pregnancy, sexual assault, and relationship abuse empowers them to protect their health. 

LEGAL

RACIAL PROFILING ♦ IMMIGRANTS' RIGHTS ♦

RUBICON PROGRAMS V. SUPERIOR COURT

SUIT CHALLENGING UNJUST LICENSE SUSPENSIONS IN TRAFFIC COURT

The ACLU of Northern California has long been committed to the fight against racial profiling. Sometimes that means that our advocacy and litigation reach beyond the realm of police practices—because the devastating effects of discriminatory policing collect and compound throughout our justice system. Because of racial profiling, police stops and traffic citations are commonplace in communities of color. This means that when traffic court is unjust, people of color bear an undue share of the burden.

Californians are saddled with some of the most expensive traffic tickets in the country—which can devastate the lives of Californians with lower incomes. When government officials suspend a person's driver's license because the driver can't afford to pay an exorbitant traffic ticket, they are often perpetuating both economic injustice and racial injustice. In primarily Black and Latino communities in California, driver's license suspension rates range as high as five times the state average.

A settlement was reached in August in the first lawsuit in California to challenge the suspension of driver's licenses as a means of punishing people for being unable to pay costly traffic fines. The ACLU of Northern California collaborated with several Bay Area legal aid organizations to file suit last year against Solano County Superior Court, which had unconstitutional policies and practices and refused to fix them.

After the ACLU filed suit, traffic courts across California stopped suspending licenses for failure to pay, and Solano County adopted

a system that can serve as a model for communities across the state. The ACLU of Northern California is now working to address California's rigid and costly system of traffic fines and fees. "We'd like to see all California counties follow Solano County's example and address the exorbitant traffic fines and fees structure that plunges people into a cycle of poverty," said Christine Sun, legal director at the ACLU of Northern California.

GOMEZ V. SESSIONS

CLASS ACTION LAWSUIT ON BEHALF OF IMMIGRANT TEENS WRONGLY DETAINED

In June of this year, the ACLU of Northern California and the ACLU of New York began hearing disturbing reports of immigrant teens being swept up off the streets in Long Island, New York, flown across the country, and detained in a high-security facility in Yolo County, Calif. with no notice or explanation to their families or immigration lawyers. Local law enforcement and federal immigration authorities claimed that these teens were members of the street gang MS-13. The teens and their families denied these accusations, and the government has failed to substantiate its allegations of gang involvement for many of the affected youth.

In June, the ACLU of Northern California filed a lawsuit seeking a temporary restraining order on behalf of one of the teens, which led to a decision by the government to transfer him to a lower-security facility nearer to his family. In August, the ACLU of Northern California and the ACLU Immigrants' Rights Project, with cooperating attorneys from Cooley LLP, expanded the case into a class-action lawsuit against the federal government and the California officials holding these teens. "These kids are being swept up by an administration that prioritizes depor-

tations over truth and justice," said Julia Harumi Mass, ACLU of Northern California senior staff attorney. As the ACLU News went to press, the head of the Yolo County detention facility echoed the ACLU's allegations and publicly confirmed that New York and federal law enforcement have not provided evidence of gang affiliation in the cases of many of the youth they are trying to detain. At a hearing scheduled for Oct. 26, the legal team will seek the immediate release of the three teens and a preliminary injunction to stop the government's unlawful practices for the proposed class.

LA FOLLETTE V. PADILLA

SUIT CHALLENGING CALIFORNIA'S FLAWED LAW ON VOTER SIGNATURE-MATCHING

This August, the ACLU of Northern California filed a lawsuit to protect the voting rights of Californians who submit vote-by-mail ballots. The suit challenges a state law that allowed California election officials to invalidate as many as 45,000 vote-by-mail ballots in the November 2016 general election. These ballots were rejected because the law empowers officials—who have no handwriting-analysis expertise—to reject ballots without providing notice if they feel the signature on the ballot envelope doesn't match the signature on file for the voter.

"One disenfranchised voter would be too many, and we're seeing tens of thousands of wrongly rejected ballots every election cycle in California alone," said Michael Risher, senior staff attorney at the ACLU of Northern California. The suit asks that voters be notified of any signature concerns and given an opportunity to fix it before their vote is discarded.

UPDATES

VOTING RIGHTS ♦ FREE SPEECH ♦ RIGHT TO PROTEST

FREE SPEECH IN SCHOOLS

DEFENDING VACAVILLE STUDENTS' YEARBOOK ARTICLE ON BLACK LIVES MATTER AGAINST CENSORSHIP

When Vanessa Mewborn and Ariana Coleman opened up their yearbook this June, they had the satisfaction of seeing their words and work printed in full, exactly as they had intended. Months earlier, their principal had tried to censor their article on Black Lives Matter, which they had painstakingly researched and compiled based on interviews with students and teachers, a school-wide poll, and a thorough examination of the movement. Even though Vanessa and Ariana had done exactly as their yearbook instructor asked, their principal thought the article was “too controversial.”

But these students knew their rights. They contacted the ACLU of Northern California, which promptly sent a letter to the school district reminding them of their obligation to protect free speech rights in the classroom and in school publications. The school immediately recanted. “Educators should not be in the business of dismissing or shaming Black people for wanting to have conversations about Black culture and Black lives,” said Abre’ Conner, staff attorney at the ACLU of Northern California. Thanks to these tenacious students, an entire Bay Area high school learned a valuable lesson in free speech and respect for cultural expression.

FRESNO PUBLIC RECORDS ACT REQUEST

CHALLENGING FRESNO PD'S SELECTIVE TRACKING OF PROGRESSIVE PROTESTS

In July, activists in Fresno alerted the ACLU of Northern California to a troubling document from the Fresno Police Department. The document, from the Criminal Intelligence Unit, was a “demonstration log” that




PHOTO BY BETHANY WOOLMAN

ACLU clients Vanessa Mewborn and Ariana Coleman are all smiles on yearbook day. Their article on Black Lives Matter survived censorship because they stood up for their free speech rights.

suggested a concerted effort to spy on Fresno protests and track their organizers. What’s more, the log showed that the Fresno PD had tracked at least 47 events in 2017, with one thing in common: each event was aligned with progressive causes. Though the list was remarkably detailed, the department failed to include pro-Trump rallies and events organized by the local Tea Party during the same time period.

“Police departments that track demonstrations and events based solely on viewpoint chill basic First Amendment rights, and viewpoint discrimination is unacceptable,” said Abre’ Conner, staff attorney at the ACLU of Northern California. Conner sent a letter to the Fresno Police Department in August, notifying the Department that they were likely breaking the law and requesting

further documents pertaining to their efforts to track demonstrations.

Surveillance by Fresno PD suggests a troubling pattern. In 2015, the ACLU of Northern California discovered that the Department was testing social media monitoring software on Fresno residents, and were using an especially offensive piece of software that encouraged the police to identify “threats to public safety” by tracking #BlackLivesMatter-related hashtags. This revelation led to a California-wide public records act request which revealed widespread covert use of social media monitoring software by law enforcement across California. 

This article was written by Bethany Woolman, a Communications Strategist at the ACLU of Northern California.

LEGISLATIVE UPDATES

PROTECTING IMMIGRANT & MUSLIM COMMUNITIES, REFORMING MONEY BAIL

The ACLU Center for Advocacy & Policy is our voice on California legislation. The staff review every bill, help amend and fix hundreds, and advance priority reforms. In the current context, that means resisting the Trump Administration's policies, advancing proactive reforms, and engaging communities.

CA VALUES ACT

As Californians, we know that immigrants are a vital and integral part of who we are. But with an administration intent on carrying out reckless mass deportations, the stakes are higher than ever for us in the Golden State.

SB 54, the California Values Act, will ensure that state and local governments do not divert precious resources to fuel mass deportations that tear families apart. The law will also help keep schools, hospitals, and courthouses safe and accessible to all—regardless of immigration status.

This law will make sure we do everything in our power to keep families together and communities whole. This is a major step forward, strengthening existing laws made possible by the persistence of the ACLU and allies. Before the California Values Act, in 2013 the TRUST Act was passed to limit ICE requests to detain immigrants for extra time in local jails, and earlier this year, the TRUTH Act was signed into law to limit abusive ICE interrogations.

CA RELIGIOUS FREEDOM ACT

Religious freedom is a central principle upon which our country was founded. Now, more than ever, we must make sure our state and local resources are never used to spread fear and intolerance, or to single people out based on religion, race, or national origin.


SB 31, the California Religious Freedom Act, is a proactive measure to ensure the federal government never uses California's state and local governments to create a Muslim registry.

Equally important, the law makes sure that local governments in California do not create a Muslim registry of their own.

CALIFORNIA MONEY BAIL REFORM ACT OF 2017

Everyone deserves an equal chance at freedom and justice. California's current money bail system has created a two-tiered system of justice: one for the wealthy, and one for everyone else. Rather than focusing release decisions on community safety, California's money bail system focuses on just that: money. While wealthy people can post bail and buy their freedom almost immediately after arrest, low-income people are forced to languish in jail for days, weeks, and sometimes months.

This isn't fair, and it's not keeping communities safe. Money bail is wreaking havoc on our communities—especially low-income communities of color that bear the brunt of both poverty and racial profiling.

Earlier this year, we worked with State Senator Bob Hertzberg (D-Van Nuys) and Assemblymember Rob Bonta (D-Oakland) to introduce legislation that will make sure people aren't locked up simply because they can't afford bail. The bill, SB 10, will also make sure that our bail system serves its intended purpose: to promote justice, public safety, and court appearances. In August, Gov. Jerry Brown, Chief Justice Tani Cantil-Sakauye, Sen. Hertzberg and Assemblymember Bonta announced their plan to work together to reform California's fraught money bail system early next year. We look forward to working with them and our partners to make this a reality. 

This update was written by Natasha Minsker, the Director of the ACLU of California's Center for Advocacy and Policy.

See the back page of the newsletter for a list of bills signed at press time.


MEET OUR FIELD FELLOWS

The ACLU of Northern California has embarked on an exciting effort to partner with community organizers and local leaders in areas across the region that have few legal resources. For the first time in our history, we have hired a class of Field Fellows to respond to increased immigration enforcement from Kern County all the way up to the Oregon border. Because of expanding support for the ACLU, we have been able to hire 13 talented and dedicated organizers across the state.

Each of the field fellows is living and working in their hometowns, organizing to resist the federal government's mass deportation practices. During their six-month fellowship, the fellows are delivering "Know Your Rights with ICE (Immigration and Customs Enforcement)" presentations and providing family preparedness tips throughout their respective regions.

BECAUSE OF EXPANDING
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HIRE 13 TALENTED AND
DEDICATED ORGANIZERS
ACROSS THE STATE.

Fellows are also working with local community leaders and organizations to develop rapid response networks, hotlines, and protocols for responding to ICE activity. The fellowship is designed to help create a bridge between the legal resources in the Bay Area and the deep-rooted work being done at a local level to protect people from detention and deportation.

The Field Fellowship funds fellows in Humboldt, Mendocino, Napa, Sacramento, Santa Cruz, Monterey, San Joaquin, Stanislaus, Merced, Fresno, Kern, and Tulare counties. 

TWO OF OUR FIELD FELLOWS

ADRIANA MELGOZA

Adriana was born in Michoacán, Mexico and immigrated to the U.S. at a very young age. She has lived much of her life in Monterey County. As the daughter of hardworking parents who work in agriculture, Adriana has felt a responsibility and a dream to succeed.

She graduated from CSU, Monterey Bay with a bachelor's degree in Human Communications. She soon joined the Watsonville

Law Center where she coordinates community-based legal services and WLC's volunteer program. Adriana is planning to attend law school to be able to have an even greater impact in her community. Her goal is to become a legal aid attorney.



PHOTO BY TESSA D'ARCANGELEW

MARINARDE SOTO

Marinarde was born in Guerrero, Mexico and migrated to the U.S. at the age of four. At 19 years old, she is an experienced youth organizer. In particular, her outreach and education work has focused on ensuring that Fresno youth have access to reproductive health information.

Marinarde is currently a student at CSU Fresno and is pursuing a bachelor's degree in Social Work. In addition to becoming a social worker, she plans to open a support center for teen parents who want to continue their education. She has a passion for doing advocacy work that will benefit her community and the people living in it. Marinarde lives and works in Fresno.



PHOTO BY TESSA D'ARCANGELEW

KENA CADOR LEADS ACLU WORK IN ENVIRONMENTAL JUSTICE

As the ACLU's Equal Justice Works Fellow, sponsored by Apple Inc. and O'Melveny & Myers, Kena Cador leads ACLU advocacy efforts in West Park and other unincorporated communities in the San Joaquin Valley. In the first year of a two-year fellowship, Kena has not only helped lead efforts to organize and empower community members to advocate for themselves, but, working with the Community Water Center, has also exposed the danger of the cancer-causing 1,2,3-TCP, a pesticide by-product that contaminates the water of millions of homes across California.



PHOTO BY MICHELLE MILLER


Fellow Kena Cador, who works in the Central Valley on issues including clean water advocacy.

As a next step, the Community Water Center and the ACLU submitted a public comment letter to and testified in front of the California State Water Resources Control Board about the dangers of 1,2,3-TCP, stressing how the contaminated sites disproportionately affect low-income communities and cities with high numbers of Latino residents.

As a result of advocacy from Kena, Central Valley residents, and environmental justice organizations throughout the state, the Board has decided to set the most protective health standard possible, forgoing a lengthy compliance period and fast-tracking the requirements. Water agencies will be held accountable beginning Jan. 1, 2018.

For the final year of her fellowship, Kena will continue working to improve access to

clean water and basic municipal services for unincorporated communities throughout the San Joaquin Valley. In partnership with the Pacific Institute, Kena will draft a report that highlights the gaps in access to sanitation and water across California and make recommendations on how the state can ensure the human right to water for all Californians.

"My project grows out of the ACLU's history of working to expand the rights of poor and economically insecure communities," Kena says. "Environmental justice sits at the intersection of environmental, land use and civil rights law and provides opportunities for meaningful engagement with underserved and environmentally burdened communities. Our work here is amplifying the voices of vulnerable residents that have been ignored for far too long." 

DONOR PERSPECTIVE

SUSIE HWANG

ACLU supporter Susie Hwang, who lives in Palo Alto, shared her perspectives with Ruth Herring, a member of our development team. The following are highlights of their conversation.

WHY ARE YOU INVOLVED WITH THE ACLU?

Until the election, I had waxed and waned in my financial support for the ACLU. Trump's election clarified my views and galvanized my commitment. In particular, it was the first Muslim ban in January that shook me up in such a profound way as a citizen, a lawyer, and a mother.

I was one of the legions who went to the ACLU website, pressed donate, and signed up for my card. You know what you're doing—you've been protecting our constitutional rights for 100 years. My involvement with the ACLU comes from a place of patriotism. I'm now more acutely aware of what is dear to me as an American and what we need to fight for. I sleep better at night knowing the ACLU experts are keeping watch over our Constitution.

WHAT DID YOU DO WHEN THE MUSLIM BAN CAME DOWN?

On the Saturday of the ban I was up early. I got an email from the International Refugee Assistance Project, with whom I'd been connected to assist Afghan refugees we met in Greece last summer. "We need every lawyer who lives near an airport to go help people who are being detained or turned back." I responded that it had been years since I'd practiced law and I was not even an immigration lawyer. They replied, "We need you. Go now. And you're the point person today." I texted all my lawyer friends in Palo Alto: "Join me. They're going to need all of us."


Forty eight hours of madness and horror followed, with border agents prohibiting communication and subjecting law-abiding citizens and travelers to indefensible treatment. But, at the same time, everything that is great about our country and the best of the legal profession came to the fore. The legal coalition tracked detainees, advised families and would-be travelers about their rights and the legal process, rallied elected officials, informed the press. It was incredible to witness thousands of people from all walks of life unite in defense of our civil liberties. We felt what it means to love America and protect what she stands for.



HOW HAVE YOU CHANGED?

What I learned from my airport experience is this: just show up. You can help. I recently attended trainings and reactivated my law license. Now I wake up every morning knowing I must get to work as a lawyer, an activist, and an American. Next week, I'm going to Texas to do pro bono legal work at a border detention facility. Central American women and children who have fled for their lives are imprisoned there and, with legal counsel, their chances are 10 times better to win asylum and avoid deportation.

DO YOU HAVE ANY PERSPECTIVE TO SHARE AS A MOTHER?


I have three teenage daughters. I have been sickened and outraged that this is the government they are witnessing, that Donald Trump won the first election my oldest voted in. But she assured me "This is coming at exactly the right moment for me. I'll never not be an activist now." 

HEY, MEET YOUR DA

As part of our criminal justice reform work, the ACLU of California has launched a new campaign focused on the government officials who have the power to end mass incarceration: district attorneys (DAs).



DAs are more than just prosecutors. They choose which charges to bring in criminal cases and help shape criminal justice policy. Their power reaches across communities, into the courtroom, and all the way up to the State Capitol and ballot box.

In California, we have 58 DAs representing each one of our 58 counties. As elected officials, district attorneys are ultimately accountable to us. Their job is to seek justice, work to prevent crime, and serve as leaders of the diverse communities they represent. The problem is that most of us don't know who our DA is or what they stand for. Is your DA representing your interests in the criminal justice system? 

LEARN MORE ABOUT YOUR DA AT
WWW.MEETYOURDA.ORG

THE ACLU GOES TO THE SUPREME COURT CONTINUED FROM PAGE 1

state and local law enforcement in California to get a warrant for such data. This case could set such a standard nationwide.

JENNINGS V. RODRIGUEZ

This important case challenges the federal government's practice of putting immigrants in long-term lockup while they fight their immigration cases, without ever holding a bond hearing to determine if they should be behind bars in the first place.

Alejandro Rodriguez came to this country as a child. As a teenager, he was convicted of joyriding and at 24, he pleaded guilty to misdemeanor drug possession. He was detained by ICE for three years without the right to appear before a judge to ask for bond. Prior to his detention, Alejandro earned his green card and lived near his extended family in Los Angeles, working as a dental assistant to support his two U.S. citizen children.

The ACLU filed suit and eventually won his release, and bond hearings for hundreds of immigrant detainees in the Los Angeles area. The Supreme Court's ruling could affect thousands of immigration detainees across the country, just as the system of mass detention and deportation ramps up further under the Trump Administration.

MASTERPIECE CAKESHOP V. COLORADO CIVIL RIGHTS COMMISSION

When Charlie Craig and his fiancé Dave Mullin visited a bakery in 2012, they were stunned that the bakery's owner said that because of his religious beliefs, the store's policy was to deny service to customers who wished to order baked goods to celebrate a same-sex couple's wedding.

Colorado state law prohibits businesses from refusing service based on factors such as race, sex, marital status, or sexual orientation. Mullins and Craig filed complaints with the Colorado Civil Rights Division contending the law was violated. The Colorado Court of Appeal ruled that the bakery's refusal to sell the couple a wedding cake constituted discrimination on the basis of sexual orientation in violation of Colorado law.

Masterpiece Cakeshop appealed to the Colorado Supreme Court. When that court declined to hear the case, the shop asked the U.S. Supreme Court to hear the case. And it accepted.

"Religious freedom must be protected in America, but it does not give anyone a right to ignore the law and discriminate," said ACLU of Northern California attorney Elizabeth Gill, who is part of the team representing the couple.



HUSTED V. A PHILIP RANDOLPH INSTITUTE

This case challenges Ohio's practice of purging people who vote infrequently from its voting rolls. Under the state's rules, registered voters who do not participate in an election in a two-year period are sent a postcard requesting address confirmation. If the voter doesn't respond or vote in the next two consecutive federal elections, they are removed from the rolls.

Voting in this country is not a 'use it or lose it' right. This practice violates the National Voter Registration Act, which prohibits removing voters solely because they did not vote in an election. The right to vote includes the right to decide whether, when, and how to exercise that right.

The individual plaintiff in this case is Larry Harmon, a 59-year-old veteran who had been voting since 1976 but chose not to vote in the 2010 midterm election, 2012 presidential election, and 2014 midterm election. He went to his polling place in 2015 and learned for the first time that he had been removed. Harmon and two organizations that work to register voters, A. Philip Randolph Institute and Northeast


Ohio Coalition for the Homeless, are represented by the ACLU and Demos, a public policy organization. The Supreme Court will decide whether to strike down this illegal process.

MUSLIM BAN UPDATE

The Supreme Court's review of challenges to President Trump's Muslim ban was put on hold when the government submitted yet another version of the ban two weeks before arguments were set to take place. The third version of the "travel ban" would extend the ban indefinitely for six predominantly Muslim countries, while adding limits on travel from Chad and North Korea and on government officials from Venezuela. This third version of the ban is still a Muslim ban, and still illegal. And the ACLU is back in court fighting it. As of press time, the latest ban had been temporarily halted by federal judges in Hawaii and Maryland.

"All of President Trump's Muslim bans violate the fundamental constitutional principle that government cannot favor or disfavor any one religion," said ACLU of Northern California attorney Julia Harumi Mass. "They are the manifestation of Trump's promise to prevent Muslims from coming into this country. Our Constitution does not tolerate government preference of certain religions over others, and the people who suffer from this discrimination include American citizens and residents of all faiths."

ALL OF PRESIDENT TRUMP'S
MUSLIM BANS VIOLATE
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The ACLU case filed on behalf of four affected California residents, along with Jewish Family and Community Services East Bay, is on hold. 

This article was written by Leslie Fulbright, a Communications Strategist at the ACLU of Northern California.

LETTER FROM THE EXECUTIVE DIRECTOR

This will be known as a time of resistance, but also a time of resilience.

One year has passed since the election of Donald Trump.

In that time, every person, every community, every right that we hold and cherish has been under assault.

But we have fought back. Not a moment passed after Trump’s election before you and countless other Americans spoke up and began to organize. You joined the women’s marches the day after inauguration. You rallied at airports against the Muslim ban. You shared your stories in town halls and lit up switchboards to defend health care. You joined marches against white supremacy, and have spoken up against its manifestation in the policies of our government.

And you have supported the ACLU generously with your financial contributions and vigorously by taking action.

In a nutshell: He fuels my anger; you give me hope.

Here in California, the ACLU has a four pronged strategy:

1. Fight the policies of Trump and Congress directly and by bolstering our state policies.
2. Advance long-standing priorities for our state like bail reform (Trump didn’t invent money bail, but he would have!).
3. Strengthen our presence in regions like the Central Valley where legal resources are fewest.
4. Engage our supporters and every person to participate, speak up and organize.

In this newsletter you will see many examples of projects that fit one or more of those four prongs.

When all is said and done, this will be known as a time of resistance, but also a time of resilience. Whatever comes our way in the days and months ahead, let’s commit to each other to continue to fight for our values, our communities, and our Constitution.



Abdi Soltani, Executive Director
ACLU of Northern California



PHOTO BY JASON DOIY

ACLU of Northern California Executive Director
Abdi Soltani.

GET INVOLVED

VOTING RIGHTS, IMMIGRANTS’
RIGHTS, AND MORE:

PEOPLEPOWER.ORG



GOV. BROWN SIGNS KEY ACLU OF CALIFORNIA BILLS

- ✓ **SIGNED SB 54: Deportations**
This law will keep more California families together by limiting local law enforcement’s role in the federal government’s painful mass deportation agenda.
- ✓ **SIGNED SB 31: No Muslim Registry**
This law will make sure that the federal government can’t use California’s data to create a federal Muslim registry or any other registry targeting people based on their religion or national origin.
- ✓ **SIGNED SB 180: Drug Sentencing Reform**
This law will reduce racial disparities in our justice system and stop the cruel punishment of people suffering from substance abuse by eliminating sentencing enhancements for prior non-violent drug sale offenses.

- ✓ **SIGNED SB 620: Judicial Discretion**
This law will make sentences more just and balanced at sentencing by allowing judges to strike extreme and overly punitive mandatory sentence enhancements for crimes involving using a firearm during a crime.
- ✓ **SIGNED SB 239: HIV Decriminalization**
This law will improve public health by promoting treatment and prevention, not stigma and criminalization, for people living with HIV.
- ✓ **BUDGET advocacy: Deportation Defense**
In June, the legislature and Gov. Brown approved the state budget with a historic \$45 million investment in immigration legal services, including much needed deportation defense for immigrants who cannot afford an attorney.

See page 8 for details on these bills and more.

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