

ACLUnews

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CATHOLIC HOSPITALS CONTINUE TO ENDANGER PATIENTS IN THE NAME OF RELIGION

Rebecca Chamorro was over eight months pregnant when a judge in the San Francisco Superior Court ruled in early January that she didn't have a right to basic reproductive health care at her local hospital.

Chamorro lives in Redding with her husband and her two young children. She's a patient at the only hospital in Redding with a labor and delivery ward, Dignity Health's Mercy Medical Center.

Along with the birth control pill, tubal ligation—known familiarly as “getting one's tubes tied”—is the contraceptive

method most chosen by American women. One out of every four women who use contraception opt for a tubal ligation; and an estimated 600,000 women undergo this procedure each year. If a pregnant person decides to have a tubal ligation, it's the medical standard of care to provide it immediately after the baby is delivered.

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ACLU BOOSTING VOTER REGISTRATION AT CALIFORNIA PUBLIC SERVICE AGENCIES

By Leslie Fulbright

In her years of work with people with disabilities, Roxy Ortiz says voter registration is something that has historically been overlooked. And that's exactly why she takes her job so seriously today.

At the Eastern Los Angeles Regional Center, Ortiz is working with the ACLU to remove some of the barriers to voting for people with disabilities. By increasing awareness and providing the tools, she now ensures that every client of the center is given the opportunity to register.

“Voter registration was not done on a consistent basis, we barely had any registration cards,” says Ortiz, the center's Information and Training Specialist. “Now it is built in to our system. We are ordering cards by the thousands in 10 different languages.”

The ACLU of California's Voting Rights Project has been working with people like Ortiz throughout the state to implement the National Voter Registration Act (NVRA). The law, aimed at removing some of the obstacles to participation, requires state government agencies to offer registration to people when they access public assistance or use regional centers that provide services to people with disabilities.

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BILL OF RIGHTS DAY

At this year's Bill of Rights Day celebration Dec. 13, 2015, at Impact Hub in Oakland, we honored two leaders in the fight for civil rights and civil liberties: Dorsey Nunn, for his commitment to the rights of the formerly incarcerated, especially in voting rights and for catalyzing the nation's "ban the box" movement; and Dr. Milton Estes, for his leadership and decades of service to the ACLU both in Northern California and nationally.

The following is an excerpt of Dorsey Nunn's speech accepting the Chief Justice Earl Warren Civil Liberties Award at the ACLU of Northern California's annual Bill of Rights Day celebration.

Has anybody here ever told a lie? Raise your hand if you ever told a lie.

Now suppose I would go around introducing you, "This is so-and-so, the liar."

Suppose I would do that to you. Then expect that you're going to get a good business deal. Then expect to get a decent partner who believes you every time you come home late.

Sometimes when I travel they ask me, "Are you a returning citizen?" My question is much deeper. My question is, "Am I an American citizen?"

Because if I don't have the right to vote, I don't participate on juries, I don't get to run for office, I don't have the basic rights that come with citizenship, I don't know if I'm a returning citizen.


So when I'm checking off that box that asks, "Have you ever been convicted?" I know it's something structurally being asked of me. It's not necessarily being checked off by other people.

In 1975, I decided to return from San Quentin Prison to my community as an asset instead of a liability.

So I'm extremely grateful for this award. I'm even more grateful for a continuous relationship with the ACLU.

I'm grateful for last year when we expanded the right to vote for 40 - 60,000 Californians. I'm grateful for when we expanded the right to vote for people in the county jail several years ago.

I don't go to bed filled with hatred. I don't generally go to bed filled with the notion of discriminating against people. I don't go to bed with that. But when you ask me, "are you rehabilitated?" I want to yell out, "Are y'all?"

After 9/11, how many of us become un-American? I think that we're making too many people not Americans. And we need to think about: how did your neighbor next door become not American based on 9/11? I may not be an American, based on how I'm treated regularly by society. 

Dorsey Nunn is the executive director of Legal Services for Prisoners with Children and the co-founder of All of Us or None, a grassroots organization that fights for the rights of formerly and currently incarcerated people and their families.



LEFT: Chief Justice Earl Warren Civil Liberties Award recipient Dorsey Nunn

ABOVE: ACLU-NC Board Chair Beverly Tucker with the winner of the Lola Hanzel Courageous Advocacy Award, Dr. Milton Estes.

BELOW: The Santa Clara Valley Chapter accepting the Dick Criley Activism Award.



BILL OF RIGHTS DAY PHOTOS BY MARTHA WINNACKER

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Rebecca Farmer	EDITOR-IN-CHIEF
Gigi Pandian	MANAGING EDITOR & DESIGNER
Jessie Seyfer	PROOFREADER

39 Drumm Street, San Francisco, CA 94111
(415) 621-2493 | EDITOR@ACLUNC.ORG



ACLU CHAPTERS TAKE STRATEGIC ACTION


ACLU of Northern California chapter leaders came together in regional meetings over three weekends in January and February to learn about organizing opportunities and to begin to plan for the next year of local advocacy. In the coming weeks, chapter leaders will work closely with staff and community partners to develop strategic campaigns in key issue areas:

Government Spying and Surveillance: An increasing number of cities and counties are acquiring surveillance equipment like drones, stingrays (cell site simulators), automatic license plate readers and specialized facial recognition software—with nearly no public input or oversight. This equipment is often purchased using grant funds from the federal government or private companies. The lack of oversight and transparency in the adoption of these technologies means that there is nobody to hold accountable for purchasing the equipment, and that the public does not know how the technologies are being employed in the community. Chapter leaders are working with local elected officials to pass ordinances that ensure proper oversight and accountability when surveillance technologies are adopted (like the one available at aclunc.org/smartaboutsurrveillance).

Immigration: County sheriffs are increasingly implementing policies that allow federal Immigration and Customs Enforcement (ICE) officers access to jails and to information about people who are incarcerated. Through a federal program called the Priority Enforcement Program (PEP), people are being separated from their families and placed into immigration detention and deportation proceedings—often under deplorable conditions. PEP claims to prioritize individuals who have committed certain crimes for deportation, but in reality, people are being detained for things like traffic violations or reporting crimes. Local chapters will work in coalition with other advocates to help break these dangerous collaborations between local law enforcement and federal immigration officials.

Police Practices: Structural racism and growing economic inequality have led to systemic use of policing, surveillance, and mass incarceration as solutions to economic and social problems. Unarmed people of color are being killed at the hands of law enforcement with alarming frequency across the country, poor and homeless people are having their assets permanently confiscated by the police without committing a crime or even being arrested, and

California maintains the most secretive laws in the country, preventing public access to information about law enforcement misconduct. Chapter leaders will work with existing grassroots movements to change state policies to lift the veil of secrecy over police misconduct and ensure that local law enforcement activities are transparent and accountable to the public, including through advocacy to pass SB 1286 by State Sen. Mark Leno.

LGBTQ Students' Rights: Remarkable strides have been made toward full equality for LGBTQ (lesbian, gay, bisexual, transgender, and queer) people, including the right for all loving couples to marry. Still, LGBTQ students often face bullying and unfair treatment by teachers and administrators, and do not see people like themselves reflected in their curricula. California has excellent state laws to ensure that schools are welcoming and inclusive of LGBTQ students, especially in comprehensive sexual health and HIV prevention education, but these laws must be implemented on a district-by-district basis. Chapters will work with parents, teachers, students, and other community members to ensure that districts are implementing sexual health education policies and curricula that create welcoming and affirming spaces for all students. 

BACK TO SCHOOL IN SILICON VALLEY

Last fall, the ACLU of Northern California joined our Freedom Circle supporters in Palo Alto to discuss the issue of youth and police, with special focus on police in schools and the impact on students with disabilities and students of color.

On hand to lend their expertise and insight were ACLU of Northern California Racial

Justice Project Fellow Nayna Gupta, ACLU Disability Counsel Susan Mizner, and ACLU of Northern California Executive Director Abdi Soltani.

If you would like information about the Freedom Circle, please contact Noah Maier at giving@aclunc.org.



Top row, left to right: Abdi Soltani, Carol Rhoads, Keating Rhoads, Nayna Gupta, Susan Mizner.
Bottom row, left to right: Riaz Moledina, Noah Maier, Lily Moledina, Paul Gilbert, Susan Mizner.

NEW REPORT FINDS REPRODUCTIVE HEALTH ABUSES IN CALIFORNIA JAILS

By Bethany Woolman

The government has an obligation to provide medical care to the people it incarcerates. Sadly, that definition too often fails to include reproductive health. A new report by the ACLU of California has found that jails are putting people's health at risk by denying, delaying, and ignoring crucial reproductive health care. Reproductive Health Behind Bars in California examines the current landscape of reproductive health in California jails, and recommends a range of policy changes. The report is also accompanied by a Know Your Rights guide, and an assessment tool to help jail administrators improve their policies.

"Across California, we're seeing that accessing reproductive health care becomes a frightening and traumatic experience for people incarcerated in county jails," said Melissa Goodman, Director of the LGBTQ, Gender & Reproductive Justice Project at the ACLU of Southern California. "Jails need to make concrete changes to make sure that they are meeting the reproductive health needs of the people in their care."

The ACLU compiled reports from people who were shackled while pregnant, weren't given the food they needed to have a healthy pregnancy, were forced to sleep on dangerous top bunks, and were denied prenatal and emergency visits with medical staff. In one especially disturbing instance, a woman reported that after she went to the jail clinic with intense abdominal pain, the nurses failed to find a fetal heartbeat but still sent her back to her cell because an OB/GYN wasn't on shift.

The report identifies a wide array of problems with policies and practices in jails, including delayed and denied abortion access, dangerous prenatal conditions, and denial of menstrual supplies and lactation accommodations.

Reform is important, legally necessary, and feasible. Two years ago the ACLU of Southern California uncovered a range of problems—from abortion delays to illegal shackling—at Los




Report cover illustration courtesy of Micah Bazant for Strong Families.

ACROSS CALIFORNIA, WE'RE SEEING THAT ACCESSING REPRODUCTIVE HEALTH CARE BECOMES A FRIGHTENING AND TRAUMATIC EXPERIENCE FOR PEOPLE INCARCERATED IN COUNTY JAILS.

Angeles County's women's jail, the largest women's facility in the country. The ACLU worked collaboratively with the Los Angeles Sheriff's department on positive reforms that improved access to medical care and other necessary accommodations for pregnant people, including housing. The collaboration also initiated the launch of a pilot program allowing family members to pick up pumped breastmilk for delivery to children at home. The ACLU is continuing to monitor the county to ensure that change in policy translates into real change in practice.

The new report and accompanying assessment tool provide California jails an opportunity to look at the law and at medical best practices, and make concrete changes to their policies. In addition to changing written policies and training staff to implement them, jails need to start collecting robust data on reproductive health needs and outcomes. Currently, this crucial data is widely untracked and unavailable.

The report also recommends that jails update their policies to protect the reproductive health of transgender and gender nonconforming people.

Mass incarceration is a national crisis, with an especially harmful effect on poor communities and communities of color. Many people are stuck in jail who otherwise would not be, simply because they can't afford to pay bail. In addition to improving conditions for people who remain incarcerated, communities should be supporting alternatives to incarceration. 

GET INVOLVED WITH AN ACLU CHAPTER IN YOUR COMMUNITY

Get more information at WWW.ACLUNC.ORG/CHAPTERS

or by calling (415) 621-2493 x355

OUR KNOW YOUR RIGHTS RESOURCES: BUILDING CONNECTIONS ACROSS CALIFORNIA

By Irene Rojas-Carroll

One of the most important ways people relate to the ACLU is through understanding their own rights. According to Tessa D’Arcangelew, who is an ACLU organizer and works with chapters all over Northern California, Know Your Rights materials are crucial to her work. “Know Your Rights pamphlets, presentations, and all kinds of materials are one of the most digestible and personal ways that I have to share information to our members and people we work with,” says D’Arcangelew.

D’Arcangelew recently received a note from a young woman in San Francisco who works at an after-school program for at-risk high school students. This person remembered D’Arcangelew’s Know Your Rights workshop on how to interact with police at the ACLU of California’s 2014 Conference and Lobby Day; she was so inspired by that training that she wanted to offer the same one to the students she works with.

That workshop used our blue and yellow wallet cards on your rights when you interact with police as a basis for conversation.

Dealing with police can be scary and confusing. There are four “magic phrases” we encourage people to use; these are simple phrases that anyone can repeat when they’re stopped by police in order to invoke their rights under the law.

- **Am I free to go?**
- **I wish to remain silent.**
- **I want to speak to a lawyer.**
- **I do not consent to a search.**

In the workshop, D’Arcangelew leads participants through practicing actually saying these phrases aloud. “People need to know that it’s important to ask these questions and say these words to police if they wish to, even if you haven’t done anything wrong,” says D’Arcangelew.

Know Your Rights materials are also a way to make sense of the gap that unfortunately often exists between legal requirements and real life. Police do violate people’s fundamental rights all the time, and even abuse people who do




Three of the “magic phrases” taught at Know Your Rights trainings.

assert their rights. These are not colorblind occurrences. We saw this in the case of Sandra Bland, a Black Lives Matter activist who knew to assert her rights, and did so, when a police officer pulled her over and arrested her. She ultimately died in custody.

The resources that we had on hand also opened the door for participants to share their personal experiences with police. The important thing for everyone to know is that it’s not on you if a police officer engages in misconduct or uses excessive force. Asserting your rights to a police officer might have consequences, but we know also that police harm people even when they’re not objecting to the officer’s conduct.

Using these magic phrases and using the KYR materials as a basis to create interactive and participatory trainings helps make legal concepts come to life.

Our organizers also use Know Your Rights materials to share with chapters, as starting points for other workshops, and to share at events where the ACLU of Northern California has a presence through tabling. Knowledge is power. When people know their rights they can better protect themselves, their family, and their community. Find our materials out online at aclunc.org/KYR. 

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

RAIDS? DEPORTATIONS? IMMIGRANTS’ RIGHTS WITH ICE AND BORDER PATROL ABUSES

Excerpts from a Know Your Rights publication. Read more at www.aclunc.org/kyr.

Recent deportation actions have created a lot of fear. Many people call these actions “raids,” but in California, we haven’t seen mass arrests in neighborhoods or workplaces, which is what a lot of people think of when they hear the word “raids.” Immigration and Customs Enforcement (ICE) also says it is not conducting raids in California. However, ICE is still engaging in deportations and other enforcement practices. ICE’s enforcement practices tear families apart and undermine community trust in law enforcement.

Many violate the Fourth Amendment’s protection against unreasonable searches and seizures, the constitutional guarantee of due process, and the constitutional guarantee of equal protection and freedom from discrimination based on race, ethnicity, and national origin.

Immigration detainees

An ICE detainer—or “immigration hold”—asks local jail or other law enforcement agency to detain an individual for an additional 48 hours (excluding weekends and holidays) after their release date.


ICE’s use of detainers to imprison people without due process and often without any charges pending or probable cause has raised serious constitutional concerns. ICE is now supposed to limit its use of detainers, but they may still use them.

Know your rights if ICE confronts you

Independent of your citizenship status, you have constitutional rights!

- ♦ **Don’t open your doors.** ICE cannot come in to your home unless they have a signed search warrant or you let them in. Ask them to pass the warrant under the door

before you open. An arrest warrant for one person is not enough to come in, unless it also says the officers have a right to enter or search that particular address.

- ♦ **Stay silent.** ICE can use anything you say against you in your immigration case, so claim your right to remain silent! Say, “I want to speak to a lawyer and choose to remain silent.”
- ♦ **Don’t sign.** Be careful what you sign. ICE often asks people to sign forms agreeing to be deported without first seeing a judge.
- ♦ **Fight back!** If detained, don’t give up hope! Get a trustworthy lawyer and explore all options to fight your case. You’ll have a much better chance of stopping a deportation. Find lawyers and organizations that provide free and low-cost help. If you or a loved one believe you have been unjustly detained, call the TRUST Act hotline at (844) 878-7801. 

VICTORY! FRESNO SUSPENDS USE OF SOCIAL MEDIA SURVEILLANCE SOFTWARE

The Fresno Police Department has stopped using social media surveillance software after the ACLU of Northern California discovered that the department was secretly using the surveillance technology.

Social media surveillance software comes in many forms, but it generally works by automatically scanning huge batches of publicly available posts on networks like Twitter, Instagram, and Facebook. This kind of surveillance can place people under suspicion simply for speaking their mind online.

After combing through a pile of documents obtained through a public records act request, the ACLU discovered that Fresno police had been using an especially offensive piece of software called MediaSonar that had dire implications for local activists. Marketing emails from the company encouraged Fresno officers to identify “threats to public safety” by tracking #BlackLivesMatter-related hashtags like #dontshoot and #imunarmed.

The department was also using a different, but equally troubling, piece of software called Beware. According to news reports, Beware’s mysterious algorithm was assigning “threat levels” of green, yellow, and red to residents—based in part on what they wrote online. Marketed as a source of insight for officers on the ground, this software was deeply flawed. For instance, a Fresno city council member was recently incensed to learn that Beware listed his residence at threat level “yellow.”

The documents we received from Fresno raise a number of unanswered questions about social media surveillance at the local level. How many people are being surveilled?


PROTESTORS SHOULDN'T HAVE TO WONDER WHETHER WHAT THEY WRITE ONLINE OR POST ON SOCIAL MEDIA WILL BRAND THEM AS A THREAT IN THE EYES OF LAW ENFORCEMENT.

How long is their data being stored? How do these intrusive programs gather and interpret information? Communities have a right to this information.

Fresno residents are right to demand reform, including the adoption of an ordinance that ensures the public has a meaningful chance to weigh in before decisions about this or any other surveillance technology are made.

Social media monitoring is part of a pattern of unchecked surveillance. It's yet another surveillance tool being used without transparency or accountability. And it risks targeting communities that are already vulnerable to police misconduct—especially communities of color.

During the Iraq War, the ACLU sued the Fresno police department for infiltrating a local peace group. Today, protestors shouldn't have to wonder whether what they write online or post on social media will brand them as a threat in the eyes of law enforcement. The government shouldn't be collecting a digital record of people's lives. And police surveillance plans shouldn't be rushed forward with the public left out of the loop.

Technology is changing the way we communicate and organize around powerful ideas. At the forefront of these innovations are movements like #BlackLivesMatter. While the way in which our society expresses itself is shifting, the principles of the First Amendment remain unchanged. Advances in technology are not an excuse for new forms of unaccountable surveillance. 

SPOTLIGHT ON JAILS ADVOCACY

VICTORY: NO NEW JAIL IN SAN FRANCISCO

In December, the ACLU of Northern California joined community members and local groups in speaking out against San Francisco Mayor Ed Lee's plan to spend upwards of \$240 million on a new jail. The ACLU advocated that instead of pouring more money into mass incarceration, the city needed to be investing in innovative and successful diversion programs that promote rehabilitation.

“San Francisco has an excess of jail beds, but has a long waiting list for residential mental health treatment beds,” said staff attorney Micaela Davis. “We should expand treatment programs for addiction, and fund residential and outpatient programs that give people suffering from mental illness the treatment they need.” After sustained and inspiring public pressure by local community groups and activists, the San Francisco Board of Supervisors voted unanimously to reject funding for the new jail.

THOUSANDS OF PEOPLE IN MAY HAVE HAD THEIR CIVIL RIGHTS VIOLATED WHILE NAVIGATING A CRIMINALLY DYSFUNCTIONAL JUSTICE SYSTEM.


FEDERAL INVESTIGATION NEEDED IN ORANGE COUNTY JAILS

Under the Fifth Amendment, anyone in police custody has the right to be advised by an attorney during questioning. But in Orange County, jailers and prosecutors have apparently been circumventing that right for several decades by orchestrating the use of jailhouse informants to illegally question people about their cases.

In November 2015, the ACLU called on the Department of Justice to open an investigation into the corruption. “We estimate that thousands of people in Orange County may have had their civil rights violated while navigating a criminally dysfunctional justice system,” said ACLU of Northern California Criminal Justice Policy Director Ana Zamora.

VICTORY: BUTTE COUNTY THINKS TWICE ABOUT FLEEING INMATES' FAMILIES TO PAY FOR NEW JAIL

Last year, Butte County was one of 32 California counties that submitted bids for state financing to build new jails. Butte, however, was the only county to try to use Inmate Welfare Fund money to pay the county's required contribution. Inmate Welfare Fund money is raised mostly from surcharges on phone calls between inmates and their families. Jacking up rates on these calls amounts to a tax on inmate families, which discourages families from staying in touch with their loved ones in jail. It's a tempting source of funds for sheriffs to pay for all types of things unrelated to inmates' welfare, but doing so is highly unethical.

Reports of these Inmate Welfare Funds being misused are widespread. After the ACLU sent a letter warning the county that their plan was illegal, the Board of State and Community Corrections voted to encourage Butte County to find other funds, recognizing that using Inmate Welfare Fund money for jail construction is inappropriate and bad public policy. Butte County has now agreed to use local law enforcement assistance funds for their contribution to the jail construction instead of the inmate welfare fund. 

LEGAL UPDATES

By Bethany Woolman

VICTORY FOR ACCOUNTABILITY: SAN FRANCISCO APPROVES BODY CAMERA POLICY

In December 2015, the San Francisco Police Commission approved a policy for police body cameras to ensure they are used as a tool for accountability, not abuse. The new policy limits an officer's ability to see footage before making a statement. The ACLU, along with the Council on American Islamic Relations, Color of Change, and Asian Americans Advancing Justice, sent a letter to the Commission arguing that allowing officers to see footage of critical incidents before making a statement gives dishonest officers a chance to tailor their stories to the tape. The letter also called for clear rules that compel proactive release of footage that is of public interest.

VICTORY: REAL CHANGES TO FACEBOOK'S 'REAL NAME' POLICY

Facebook announced concrete changes to its harmful "real name" policy in December 2015, after ongoing advocacy by a coalition of groups including the ACLU. The changes are meant to reduce the risks of abusive reporting and lockouts of users from the site. For years, the user name policy excluded a number of communities—transgender people whose names did not match their state ID card, survivors of domestic violence who couldn't use their real names, whistleblowers reporting abuses of power who used pseudonyms for protection, and Native Americans who found that their names were routinely declared invalid by Facebook's system.

VICTORY FOR SEX ED IN REDDING SCHOOLS

Parents in Redding learned last December that their eighth-graders' school would be teaching that "sex is like a fire"—dangerous and scary, outside the "fireplace" of marriage. In addition to its deeply problematic language, the curricula in question stigmatized LGBTQ students, contained no instruction on contraception other than abstinence, and fell far short of covering topics required by the state of California for comprehensive sexual health education.

The ACLU-NC sent a letter to the district warning that abstinence-only sex education violates California law. In response, the district notified the ACLU that they would hold off on the planned curriculum and reevaluate their sexual health education. "Abstinence-only sex ed programs are notorious for using tragically bad sex metaphors to push their harmful agenda," said ACLU of Northern California Reproductive Justice Attorney Jennifer Chou. "This kind of selective and misleading curriculum is strictly prohibited."



Taylor Victor, who was sent home from her High School in Manteca for wearing this shirt.

VICTORY FOR FREE SPEECH: T.V. V. BEUKELMAN

Taylor Victor was just beginning her junior year at Sierra High School in Manteca when she was sent home from school for wearing a shirt that read "Nobody Knows I'm a Lesbian." School officials told her she wasn't allowed to display her "personal choices and beliefs," and that the shirt violated the dress code because it was "disruptive, promoted sex, promoted sexuality, and was an open invitation to sex."

Taylor contacted the ACLU of Northern California and reported that her free speech rights had been violated. In February, the ACLU-NC settled the ensuing lawsuit with the Manteca Unified School District. The settlement allows Taylor to wear her shirt without threat of punishment or retaliation. It also updates the dress code district-wide to make it clear that students can express their own identity and their support for other students' identities—including identities of race, gender, sexual orientation, disability, and other protected groups. District administrators will be required to attend professional development training to bring them up to date on their duty to protect free speech.

"At the end of the day, I just want other kids to know that it's okay to be yourself at school," wrote Taylor in a blog post for the ACLU. "It's okay to stand up for what you believe in."

VICTORY FOR WOMEN IN COMBAT: HEGAR, ET AL. V. CARTER

The Department of Defense announced in December that it plans to open all military combat jobs to women, with no exceptions for any branch of the armed services. Almost four years ago, in November 2012, the ACLU filed a lawsuit on behalf of four servicewomen and the Service Women's Action Network against the Department of Defense for its blanket exclusion that kept women from competing for combat jobs, units, and schools. "I'm thrilled the most qualified candidates for all military jobs will be able to serve in critical areas regardless of gender," said MJ Hegar, plaintiff in *Hegar v. Carter*. "In time, people will stop looking surprised when they meet a female combat veteran."

The ACLU is continuing the case to ensure that the integration of women into previously closed positions goes smoothly and that women are not prevented from accessing combat roles based on artificial hurdles not imposed on their male counterparts.


ACLU CALLS FOR FEDERAL INVESTIGATION INTO SYSTEMIC BIAS IN THE SFPD

In January, the ACLU of Northern California and the ACLU Disability Rights Program sent a letter to the US Department of Justice urging a federal pattern and practice investigation into the San Francisco Police Department for systemic civil rights violations. Those violations include the killing of Mario Woods, a young Black disabled man.

"Mario's death at the hands of police on December 2, 2015 is unfortunately only one instance of the long-standing and deep-rooted failures in the workings of the SFPD, especially as it interacts with communities of color, Black people in particular, and people with disabilities," said ACLU-NC Senior Counsel Alan Schlosser.

In February, the Department of Justice and the SFPD announced a voluntary and non-binding review of SFPD policies, but not its biased practices. The systemic problems at the core of the SFPD show that a Department of Justice investigation must address the SFPD's workings as a whole, and require enforceable changes, in order to be effective.

MEDICAL MARIJUANA BANS: BYRD V. FRESNO & KIRBY V. FRESNO

The ACLU of Northern California litigated two suits against the City and County of Fresno over bans on the cultivation and storage of medical marijuana. The bans are inconsistent with California's 1996 voter-approved Compassionate Use Act, which allows seriously ill patients and caregivers to grow medical marijuana. California courts have upheld the Fresno bans in both cases. In February, the California Supreme Court denied review. Except for the criminal penalties, the bans will remain in place. 

WITH A SINGLE
SENTENCE,
**YOU CAN
DEFEND
FREEDOM**
NOW AND
FOREVER

Between now and June 30, by adding the ACLU to your will, you can leave a legacy of liberty for generations to come and defend our freedom today.

Through the Legacy Challenge, simply including a gift in your future plans can qualify the ACLU to receive a 20% cash matching donation today from our generous challenge donor.

For simple bequest language to include in your will and for information on other gifts that qualify for the Legacy Challenge, visit **www.aclu.org/legacy** or call (415) 293-6367.

AMERICAN CIVIL LIBERTIES UNION
**LEGACY
CHALLENGE**

SPOTLIGHT ON BETH DAWSON, DESILVER LEGACY SOCIETY MEMBER



When Beth Dawson travels from her home in Menlo Park to visit her politically conservative family in Texas, she always looks forward to their conversations around the dinner table.

A Texas native, Dawson has supported the ACLU for almost 15 years. “The ACLU has shown me how I can talk with my family about the issues I care about in a way that crosses party lines,” she explains. “For example, we can talk about economic inequality and privacy from government surveillance, and have a really substantive conversation rather than engaging in partisan disagreements. I’m grateful to the ACLU for giving me a way to talk productively with my family about issues and principles I care deeply about.”

After supporting the ACLU’s work for more than a decade, Dawson and her partner Greg felt that it was time to do more. That’s why they chose to make a bequest to bolster the ACLU’s future advocacy. When deciding to create their legacy with the ACLU, “we thought about our values as people and how our estate could further these values,” Dawson said. “Since we don’t have children or grandchildren of our own, we like to think of the ACLU almost as our kid!”

When Dawson told the ACLU about their future gift, she and Greg were welcomed to the DeSilver Legacy Society, a group of more than 5,000 supporters nationwide who have provided for the ACLU in their estate plans. Legacy society members are invited to our annual DeSilver Society Luncheon in San Francisco, and receive special updates on the ACLU’s work. “I am so happy to be part of the ACLU’s legacy society,” Dawson said. “Your speakers are eye-opening and help us make connections between issues we wouldn’t have otherwise, and learn about issues the ACLU has taken on that we wouldn’t otherwise know about—like


how a county not having enough public defenders affects how many people are incarcerated, whether or not they are guilty.” Further, “I can count on the ACLU to accurately and honestly report on current events, and this education helps me decide how I want to vote,” Dawson said.

As an educator, Dawson is committed to helping students build the foundations of their own future success. Making a legacy gift to the ACLU is another way that she is able

to invest in a more just and equitable future for younger generations, both here in Northern California and in her home state of Texas. “I know the ACLU will do a good job of stewarding our bequest to advance freedom and constitutional rights,” she said. “In an ideal world, we wouldn’t need the ACLU. In the world we live in, though, I feel a lot more secure knowing that the

“I KNOW THE ACLU WILL DO A
GOOD JOB OF STEWARDING OUR
BEQUEST TO ADVANCE FREEDOM
AND CONSTITUTIONAL RIGHTS”

—BETH DAWSON, DESILVER LEGACY
SOCIETY MEMBER

ACLU is always a step ahead in defending our civil liberties. Because when it comes to rights, you don’t know what you’ve got till it’s gone!” 

From now until June 30, 2016, you can create your own legacy for liberty and take advantage of a special opportunity to advance justice and equality right now.

By making a gift to the ACLU in your estate plan and telling us of this gift, a generous matching donor will make an immediate cash gift equal to up to 20 percent of the value of your gift to the ACLU today.

To learn more about how you can participate in the Legacy Challenge, please contact Rhiannon Lewis, Planned Giving Officer at (415) 293-6367 or rlewis@aclunc.org.

CATHOLIC HOSPITALS

(continued from page 1)

Early on in her pregnancy, Chamorro decided with her doctor that she would get a tubal ligation during her scheduled C-section. She didn't expect to have problems accessing such a common and safe procedure.

But Chamorro's hospital refused her doctor's request to perform the procedure, citing religious directives written by the United States Conference of Catholic Bishops that classify tubal ligation as "intrinsically evil." For Chamorro, there are no hospitals within a 70-mile radius of her home that have birthing facilities and do not follow these directives.

"This is an incredibly common and safe method of contraception, especially for women who are scheduled for a C-section," said Dr. Pratima Gupta, a board-certified OB/GYN and member of the organization Physicians for Reproductive Health. "Many women prefer postpartum tubal ligation to other birth control alternatives because it is a highly effective method that will only prolong surgery time a few minutes."

In the hope that the courts would reverse the hospital's decision, the ACLU and the law firm of Covington & Burling LLP filed a lawsuit in December against Dignity Health on behalf of Chamorro and Physicians for Reproductive Health. The suit argues that the application of religious directives to Ms. Chamorro and to other patients unlawfully disrupts the patient-doctor relationship and ultimately denies patients care.

Unfortunately, Chamorro was ultimately denied a tubal

DIGNITY HEALTH'S MERCY
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ligation during her January C-section when the judge in the case denied the ACLU's emergency motion on her behalf. If she chooses to go forward with the same procedure now, she will have to undergo an additional surgery, which involves general anesthesia and multiple incisions and is not without risk.

The ACLU has filed an amended complaint in the case, seeking a declaration that Ms. Chamorro's rights were

violated, as well as continuing to seek relief on behalf of patients of member doctors of Physicians for Reproductive Health.

"The refusal of hospitals to allow doctors to perform basic health procedures based solely on religious doctrine presents a real threat to a woman's ability to access health care," said Elizabeth Gill, senior staff attorney at the ACLU of Northern California. "Patients seeking medical care from institutions that receive public funding and are open to the general public should not have to worry that religious doctrine rather than medical judgment will dictate what care they receive."

Dignity Health is the fifth largest healthcare system in the country and the largest hospital provider in California, with 29 hospitals across the state. It receives significant funding from the State of California—including millions of dollars a year in government grants and billions of dollars a year in Medicare and Medicaid payments.

Ten of the 25 largest hospital systems in the U.S. are Catholic-sponsored, and nearly one of nine hospital beds in the country is in a Catholic facility. Their hospital chains have rapidly expanded over the past 15 years, and their interference with the doctor-patient relationship is blocking patients' access to basic reproductive healthcare across the country. In spite of the disappointing ruling, the case is moving forward. 

ACLU BOOSTING VOTER REGISTRATION

(continued from page 1)

"Our work is about creating access for voters who are overlooked and getting them engaged in the democratic process," says Jess Jollett, a communications strategist who works on the ACLU of California's Voting Rights Project. "The thousands of people now using these services were historically left out of the political process because they didn't have access. In some cases, they experienced discrimination and outright exclusion from the ballot box. Now they are active participants in our democracy."

Though the NVRA was signed into law in 1993, enforcing it has been an ongoing struggle. The goal was to increase voter participation by making registration more accessible and easy to navigate for people with disabilities and people living in poverty.

Immediately after the law was enacted, registration reached an all-time high. Across the nation, registrations at public assistance agencies reached 2.6 million. But over the next decade, it began a steady decline reaching a low of about 500,000 in 2006. Investigations revealed widespread noncompliance in implementing the law.

Across the country, civil and voting rights groups began threatening litigation to get states to enforce the law. Here, the ACLU of California Voting Rights team decided to try a different approach. The team worked with state and local agencies to figure out how to fix

the problem by identifying areas where these agencies needed support and then helping them streamline the process. The ACLU provided support and training materials so the agencies could embed voter registration into everyday practices.

The project started in San Diego, where the ACLU of California Voting Rights Project is based. In that county alone, registration had dropped 93 percent in the 10 years since NVRA was made law. In 2011, voter registrations at San Diego public assistance agencies averaged just a few dozen per month despite record numbers of applications for services.

We worked with San Diego County's public assistance, agencies for people with disabilities and election officials


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to boost the numbers. The results were dramatic. In the seven months leading up to the 2012 election, these agencies registered more voters than they had in the past 12 years combined.

Then in 2013, we expanded the implementation project to 20 more counties throughout the state.

The strategy is working. There has been a more than 250 percent increase in voter registrations in public assistance and disability assistance agencies in California. Registrations went from about 30,000 in 2011 to 110,000 in 2015. Applicants and clients in all of these offices are now asked if they would like to register every time they apply for or renew services, or change their address. They are also given assistance filling out the registration card if they need it.

Across California, the ACLU's NVRA Implementation project is opening up opportunities and playing a critical role in bringing people to the ballot box. Tens of thousands of people have been registered to vote through these agencies and awareness continues to grow.

"It's been so gratifying to watch the awareness increasing in our community," says Ortiz. 

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

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

By Natasha Minsker

Each year, the ACLU of California sponsors dozens of bills to protect and advance civil liberties and civil rights for everyone in our state. The ACLU of California is a collaboration of the three ACLU affiliates of California: Northern, Southern, and San Diego. The Sacramento-based Center for Advocacy and Policy is one of many programs jointly run for statewide impact.

THE ACLU OF CALIFORNIA'S SPONSORSHIP OF BILLS

In most cases, what sponsoring a bill means for the ACLU of CA is that we have been involved in drafting the bill, providing input on the text. But we rarely work alone. Most of our bills are co-sponsored with other advocacy groups. The bill language is the result of a collaboration between the co-sponsors and the bill's author-legislator who is carrying the bill.

BY LIFTING THE VEIL OF POLICE SECRECY, SB 1286 WOULD EMPOWER COMMUNITIES TO HOLD POLICE ACCOUNTABLE.

When the ACLU sponsors a bill, we also provide resources for advocacy, which includes meeting with legislators, testifying in support, seeking support from other groups, drafting fact sheets and sample support letters, and providing communications and media support. We encourage ACLU supporters to get involved in the legislative process through our action alerts and through our annual Conference & Lobby Day, which takes place each spring.

Here's a closer look at two bills we are sponsoring this year.

ENDING POLICE ABUSE

SB 1286 is a commonsense legislative proposal to increase government transparency and improve accountability and trust in law enforcement. The bill would give the public access to the most crucial information about how police operate: records on the most serious uses of force and how departments deal with confirmed cases of police officer misconduct.

Although California is a leader on many things, it is still one of the most secretive states when it comes to giving the public access to critical information about police misconduct and serious uses of force. For example, peace officer records are made public when a department determines that an officer was guilty of misconduct in states like Texas, Kentucky, Utah and approximately a dozen others. Not the case in California.

This gap in transparency has hurt public trust in law enforcement, particularly with communities of color who are being killed by police at disproportionate rates. A recent Pew Research Center poll found that only 30 percent of Americans, and just 10 percent of African Americans, believe that law enforcement agencies are doing a good or excellent job of holding officers accountable for misconduct.

We give a great degree of power to law enforcement agencies—the power to take a person's life based on a split-second decision—but with great power comes great responsibility. Unfortunately, information about how that power is being used are hidden from public view.

By lifting the veil of police secrecy, SB 1286 would empower communities to hold police accountable, which is an important first step in addressing the ever-lingering suspicions that arise when decisions are made behind closed doors and never revealed to the public or to the victims and their families.

ENDING UNCONSTITUTIONAL SEIZURE OF ASSETS

SB 443 is an important bill that upholds and protects the American principles of fairness and due process in California. For years, law enforcement agencies in the state have taken advantage of a loophole that lets them seize innocent people's cash and property, and then keep a portion of the loot through civil asset forfeiture laws.

Although California law has relatively strong protections against abuse, the problem is that local law

FOR YEARS, LAW ENFORCEMENT AGENCIES IN THE STATE HAVE TAKEN ADVANTAGE OF A LOOPHOLE THAT LETS THEM SEIZE INNOCENT PEOPLE'S CASH AND PROPERTY, AND THEN KEEP A PORTION OF THE LOOT THROUGH CIVIL ASSET FORFEITURE LAWS. SB 433 WOULD CLOSE THAT LOOPHOLE.



STACY ANTONOPOULOS


Center for Advocacy & Policy director Natasha Minsker.

enforcement agencies instead use the federal “equitable sharing” program to take people's property. Federal law doesn't require that a person be found guilty of a crime before law enforcement can permanently take their money or property. To add insult to injury, federal law actually lets California agencies keep a larger cut than is allowed under state law—80 percent of the proceeds, instead of 65 percent.

Created during the heyday of the war on drugs, asset forfeiture laws were meant to take booty away from drug “kingpins” but have been perverted into an ongoing attack on families who can't afford to fight the government in court, a burden that falls disproportionately on low-income people of color.

SB 443 would reign in the abuse by closing this loophole. Under the bill, local law enforcement officers would be barred from permanently taking someone's money or property if the person hasn't been convicted of a crime.

Although SB 443 was introduced last year and successfully made it out of the state Senate, the bill failed to get the necessary votes to make it out of the Assembly when legislator after legislator caved to the law enforcement lobby.

But we're be back again this year, ready to win. 

Sign up for email action alerts to let your legislator know that you want them to support ACLU of California-sponsored bills: www.aclunc.org/email.

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

PROPOSITION 47: CALIFORNIA'S SHIFT TO SMART JUSTICE

In November 2014, California voters passed Proposition 47, which changed six petty drug and theft offenses from felonies to misdemeanors and mandated that savings from reduced incarceration be invested in communities. In passing Prop 47, voters sent a strong message that it's time for California to shift gears from the expensive, one-size-fits-all approach of incarceration toward smarter approaches to crime prevention, specifically including treatment for underlying issues like addiction and mental illness. As part of our nationwide campaign to reduce mass incarceration, the ACLU supported the passage of Prop 47.

The ACLU analyzed data from the first year of implementation, January 2015 to January 2016, and released findings in *Changing Gears: California's Shift to Smart Justice*. The report looks at the first year of Prop 47 implementation and includes local data on the 40 counties, where most Californians live.

Prop 47 is the law, but it is not yet the new normal. In Prop 47's second year, counties must increase connections to services that reduce future offending, including substance use disorders and mental health needs.

Read more at www.acluca.org/prop47. 

Susan Burton is a prime example of how burdensome an old felony conviction can be on people desperate to turn their lives around. Susan suffered from addiction, but was able to get sober in the 90s. Today, she provides the very reentry support and resources that she was unable to access in the 15 years she spent moving in and out of the criminal justice system.

She started simply, by inviting people recently released from jail to crash in her Los Angeles home. Her program, A New Way of Life Outreach, has mushroomed, and is now five homes that help women find their way after serving their sentences.

Before she was able to reclassify her own felony conviction under Prop 47, though, she was often barred from even entering these prisons and jails to help prep the women about to be released.

For Burton, being labeled a felon severely affected her ability to do her job. For too many others, it holds them back from securing employment, finding affordable housing or even being able to regain custody of one's children.


"We need a movement to uphold and implement Proposition 47 and to hold accountable every judge, prosecutor, attorney, jail administrator and probation officer responsible for putting it into practice," said Burton.



NEW ACLU GUIDE: TIPS FOR TECH COMPANIES ON PROTECTING USER PRIVACY AND FREE SPEECH

In the wake of revelations about widespread government spying, massive data breaches, and increasing online censorship, privacy and free speech have moved to center stage. To help tech businesses of all sizes plan around these issues and implement strong privacy practices, the ACLU has released a new edition of *Privacy and Free Speech: It's Good for Business*.

This business primer and its companion website are packed with more than 100 case studies and recommendations ranging from privacy policies to security planning to community speech standards. Together, the principles and examples show the business value in making privacy and free speech part of a company's DNA, preventing missteps that have compromised privacy in the past.


Read more online at itsgoodfor.biz. 



ONE-YEAR ANNIVERSARY OF AB 60, A HISTORIC DRIVER'S LICENSE LAW

Since new drivers' licenses became available under AB 60 in January 2015, more than 595,000 undocumented Californians have successfully obtained them—a historic figure larger than the entire population of California's fifth largest city: Fresno.

The law has changed lives and created powerful new opportunities for community members who worked diligently for two decades to make the licenses a reality after they were revoked in the Pete Wilson era of anti-immigrant policies. With so many more drivers licensed, tested, and insured, all Californians are benefitting.

Community groups are also calling for improvements to fix specific challenges with the law's implementation which have left some immigrants seeking the new license waiting in limbo for the better part of a year. 

LETTER FROM THE EXECUTIVE DIRECTOR THE VALUES THAT KEEP US SAFE

In 1973, my parents came to the U.S. on a six-month fellowship from Iran, leaving my two older brothers with my aunt and grandmother. Pregnant with me, my mom planned to return to Iran for my birth. But my parents loved the United States, they drove all over and lost track of time until near the due date when a doctor told my mom she was too far along to fly back to Iran, so I was born in Los Angeles.

We returned to Iran soon after my birth, and came back to the U.S. nine years later after a revolution and a war. We were not desperate like people crossing the Mediterranean or the Arizona desert, but we were seeking a better life.

When we first immigrated, we flew to New York City. As a child, I remember seeing the face of the Statue of Liberty in my first few days in this country. At age 9, just as I do now, I saw the famous monument as the ultimate symbol of the freedom and liberty for which the U.S. stands.

I share all this because for my whole life, I have had the benefits of citizenship by birth, and the outlook of an immigrant by experience. In both ways, I have benefited from the U.S. constitution and specifically the 14th amendment, which grants citizenship to all based on birth, and equal protection and due process under the law to all persons—citizen and noncitizen alike.

On our way to the U.S., we lived in France for a year. I knew no French and very little English. Still, despite feeling like a total outsider at first in both countries, neighbors and classmates both in France and the U.S. welcomed us. So as a Muslim child, I joined many celebrations of Christmas and spent many Friday nights at my classmates' Seder dinners.

Growing up, my experience as a newcomer to the U.S. was all about being welcomed into a community.

It wasn't about building fences to separate countries.

It wasn't about closing our doors to those seeking asylum.

It wasn't about banning an entire group based on their religion.

Or keeping track of them in a special database.



GIGI PANDIAN

As alarming as these ideas sound in the Presidential debates, what's more alarming is how much of a foothold these ideas have in policy—right now. In this age of widespread surveillance and racial profiling, we are closer than many realize to the stump speeches being reality.

In the past few years, the FBI agents in mosques fill databases with the names of people in attendance. The no-fly list and Suspicious Activity Reports brand thousands of innocent people as potential terrorists based solely on bias. Immigration programs put green card holders from certain countries in a bureaucratic black hole, never getting an answer. The ACLU has gone to court in Texas to keep a state from barring refugees. The U.S. Congress just passed a law that—if Europe reciprocates—will mean that U.S. citizens whose ancestry is from Iran, Iraq, Sudan or Libya will need a visa to travel to countries where other Americans can travel freely.

Every day on my way into my office, I walk past a picture of Fred Korematsu, whom the ACLU represented when he challenged Japanese American internment in World War II. Every day, the picture reminds me that to treat an entire group as suspicious is not only dangerous, but also contrary to our American ideals and to our constitution.

I was on the phone recently with an Iranian-American leader from Florida working alongside the ACLU on the visa issue. She brought up, "We can't forget how the U.S. treated the immigrants from Japan in World War II." I responded, "I don't want to alarm you, but they were U.S. citizens."

To protect the rights of citizens and immigrants, now is the time to double down on the values that keep us truly safe: inclusion, opportunity, and respect of individual rights, just as that constitution that granted me citizenship and the Statue of Liberty promised me all those years ago.

Abdi Soltani
Executive Director
ACLU of Northern California



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