

ACLU news

DISSENT IS
PATRIOTIC

THE NEWSLETTER OF THE ACLU OF NORTHERN CALIFORNIA

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THE LONG FIGHT FOR VOTING RIGHTS

Voting rights are under assault by the Trump administration and by governors and legislatures in many states. Protecting the right of all Americans to cast a ballot has been an enduring value and remains a critical component of the work of the ACLU and ACLU Foundation. Although laws have been enacted throughout the years to remove some of the barriers to voting, obstacles persist nationwide. To ensure that everyone has access to the ballot box, we're fighting problems that include difficulty registering, cutbacks on early voting, and strict identification requirements. We're also fighting to restore the right to vote by challenging criminal disenfranchisement laws, and by expanding same-day and online voter registration.

Voter suppression tactics have long been used to disenfranchise our most vulnerable communities, Black and brown people, the elderly, students, and people with disabilities. Here in

California, we have one of the lowest rates of voter registration and voter turnout in the country. That's why we're doing everything we can to make registering to vote seamless.

The ACLU Foundation of Northern California recently settled a lawsuit against the California Department of Motor Vehicles. It was filed last year after voters noticed widespread violations of a law that requires the DMV to incorporate voter registration into applications, renewals, and changes of address.

The DMV was failing to offer federally mandated voter registration opportunities to millions of Californians. Because of the settlement, Californians who renew their license or state ID by mail will be able to use the renewal form to register to vote or update their registration starting in April.

"The freedom to vote is the most critical component of our nation's democracy, and difficulty registering is one of the greatest barriers to exercising that freedom," said Raul Macias, a voting rights attorney with the ACLU Foundation of Northern California. "There are more than 5.5 million eligible but unregistered voters in California and people of color are disproportionately represented in that group."

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THE LONG FIGHT FOR VOTING RIGHTS CONTINUED FROM PAGE 1

In other California news, in November the ACLU Foundation of Northern California filed suit against the California Secretary of State for invalidating the vote-by-mail ballots of tens of thousands of voters. A state law allows election officials to reject vote-by-mail ballots if they think the signature on the ballot envelope does not match the one they have in the voter's registration file. The people making this decision are not handwriting experts.

Nothing in the law tells voters they have to sign their ballot envelopes in any particular way and voters are not informed that their ballots have been thrown out. As many as 45,000 ballots were discarded in the November 2016 election due to signature mismatch.

"People should not be denied their right to vote because a government official doesn't like their penmanship, but that's exactly what is happening," said Michael Risher, a senior staff attorney with the ACLU Foundation of Northern California.

In March, the court agreed and ruled that the state cannot reject ballots for signature concerns without giving voters notice and an opportunity to fix the problem.

Across the Country

It's not just happening in California. Voting rights are under attack nationwide. Here are a few examples of where the ACLU is taking action.

"THE FREEDOM TO VOTE
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EXERCISING THAT FREEDOM."
—RAUL MACIAS, VOTING RIGHTS
ATTORNEY WITH THE ACLU FOUNDATION
OF NORTHERN CALIFORNIA

OHIO: In Ohio, the state has been removing people who infrequently vote from its rolls since 1994. Since then, hundreds of thousands of people have been "purged." Under Ohio's rules, registered voters who do not participate in an election in a two-year period are sent a postcard from the Ohio Secretary of State requesting a confirmation of address. If the voter does not respond to the notice or vote within the next two federal elections, the voter is removed from the rolls without further notice.

Voting is not a use-it-or-lose-it right. The ACLU Foundation sued the Ohio Secretary of State in April of 2016 challenging this process. The courts agreed that it violated the law and allowed more than 7,500 voters who would have been purged to vote. But the Secretary of State sought U.S. Supreme Court review of that decision. The Supreme Court heard arguments in January.

KANSAS: In Kansas, the ACLU is challenging a law that requires people, when they register to vote, to show documents to prove their citizenship. The ACLU filed suit in 2016, and a federal court blocked the law in time for the 2016 election. But the fight continues in court. The ACLU is representing the League of Women Voters and people disenfranchised by the law. The trial began in March 2018.

MICHIGAN: In Michigan, a coalition including the ACLU is working on a ballot measure campaign to amend the Michigan Constitution and eliminate some of the confusing barriers to voting. It would include allowing people to register to vote 15 days before an election, to be automatically registered when getting a driver's license, and to register to vote in person at any time with proof of residency.

FLORIDA: Florida is one of only four states that bars ex-felons from voting. The ACLU is working alongside voting rights groups to end that state's lifetime prohibition on voting for the 1.5 million people with certain felony convictions. The constitutional amendment will appear on the ballot in November.

Across the country, we are working and will continue to work to ensure that every American has the fundamental constitutional right to participate in our country's democracy. 

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

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DID YOU KNOW THAT...

The ACLU of Northern California is comprised of two separate non-profit organizations: the American Civil Liberties Union Foundation of Northern California (the ACLU-NC Foundation), an Internal Revenue Code 501(c)(3) corporation, and the American Civil Liberties Union of Northern California (the ACLU-NC), an Internal Revenue Code 501(c)(4) corporation.

When you make a contribution to the ACLU-NC, you become a "card-carrying" member who takes a stand for civil liberties. All members of the ACLU-NC receive this newsletter.

Gifts to the ACLU-NC allow us the greatest flexibility in our work. While not tax deductible, they advance our extensive litigation, communications and public education programs. They also enable us to advocate and lobby in legislatures and to educate voters at the federal and local level to advance civil liberties.

Giving to the ACLU-NC Foundation is tax-deductible. Gifts to the Foundation support our litigation, communications, advocacy and public education efforts.

Regardless of how you choose to support the work of the American Civil Liberties Union, we're honored to have you as a partner in this critical work. Thank you.

WANT TO CHANGE YOUR MAILING PREFERENCES? GIVING@ACLUNC.ORG

200/150/50: THREE SEMINAL ANNIVERSARIES CONVERGE

2018 marks three defining anniversaries pertaining to the fight for equal justice in America. This year is the 200th birthday of abolitionist and freedom fighter Frederick Douglass, the 150th anniversary of the 14th Amendment, one of three Reconstruction amendments, and the 50th anniversary of 1968, the year that marked major shifts in American race relations.

These three anniversaries coincide at a time when communities of color, immigrants, the LGBTQ community, and women face a head-on assault from an administration led by a white supremacist president. It is a grim reminder that even though America has made progress since its inception, we cannot downplay the racial injustice and oppression that still afflicts this nation.

We at the ACLU Foundation are lifting up these anniversaries as a reminder of the responsibility that we all have to keep fighting, and as a source of inspiration to do so.

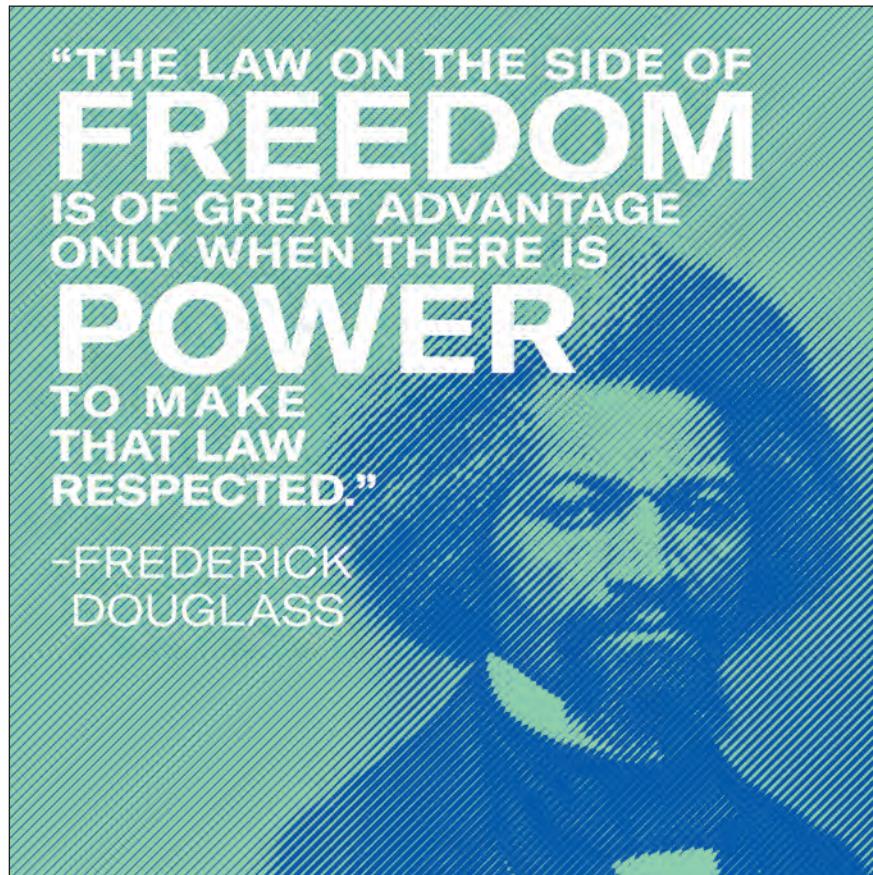
Frederick Douglass: A Towering Figure for Racial Justice

Frederick Douglass, who was born enslaved, was an abolitionist and freedom fighter who lived a life dedicated to the pursuit of justice. Despite a system built to exploit and deny his human rights, Douglass became an educator, preacher, writer, agitator, newspaper publisher, and statesman who used his platform to advocate for the abolition of slavery, for women's suffrage, and equal justice for all.

On the 200th anniversary of Douglass's birth, we are still inspired by the power of his oratory. As Douglass famously proclaimed, "if there is no struggle, there is no progress."

The 14th Amendment: Citizenship, Equal Protection, and Due Process

In 1868, the 14th Amendment was ratified. It defined citizenship, instructing that every person born in the United States is a citizen. It established the due process clause affirming that no state shall "deprive any person of life, liberty, or property, without due process of law" and it prohibits states



from denying people equal protection under the law.

The 14th Amendment is a unique and indispensable tool for justice that has been used to further civil rights. However, in 2018, people in power are still oppressing people of color through disenfranchisement, discriminatory policies, and violence.



The 14th Amendment is hollow if its promises are not made real for everyone. This is a battle that the ACLU and ACLU Foundation continue to wage to this day.

1968: America Reaches Boiling Point

1968 was an explosive year that forever changed the nation. In one year, Martin Luther King, Jr. and Sen. Robert Kennedy were assassinated; the Free Speech movement was at its apex; the Fair Housing Act was passed; Shirley Chisholm became the first Black woman elected to Congress; two Black Olympians raised their fists in protest as they received their Olympic medals on national television; the Democratic Convention in Chicago was met by massive anti-Viet Nam war protests; the racist Southern strategy propelled Nixon to the presidency; and the American people were irreconcilably divided over the war, culture, and racial politics.

The parallels between 1968 and today are striking. From Black Lives Matter to the Women's March, to Colin Kaepernick's National Anthem protest, our country is similarly fraught with challenges to the status quo. Although we may be in the midst of a reactionary backlash fueled by bigotry, 1968 reminds us to stay hopeful. Even in the most adverse times, mass social movement, advocacy, and progressive activism can make a major difference and inspire us all to work for a better future.

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

ONE YEAR LATER: THE FUTURE IS OURS TO BUILD

Throughout our nearly 100 years of existence, the ACLU and ACLU Foundation have held every one of our nation's presidents accountable. President Trump is no exception. In his first year in office, we have taken over 120 legal actions nationwide. Thanks to your support, we've been able to:

- Challenge the Muslim Ban at every turn.
- Block Trump's attempt to ban transgender people from serving in the military. Uncover the truth of the administration's sham "Commission on Election Integrity."
- Call out the FBI for its surveillance of Black activists.
- Stand up for the abortion rights of teenagers in federal detention facilities.
- Protect access to contraception under the Affordable Care Act.
- Sue the federal government for illegally searching people's phones and laptops at the border.
- Represent LGBT Americans facing workplace discrimination.
- Challenge Trump's attempts to tear our communities apart with ICE raids and deportations.
- Lobby with Dreamers and file suit on behalf of refugees and their families.

And look at all you've accomplished. Throughout a very trying year, you showed up in a thousand ways, big and small.

Over 200,000 people in all 50 states attended ACLU trainings for grassroots organizers in 2017. Nearly 1,000 of you have attended the ACLU of California's Trainings for Changemakers in the last few months alone. Your generosity as donors has enabled us to expand our programs and hire more staff. You've rallied. You've phone banked. You've called your representatives. You've had hard conversations with loved ones and with strangers.

Your tenacity reminds us that the future is ours to build. It's up to all of us to reimagine a country that includes all people in the promises of our constitution.

Local action will have a huge impact as we move into the second year of this administration. While President Trump spreads hate, California can spread hope.

THE MUSLIM BAN: A TIMELINE OF RESISTANCE

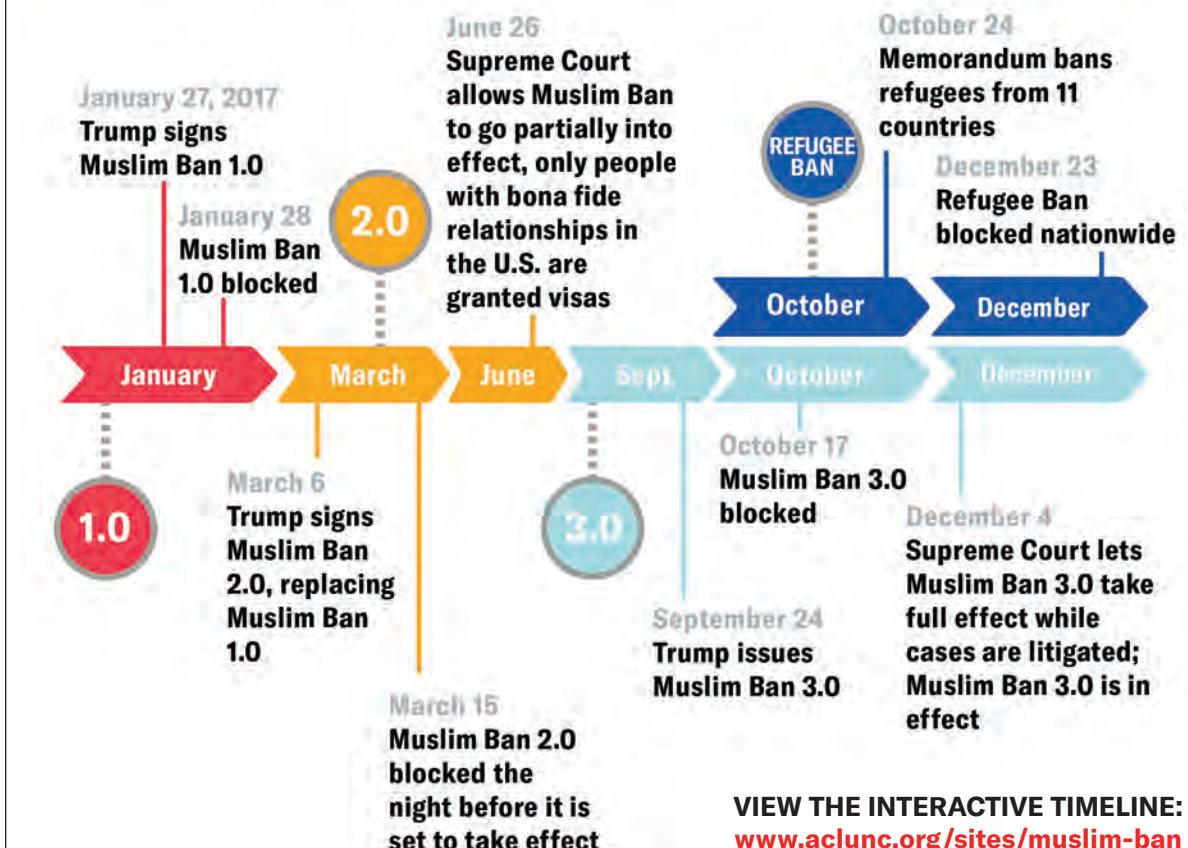
Within hours of President Trump signing Executive Order 13769, which banned entry to everyone from Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen, and all refugees for 120 days and Syrian refugees indefinitely, San Francisco International Airport was packed with protesters, as was Fresno Yosemite and Sacramento International airports. Across Northern California and the country, people put their lives on hold to rally against the Muslim Ban. When a federal judge in New York granted the ACLU's request for an emergency stay (or suspension of the ban), hundreds of cheering New Yorkers spontaneously gathered outside the Brooklyn courthouse.

As people returned to their daily lives, legal challenges against the ban continued. Remarkably, Trump fired Attorney General Sally Yates after she defied him and refused to enforce the Muslim Ban. Multiple courts issued temporary restraining orders blocking the ban. The Ninth Circuit denied the Trump Administration's appeal, noting that the government had shown no national security justification for the ban.

The administration then issued a second Muslim Ban, which suspended entry into the United States for anyone from Iran, Libya, Somalia, Sudan, Syria, and Yemen, all refugees for 120 days and Syrian refugees indefinitely. The ensuing bans, protests, lawsuits and counter-suits continued throughout the year.

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MUSLIM BAN TIMELINE



ONE YEAR LATER CONTINUED FROM PREVIOUS PAGE

To help clarify and break things down, we created an interactive Timeline of the Muslim Ban. You can visit the interactive timeline at www.aclunc.org/sites/muslim-ban.

As we reflect on the past year, one thing remains clear – no matter how many illegal executive orders are signed, or how many court rulings there are to keep track of – prejudice rewritten is still prejudice. And the ACLU will fight breaches of the Constitution and defend our civil rights every step of the way.

BUILDING SAFE & HEALTHY COMMUNITIES

The ACLU and ACLU Foundation have long stood for racial justice and equal treatment under the law. We are adamantly opposed to racial profiling, abuse of government power, violations of due process, and cruel and unusual punishment. Ultimately, change starts in our backyard.

Since elected, Donald Trump has promoted a racist “law and order” agenda. He promises safety through fear and exclusion. His policies promote mass incarceration, strengthen the War on Drugs, target immigrants of color, and militarize local police departments.

Polls indicate that a majority of Americans aren’t buying Trump’s “tough on crime” rhetoric that exacerbates hate and division. Resistance at the local level is lighting a path forward.

Take Alameda, Cal. as a recent example. Residents found out that their city was considering buying surveillance equipment from a company with ties to ICE. They weren’t about to let their local surveillance data be used by Trump’s deportation machine—so community members spoke out and ultimately convinced the city council to reject the deal.

Transparency in local government is always important. But in a political climate in which the federal government is actively targeting Black activists, Muslim Americans, and immigrants of color, it’s critical that local law enforcement know they are accountable to their communities. California cities like Oakland, Berkeley, Fresno, and Davis are considering passing legislation to limit police departments’ ability to acquire surveillance technology in secret. Every city in America has the right to pass legislation like this. Yours can too. 

BAIL REFORM: WE HAVE THE WIND AT OUR BACKS

In 1835, Alexis De Tocqueville keenly observed that our country’s bail system “is hostile to the poor, and favorable only to the rich. The poor man has not always a security to produce...; and if he is obliged to wait for justice in prison, he is speedily reduced to distress. A wealthy person, on the contrary, always escapes imprisonment.” Years later, the ACLU and our partners are still working hard to replace California’s deeply unjust and inhumane money bail system with a system that affords everyone an equal opportunity for justice.

Every day, California jails thousands of people—although they have not been convicted of a crime—simply because they cannot afford bail. This has nothing to do with whether they are likely to show up to court or be re-arrested while their case is pending; it’s about how much money they have in their bank account.

Racial Disparities

Our bail system fuels mass incarceration and already egregious racial disparities in our justice system. Research shows that jailing people while their case moves forward puts them at higher risk of being convicted, taking a plea deal, and receiving a harsher sentence. Research also shows that African American defendants are assigned higher bail amounts than white defendants accused of similar offenses. Specifically, bail bond amounts for African American men are 35 percent higher than bond amounts for white men. For Latino men, they’re 19 percent higher than for white men.

Progress Through the Courts

Fortunately, our journey toward bail reform is gaining steam. Last fall, for example, California’s governor and Chief Justice both committed to working with the Legislature to reform the state’s bail system this year. On Jan. 25, a California court dealt the state’s money bail system another decisive blow in a remarkable ruling, finding current bail setting practices unconstitutional and in violation of defendants’ due process rights. Less than a month later, California’s Attorney General announced he would not appeal the ruling and called for statewide bail reforms. Now it’s time for the California Legislature to act.

While the court’s ruling will have an immediate impact on how courts use and set money bail



moving forward, it is important for California to pass legislation to make sure people aren’t sitting in jail because they are too poor to afford bail and to make sure that the people we do release have the services and support they need to make all their future court appearances. In its ruling, the court urged California courts to consider non-financial alternatives to money bail that effectively guarantee public safety and court appearances. But the court did not go as far as to recommend the best alternatives.

California Legislation: SB10

That’s why we are urging California lawmakers to pass Senate Bill 10. The bill would make sure that people aren’t sitting in jail for being poor, while also allocating state funding for county-run pretrial service programs. Data shows that people who await trial in their community have even greater rates of appearance in court when they have access to pre-trial support services such as reminder calls or text messages. For most people, that’s all it takes for them to return to court. For example, Santa Clara County’s successful pretrial program has helped more than 95 percent of those released make all scheduled court appearances, and 99 percent stay arrest-free while awaiting trial.

Almost 200 years after De Tocqueville condemned our country’s money bail system, California is finally on the brink of overhauling its archaic, unjust, and senseless system. 

DONOR PERSPECTIVE: JESSICA MCKELLAR

A CLU supporter Jessica McKellar is a successful MIT trained engineer, a high-tech CEO/CTO, and a serial entrepreneur. In addition to building a formidable professional career, Jessica has also devoted much of her life to philanthropy. Jessica sees the ACLU as a natural ally in helping her to learn more about what she can do to promote equity and justice, to build community with other groups, and to fight for crucial civil rights for all people. For many years, Jessica has focused particularly on building gender equity in the sciences, beginning with the Python community—a not-for-profit, volunteer-driven community supporting the open-source computer coding language Python. Already an ACLU supporter for many years, when President Trump was elected in 2016, Jessica realized it was time to get even more involved. She increased her already generous gifts to the ACLU and met with us to discuss other ways she could help.

Jessica shared her perspective with Bill Ambrunn, a member of our development team. Here are some highlights from their conversation.



PHOTO BY SUMMER WILSON

HOW DID YOU FIRST BECOME INVOLVED IN GENDER EQUITY ISSUES?

This went hand in hand with my involvement in open-source programming communities. After observing that less than 5 percent of attendees at Boston Python user group events were women, a group of friends and I developed a diversity and inclusion pipeline starting with introductory programming workshops for women that was hugely successful. We published our material under a Creative Commons license that has been reused and remixed by programming language user groups around the world.

WHAT IS PYTHON, AND HOW DID YOU BRING MORE EQUITY TO THE PYTHON COMMUNITY?

Python is an open source programming language. It is an incredible global community that has been at the forefront of pushing open source and tech communities to hold ourselves to higher standards around diversity and inclusion.

I've worked on various diversity and inclusion initiatives as an organizer for the Boston Python user group, director for the Python

Software Foundation, and diversity chair for PyCon, a prestigious annual Python conference. One statistic I'm particularly proud of: through concerted investments in a supportive, accessible community and sustainable, distributed outreach, PyCon speakership shifted from 1 percent women to 40 percent women over a five-year period.

DO YOU HAVE ANY ADVICE FOR WOMEN IN TECH INDUSTRY?

We still have a lot of work to do to make the tech industry welcoming and equitable to people of all backgrounds, but my focus is on what is supportive and actionable. This is a growing industry with a ton of power. That means a lot of individual opportunity, as well as tremendous collective opportunity (indeed, responsibility) to hold ourselves accountable to building an industry that is reflective of and supportive of the diverse

global population we serve. In my experience, great engineers want to work at companies that get this—that value diversity and

inclusion as the way to build the best possible teams to solve problems in the best possible ways. I ground myself in that very positive observation.

WHAT HAS IT BEEN LIKE FOR YOU TO BE CONNECTED TO THE ACLU?

No civil rights issue exists in isolation, and one of the things I value about the ACLU is that its defense of civil rights cuts across all facets of society. Over the years, I've met with ACLU partners to discuss everything from reproductive rights to homelessness.

WHY SUPPORT THE ACLU?

When we're talking about questions and solutions to equity and access in tech communities, a lot of that conversation boils down to civil rights. Worker's rights, women's rights, reproductive rights, criminal justice reform—the ACLU has always been there, doing the work. 

VICTORY IN MONTEREY: SHERIFF KICKS ICE OUT OF JAILS

For years, the ACLU and ACLU Foundation have been working on issues pertaining to immigrant rights, laying the groundwork for change. One example is our work with coalition partners to disentangle ICE (Immigration and Customs Enforcement) from local law enforcement agencies.

The Trust Act

In 2015, the Monterey County Immigration Coalition was established. It began as a reaction to a report that Monterey County had the highest number of deportations in the state. In response, the coalition advocated for the Trust Act, a law that limits jail officials from arbitrarily holding people for deportation purposes, and forged a workable relationship with former Sheriff Scott Miller, who was succeeded by Sheriff Steve Bernal.

The passage of the Trust Act and the beginning of Bernal's term coincided with a new agreement that allowed ICE agents to be stationed inside the jails, giving them unfettered access to individuals of interest to conduct interviews without ever leaving the building. Individuals would be brought into an interrogation room and told "you just have to do one more interview before you leave." And before they knew it, they were in the beginning stages of the deportation process. As a result of these abuses of power, we informed individuals of their rights and let them know that they were not obligated to participate in ICE interviews and that they had a right to a lawyer and the right to remain silent.

ONE OF THE
LESSONS LEARNED
FROM ALL OF THIS
IS THAT THERE IS
POWER IN PUBLIC
PRESSURE AND
SUPPORT.

public spaces like schools, hospitals, jails, and courthouses are safe spaces. Because it was strongly contested by the Police Chiefs and California Sheriff's Association, getting it passed required significant public support. Last year, after much hard work and tenacity, the bill became law.

A Sheriff Does the Right Thing

Despite initial opposition, once the bill passed, Sheriff Bernal held a press conference stating that not only would he and his office implement the Values Act, but that they would go beyond it and not comply with any ICE notifications or requests unless given a warrant signed by a judge.

Bernal also agreed to allow a display of Know Your Rights posters in multiple languages inside the jail dorms, library, and in orientation manuals. The jail also posted information about pro bono or low-cost attorneys who agreed to have their contact information on the posters. Bernal is now working with the ACLU, Immigrant Legal Resource Center, and other legal advocates to finalize the written policy.

A key lesson learned from all of this is that there is power in public pressure and support. Without it, it's unlikely the California Values Act would have been signed into law or that people would be learning their rights.



ACLU-NC Monterey County Chapter Board Member Michelle Welsh; public interest attorney Don Landis; and ACLU Foundation of Northern California staffer Raquel Ortega, after getting approval from Sheriff Bernal's office to post Know Your Rights posters inside the jail dorms. (Not pictured, but another instrumental ACLU-NC Monterey County Chapter board member, was Elliot Ruchowitz-Roberts.)

The California Values Act

In order to disrupt these unconstitutional procedures immigrant rights advocates fought for SB54, the California Values Act. The Act provides protections across the state by ensuring that no state or local resources are diverted to fuel any attempt by the federal government to carry out mass deportations, and that

RAPID RESPONSE

The Monterey County Rapid Response Network is a coalition of various groups and community members responding to immigration operations carried out by ICE and providing resources to the immigrant community. The network operates a hotline for families to call and report when ICE is in the community. Reporting also provides the necessary information so that any actions by ICE can be verified. Coalition members have been trained as legal observers and can document ICE field operations.



Find the Know Your Rights guides at
www.aclunc.org/article/california-ice-raids

LETTER FROM THE EXECUTIVE DIRECTOR

Two of the key features of the United States Constitution are the principles that power is derived from the consent of the governed, and that power is divided among the branches of government. We are witnessing a trend away from these democratic ideals and toward authoritarianism. It is times like this—a mid-term election year in the middle of the Trump presidency—that I am grateful for that design of our government.

This is summed up in Federalist Papers Essay 37:

The genius of republican liberty seems to demand on one side not only that all power should be derived from the people, but that those intrusted with it should be kept in dependence on the people by a short duration of their appointments, and that even during this short period the trust should be placed not in a few, but a number of hands.

Here at the ACLU, we are developing our plans for the 2018 elections both nationwide and in California. Like always, we will remain non-partisan and we will not endorse or oppose candidates. But we will work very hard to protect the right to vote, and also to reach out and educate voters on critical issues affecting the rights of all people under our Constitution. Stay tuned as we share those plans in the weeks ahead.

And this is where you come in. You can use your personal power—guaranteed and protected in the First Amendment—to speak, publish, assemble and petition for a redress of your grievances. And if you are a citizen, you can also vote.

HERE ARE THREE PLACES WHERE YOU CAN USE YOUR POWER

THE HOUSE OF REPRESENTATIVES

In no part of our government are the principles of the Federalist Papers more clearly applied than in the “short duration” of the 2-year terms of every member of the House. On nearly every issue that the ACLU has confronted this year, the House of Representatives can serve as a champion to defend the rights of every citizen and every person under our Constitution.

STATE OFFICE RACES

State assembly and state senate seats are also up for election, as well as elections for statewide offices like Governor. We are looking to our elected representatives in California to use their power under our Constitution on the side of the freedom and equality of all people. We need them to stand up to the policies of the Trump administration, but also to tackle long-standing issues here in California, especially changing law enforcement and criminal justice policies.



PHOTO BY JASON DOLY

ACLU of Northern California Executive Director
Abdi Soltani.

DISTRICT ATTORNEY

While Attorney General Jeff Sessions may be in the news, it is actually your county’s district attorney who has the greatest power to reduce mass incarceration and close racial inequalities in our criminal justice system. With the exception of San Francisco and Los Angeles, all other District Attorneys in California are facing elections in June 2018, and races where there is not an outright winner in June will continue to November with the top two candidates.

If there was ever a time to use your power, that time is now.

A handwritten signature in black ink that reads "Abdi Soltani".

Abdi Soltani
Executive Director
ACLU of Northern California

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