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A SPECIAL CENTER INSERT:



An Important Election Is Coming This Spring

Do you know who your District Attorney Is?

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FREE SPEECH SUPPRESSION THREATENS RACIAL JUSTICE

Since Donald Trump became president, we've seen policies, actions, and tweets that attack the values of our Constitution. We've faced an unprecedented assault on people's rights because of their race, religion, sexual orientation, country of origin, and immigration status. We've also seen that it's not just the administration that is dangerous. People with racist ideologies in this country feel emboldened by the president. Hate crimes are on the rise. Immigrants are being targeted. Mosques are being vandalized. Many people don't feel safe.

At the ACLU of Northern California, we're fighting hard to protect the constitutional rights of every person, citizen and noncitizen alike. One of the challenges for the ACLU is defending the free speech rights of all people in such a polarized and dangerous time. The following case studies exemplify different aspects of this challenge.

RACIAL TENSION IN VISALIA

Banning a symbol of hate without eradicating the sentiment behind it is the wrong way to handle racial tensions on campus. After a student wore a confederate flag sweatshirt to school, Visalia Unified School District officials planned to update the dress code in an attempt to curb hate speech. Although the school appeared to have good intentions, we believe banning expression

was the wrong way to deal with the situation.

Make no mistake, we share the view that the confederate flag is a symbol of hate and intolerance that pays tribute to a war fought to keep Black people enslaved. But the proposed change was misguided because it didn't address the root causes of racism and bigotry. It simply banned "hate group symbols"—a notoriously difficult term to define.

CONTINUED ON PAGE 6

THE FREEDOM TO CHOOSE: OUR FIGHT FOR JANE DOE

This perspective was written by Jennifer Chou, the Reproductive Justice and Gender Equity Attorney at the ACLU of Northern California.

There have been unprecedented attacks on both reproductive rights and the rights of immigrants since Donald Trump took office. In the case of Jane Doe, these threats merged in a story that splashed across media—and one in which I was able to do my part.

CONTINUED ON PAGE 7


THANK YOU!

Thank you for generously supporting the ACLU and for taking action.

BILL OF RIGHTS DAY 2017: ONE YEAR AFTER THE ELECTION, WHAT'S NEXT?

For more than four decades, the ACLU of Northern California has hosted Bill of Rights Day to honor some of the foremost leaders in the fight for civil liberties. This year's event was especially momentous, as we gathered to recognize visionaries in our movement and celebrate a year of resistance against the Trump Administration's all-out assault on the U.S. Constitution. Our 2017 honorees include:

- ♦ **Karen Korematsu** for educating Americans about her father Fred Korematsu and the legacy of Japanese-American internment.
- ♦ **Jim McQuillen** for his unwavering commitment and contributions to advancing equal access and educational opportunity for Native students throughout California—especially along the North Coast.
- ♦ **Natalie Hewitt Wormeli** for her leadership within and outside the ACLU, including decades of service advancing state and local civil liberties initiatives and mentoring the next generation of fierce women advocates.
- ♦ **The ACLU-NC's Santa Cruz Chapter and Berkeley North East Bay Chapter** for their community-based advocacy.

The Bill of Rights has never been more important, or more worth celebrating. Thank you to all our supporters who helped make this day so special. 



PHOTOS BY MARTHA WINNACKER

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Left to right: The Berkeley North East Bay Chapter, Jim McQuillen, Natalie Hewitt Wormeli, and Karen Korematsu.

ACLUnews

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OF NORTHERN CALIFORNIA

For more information about the ACLU,
call (415) 621-2493 or visit www.aclunc.org
ADDRESS CHANGES: [GIVING@ACLUNC.ORG](mailto:giving@aclunc.org)

Magan Pritam Ray CHAIR
Abdi Soltani EXECUTIVE DIRECTOR
Candice Francis EDITOR-IN-CHIEF
Gigi Harney MANAGING EDITOR
& DESIGNER
Jessie Seyfer PROOFREADER

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IN SEGREGATED FRESNO, THERE ARE TWO TYPES OF POLICING

After hearing reports about the alarming number of officer-involved shootings in the city of Fresno and complaints from residents about community-police relations, the ACLU of California investigated the issue of excessive force in California's fifth largest city.

After months of research, we released a report summarizing our findings. It documents that Fresno police officers fire their guns most often at Black and Latino residents. It also shines a light on some of the issues that lead to these shootings. The report concludes that police reform is badly needed and makes recommendations to the Fresno Police Department on how to begin to fix the problems.

Between 2001 and 2016, there were 146 officer-involved shootings in Fresno. Black and Latino people accounted for 80 percent of people shot by police, while making up 52 percent of the population.

Fresno is racially and ethnically diverse; over 60 percent of the residents are people of color. The city is also one of the poorest in California; approximately half of Fresno households have incomes below 200 percent of the federal poverty line.

But the diversity and low median income mask a city sharply segre-

gated by race and wealth. Black and Latino residents are some of the poorest and are heavily concentrated in south Fresno, while wealthier white families live in north Fresno and have incomes well above the median income.

The city's pattern of racially segregated housing can be traced back to the federal government's practice of redlining and private citizens' use of racially restrictive covenants in property deeds.


Within the segregated communities, there are significant differences in the likelihood of exposure to officer-involved shootings. Areas with high incomes and white residents have very few or no police shootings, while low-income communities of color are exposed to high numbers.

A big reason for the difference is unconscious and conscious bias. Fresno police, and police across this country, link Black and Latino people to violence, which leads to over policing. Research shows that race plays a role in everyone's decision-making, particularly in split-second decisions on perceived crime and danger.

There is no quick fix to this systemic problem. But we believe anti-bias and de-escalation

training could help stop the excessive policing of minority communities. We sent our report to the California Department of Justice and asked for an investigation into the Fresno Police Department's use of force. We also called on


the Fresno Police Department to demand training for officers.

Too often, there are two kinds of policing: one to serve and protect white people, and one that unfairly targets and criminalizes communities of color. All residents of Fresno should be treated with dignity and respect by those sworn to protect and serve. 

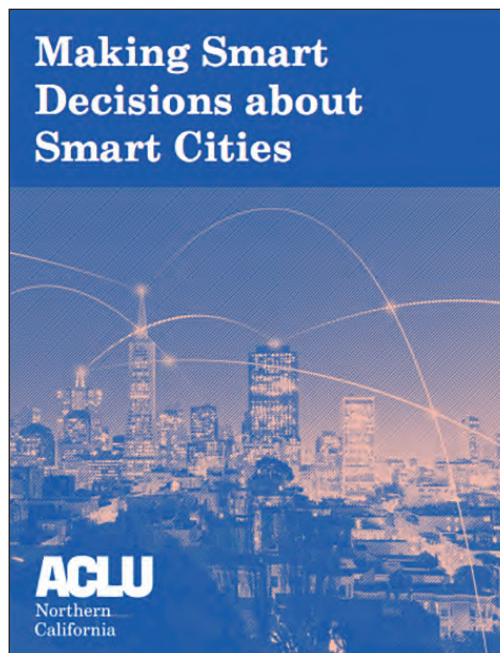
MAKING SMART DECISIONS ABOUT SMART CITIES

These days, it seems like almost every city is launching "smart initiatives" that promise to turn data about the city into improved public services, a vibrant business community, or a new approach to challenges like public health. The ACLU of Northern California's Technology and Civil Liberties Team released a report in November 2017 to help guide local elected officials and city planners in their plans to create smart cities and adopt smart city technologies.

The guide, entitled Making Smart Decisions About Smart Cities, helps stakeholders assess the promises and drawbacks of smart city projects and products. Like its partner guide, Making Smart Decisions about Surveillance, this report draws from real experiences of smart cities that have thrived or struggled based on their decisions and the process behind them.

"Smart city technologies have the power to exacerbate racial or economic inequality, or turn your city into a panopticon* in service of a surveillance state," said Chris Conley, Technology and Civil Liberties Policy Attorney and primary author of the guide. "Like other tools, their effectiveness depends on when, where, and how they are used. One of the best things local policy makers can do when embarking on these efforts is to proactively engage the community in a discussion about the benefits, costs, and risks of any proposed technologies." 

**Panopticon: a circular prison with cells arranged around a central well, from which prisoners could at all times be observed.*



LEGAL UPDATES

WEST PARK, CALIFORNIA TRANSIT LINE VICTORY

Equal access to government services, such as bus lines, is part of civil rights history. The small Central Valley community of West Park is unserved by infrastructure and services that many of us take for granted every day—including a sewer system, gutters, street lights, and transit.



PHOTO COURTESY OF CALIFORNIA RURAL LEGAL ASSISTANCE

People who have lived in West Park for years are now able to take public transportation into Fresno for the first time ever.

A group of residents recently formed a community group, “Los Olvidados” (The Forgotten), to advocate for West Park’s needs. The ACLU of Northern California and California Rural Legal Assistance are partnering to support their work. Los Olvidados’ first project was to develop public transit for West Park. They worked with Fresno County to design the route from scratch and this winter the first bus arrived for local passengers.

“Unincorporated communities like West Park have experienced decades of disinvestment and exclusion from local infrastructure,” said Kena Cador, ACLU of Northern California Equal Justice Works Fellow sponsored by Apple Inc. and O’Melveny & Myers. “But West Park is nevertheless a vibrant and tight-knit community, and we are overjoyed to see Los Olvidados achieve this victory.”

ACLU-NC V. MADERA COUNTY BOARD OF SUPERVISORS OPEN MEETINGS LAW


In March of 2017, the Madera County Board of Supervisors met in a secret session. The session was ostensibly a performance evaluation of a county official, but instead, the Board pushed through changes to a county policy in violation of California’s open meetings law. The ACLU

sued Madera County for this violation in July. In November, the court denied the county’s motions almost in their entirety, and the case will move forward this February.

“Madera County secretly adopted policies that significantly changed how ICE would interface with their county’s jails,” said ACLU of Northern California Staff Attorney Angélica Salceda. “They did this without any chance for public input.”

U.S. V. SENINENG-SMITH: AMICUS BRIEF FREE SPEECH AND IMMIGRATION LAW

In October of 2017, the ACLU of Northern California filed an amicus brief in support of an immigration consultant who was convicted in 2013 of “encouraging or inducing” her undocumented clients to remain in the United States.

“This conviction sets a dangerous precedent for free speech,” said ACLU of Northern California Legal Director Christine Sun. There are many reasons individuals and government officials help immigrants access services. “With California’s recent wildfires, public officials have been rightfully urging all residents, including immigrants, to seek services and shelter. Does the federal government really believe this type of speech should be criminalized?” 

SARAVIA V. SESSIONS


Percy,* a high school student from Brentwood, New York, was rough-housing with a friend on his walk home from school this June when he was approached by police officers. The officers arrested Percy for “disturbing the peace.” They took him to jail, where they shackled Percy to the wall. Officers in the jail taunted Percy, telling him he was going to be deported for being “illegal.” A few days later, Percy was released after his very worried family was able to post bail. They all hoped the worst was behind them. But a few days later, the police approached Percy outside his house and arrested him again, saying they needed to turn him over to ICE. He spent the next five months locked up.

During those five months, Percy was held in federal facilities in Virginia, California, and New York on vague charges of “gang affiliation.” The federal government refused to allow Percy a chance to see a judge, even though his case-workers inside the facilities repeatedly told the government he was not a gang member.

Percy’s case is not unique. In Brentwood alone, local police and the Trump Administration have coordinated to arrest and indefinitely detain over 30 Latino children this year. The government

has held these children for months on charges of gang affiliation, without presenting any credible evidence to the children or their lawyers.

The ACLU of Northern California and the ACLU National Immigrant Rights Project filed a lawsuit on behalf of Percy and other Brentwood teens being held in federal facilities in California. In an order issued on Nov. 20, 2017, the District Court sided with the ACLU. The Court established a nationwide class of children with cases similar to Percy’s, and required that the children

and their families be given notice of the reasons for their arrests, access to the evidence being offered against them, and a prompt hearing in front of a judge—all cornerstones of the Bill of Rights. These hearings began in late November. To date, over 15 children have been released to their families after a judge reviewed their cases and determined there was no evidence to back up the federal government’s accusations. Percy was one of them. 

*Percy is not his real name.

WHAT A DIFFERENCE A DA MAKES

THE CURRENT STATE OF AFFAIRS

California's 58 elected district attorneys (DAs) are responsible for making decisions that affect the lives of millions of people, though the public knows very little about DAs or the effects they have on communities.

DAs exercise discretion with virtually no oversight, accountability, or transparency. Many DAs seem focused primarily on achieving punishment at any cost—measured solely by convictions and prison sentences—based on the misplaced assumption that more punishment equates to improved public safety.

As a result, DAs have been a major force in driving incarceration in California, resulting in disproportionate prison sentences (especially for people of color and poor people), wrongful convictions, and death sentences. Rather than incarcerating more people with substance use disorders, disabilities, and mental illnesses, they should emphasize treatment and provide access to social services. DA offices interact with police officers on a daily basis, yet often fail to intervene to address systemic misconduct in communities of color. Their problems are internal as well as external—staff in California DA offices are overwhelmingly white and do not reflect the diversity in the communities they are meant to serve. Furthermore, the majority of DA races are often uncontested, and the outdated “tough on crime” rhetoric that has led to the current crisis of mass incarceration abounds.

Studies have found that DAs who seek re-election win 95 percent of the time and that incumbent prosecutors run unopposed 85 percent of the time. Such a political climate has limited the voters' ability to meaningfully engage with the policies, priorities and elections of their local DAs, and has sidelined prosecutors from much-needed public scrutiny.



MASS INCARCERATION



YOUTH



IMMIGRATION



EQUAL TREATMENT



POLICE



MENTAL ILLNESS &
SUBSTANCE ABUSE

WHAT NEEDS TO CHANGE

Reducing incarceration will require creating an alternative system for addressing behaviors that now result in incarceration, including behaviors that arise from addiction, disability, mental illness, joblessness, and poverty. This alternative system should be rooted in a holistic paradigm of restorative justice, public health, social services, and economic support, rather than a rigid paradigm of law enforcement and harsh punishment. DAs should acknowledge the harms caused by historic prosecutorial practices—including stark racial disparities—and embrace a framework that prioritizes real public safety, community health, and constitutional and human rights.

WHAT CAN I DO?

DAs are at the heart of achieving this audacious paradigm shift—and so are you.

On June 5, 2018, voters from 56 of California's 58 counties will be asked to cast a vote in the DA race (all counties except San Francisco and Los Angeles). A recent national poll done by our colleagues at the National ACLU found that 89 percent of responders said they want prosecutors to end mass incarceration, 79 percent want prosecutors to hold police officers accountable and 88 percent want prosecutors to address racial bias.

Make sure your DA hears from you! Say “Hey” at www.MeetYourDA.org.

Hey,

MEET YOUR DA

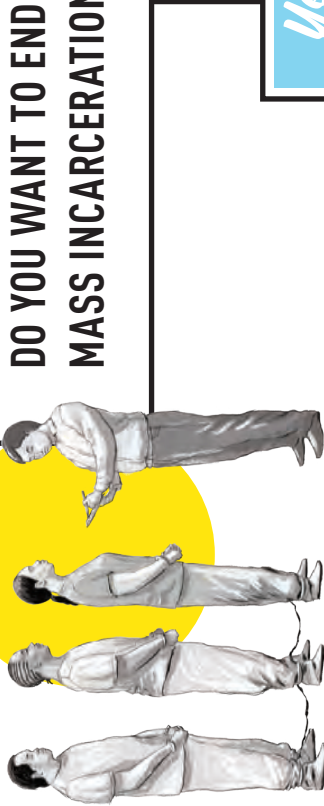
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DISTRICT ATTORNEY

101

TEST YOUR KNOWLEDGE ON THE POWER THAT DAS HOLD



DO YOU WANT TO END
MASS INCARCERATION?

Yes

We do too. We work hard every day in the courts, the legislature, at the ballot box and in local communities to reform the criminal justice system, end mass incarceration and end racial disparities.

Yes

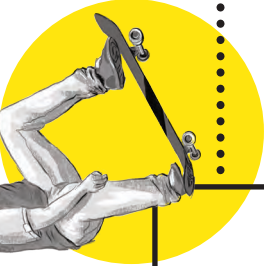
I'm not surprised you are an ACLU member! You know a ton already, like what a difference a DA makes!

No

Mass incarceration is a complicated issue that is deeply rooted in our nation's history of racial injustice. It is at the heart of countless constitutional rights violations. We encourage you to read **The New Jim Crow**, written by Michelle Alexander, former ACLU-NC Director of the Racial Justice Project.

DID YOU KNOW THAT DISTRICT ATTORNEYS HAVE THE POWER TO END MASS INCARCERATION?

No



DID YOU ALSO KNOW THAT DISTRICT ATTORNEYS ARE ELECTED OFFICIALS AND ACCOUNTABLE TO YOU?

Yes

Of course you did! Keep going!

No

Yup, it's true. California's 58 elected DAs are responsible for making decisions that affect the lives of millions of people.

For instance, the actions of your DA can trigger deportation proceedings and tear families apart by cracking down on minor offenses like selling fruit on a sidewalk. These decisions aid Trump's deportation machine and xenophobic agenda.

Alternatively, they could use their discretion in a way that aims to **keep families together**.



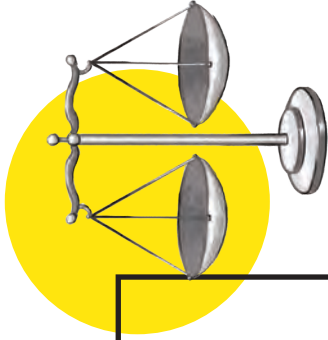
NOW FOR THE MOST IMPORTANT QUESTION: DO YOU KNOW WHO YOUR COUNTY DISTRICT ATTORNEY IS?

Yes

Since you already know who your DA is, how about saying "**Hey!**" and letting them know how you feel about criminal justice reform? Visit www.MeetYourDA.org, click on your county and you can send an email directly to your DA.

No

Visit www.MeetYourDA.org and click on your county to meet your DA and learn where they stand on important criminal justice issues. Then, take the extra step of saying "Hey" to let them know how you feel about criminal justice reform!



next election

JUNE 5, 2018*

*all counties except SF and LA

Designed by  elefint

Illustrations by Robert Liu-Trujillo

It's OK, most people know very little about district attorneys (DAs) and the role they have played in fueling our system of mass incarceration. If you want to learn more, we recommend reading **Locked In** by John Pfaff, Professor of Law at Fordham University.

HEY, MEET YOUR DA CAMPAIGN

In August, the ACLU of CA launched a new campaign focused on district attorneys called **Hey, Meet Your DA!** The campaign urges everyone to get involved by taking **three easy steps**:

1. Meet your DA
2. Send an email and say Hey! to let your DA know what criminal justice issues you care about most. Whether you care about ending the death penalty, holding police accountable, or making sure youth are treated as youth—your elected district attorney won't know unless you tell them.
3. Find out how to get more involved by emailing **MeetYourDA@acluca.org**.

ORGANIZATIONS

Sacramento ACT, Sacramento

Sacramento ACT is a powerful multi-racial, multi-faith organization advocating a transformation of our community rooted in our shared faith values. We equip ordinary people to effectively identify and change conditions to create justice and equity.

Alliance of Californians for Community Empowerment,

Contra Costa County

The Alliance of Californians for Community Empowerment Action is a grassroots, member-led, statewide community organization working with more than 10,000 members across California. ACCE is dedicated to raising the voices of everyday Californians, neighborhood by neighborhood, to fight for the policies and programs we need to improve our communities and create a brighter future.

Justice Reinvestment Coalition, Alameda County

The Justice Reinvestment Coalition is composed of community-based and advocacy organizations committed to creating a fair and just public safety system based on effective practices that invest in our communities, our families, and our people. A fair and sustainable system that eliminates criminalization and acknowledges that detention and incarceration impoverish our communities and harm public safety.

Starting Over Inc., Riverside County

Starting Over Inc. is a community-based organization that specializes in transitional housing, community services, community health services, post-conviction relief, community living services. Starting Over Inc. believes all people have equal value and works to overcome homelessness by addressing the immediate and root causes.

Partners 4 Progress, San Diego County

Partners for Progress (P4P) envisions a San Diego where all residents are empowered, informed, and have the opportunities to live full, engaged lives.

Equally important to this campaign is the approach to the work. A core value that fuels the vision for the Hey, Meet Your DA! Campaign is partnership, prioritizing the leadership of impacted individuals, and supporting and following the work of grassroots groups. To hold true to these values, we are working directly with 12 organizations in 11 different counties who are amongst a growing cohort of visionaries defining what it means to hold DAs accountable. Without the following organizations, this critical local work would not be possible:

Safe Return Project, Contra Costa County

The Safe Return Project is a participatory research and action initiative led by a group of formerly incarcerated Richmond residents carrying out research, community organizing, and policy advocacy to improve community reintegration after incarceration.

Fathers & Families of San Joaquin Valley, San Joaquin County

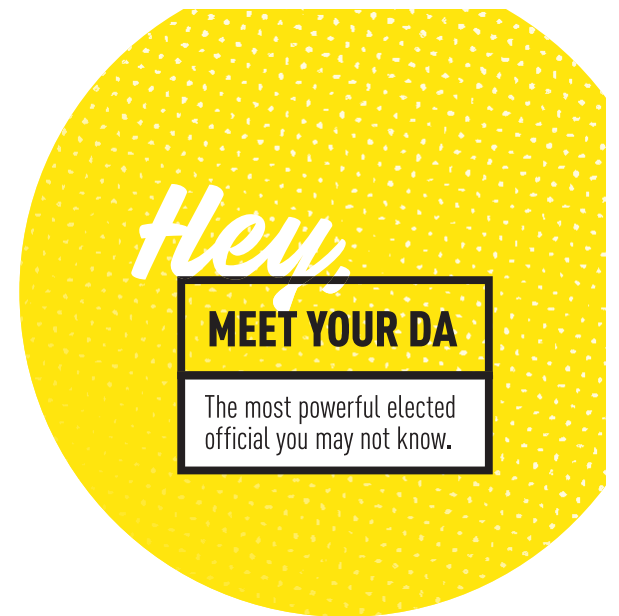
It is the vision of Fathers & Families to promote strong and healthy families and communities where children and youth are nurtured and fathers are engaged. FFSJ defines "healthy communities" as safe, strong and resourceful; treats individuals and families equitably and honestly; promotes positive family images and recognizes family strengths; and creates opportunities for individuals and families to achieve health, wellness and their human potential.

Faith in the Valley, Kern & Fresno Counties

Faith in the Valley is a new faith-based grassroots community organization in California's Central Valley of 120 congregations representing over 100,000 families in Fresno, Kern, Merced, Stanislaus and San Joaquin counties. Our work is led by volunteer leaders who are among the people most impacted by equity issues: low-wage workers, young people, immigrants, and the formerly incarcerated.

Sigma Beta Xi Youth and Family Services, Riverside County

Sigma Beta Xi Youth and Family Services is a nonprofit organization providing research-based mentoring and development services to at-risk youth. Our mission is to establish strong families and communities by building an organization of diverse men and women who will exemplify leadership and professionalism based upon the principles of brotherhood, sisterhood, excellence, endurance, wisdom, service, and unity.



Congregations Organized for Prophetic Engagement,

San Bernardino County

In the Fall of 2000, COPE's founders determined that building a collaboration of proactive and prophetic leadership was needed to bring some measure of attention, respect and social justice to neglected African American neighborhoods. As a result, they created a model for isolated churches and community groups to come together in San Bernardino and Riverside Counties in a purposeful faith-based learning network that would extend their ministry beyond church walls to provide critical community services, while also building political power to make lasting policy change.

PEOPLE'S Coalition, Orange County

People Enraged Over Prosecutors and Law Enforcement, is a coalition of previously established organizations committed to criminal justice reform in Orange County. Member organizations and groups have carried out important and instrumental work in several cities across the counties ranging from advocacy on sanctuary cities, school to prison pipeline, gang injunctions, and law enforcement accountability.

Silicon Valley De-Bug, San José

Silicon Valley De-Bug is a community organizing, advocacy, and a multimedia storytelling organization based out of San José, California. Since its inception in 2001, De-Bug has been a platform for Silicon Valley's diverse communities to impact the political, cultural, and social landscape of the region, while also becoming a nationally recognized model for community-based justice work. De-Bug's organizing approach is guided by the call, strategy, and vision of the lived experiences of our community. A particular community organizing initiative that was created through this approach is called "participatory defense"—a model for families and communities to impact the outcome of cases in the court system, as well as transform the landscape of power in the criminal justice system.

DONOR PERSPECTIVE: ZAC & AMY WEINBERG

ACLU supporters Zac & Amy Weinberg, who live in Sonoma, shared their perspectives with Ruth Herring, a member of our development team. The following are highlights of their conversation.

HOW DID YOU GET TO KNOW THE ACLU? WHAT RESONATES MOST WITH YOU?

ZW: We are part of my family's foundation, the Angora Ridge Foundation, which includes my dad Dan and my sister Abby. My dad led us to the ACLU. He's been involved for many years, with a major focus on criminal justice. He is president and cofounder of the Montana Innocence Project. Since Amy and I moved to the Bay Area, we've learned more about the range of other issues in addition to criminal justice. I appreciate the ACLU of Northern California's broad perspective and the impact in California and around the country. We've become wholeheartedly committed to the ACLU and try to participate as much as possible.

AW: Women's rights—especially a woman's right to make her own health care decisions—are very important to me. I follow the states

where the situation is the worst, but I believe progress is possible. The ACLU's Central Valley work was not on our radar until we had the opportunity to meet some of the people in your office there and learn more about the scope of the problems. It was eye-opening for us.

WHAT IS IT LIKE FOR YOU TO BE CONNECTED WITH THE ACLU?

ZW: The attributes of the ACLU I value and respect the most are transparency, accountability, and authenticity. The ACLU does a top-notch job of communicating with donors and demonstrating where our financial contributions are going. This gives us a lot of confidence and has inspired us to give to the ACLU year after year and increase the amount we give.

AW: I know the ACLU is big—and the difference that you make is big. Yet the interactions and the conversations are always so personal. We always feel appreciated. Anytime we have a question, we get an answer immediately. It blows me away.


ZW: The ACLU understands that we share the same values and we want to see the benefit of our contributions. I also appreciate truthfulness. I remember the reception we attended the week after the election. We were all looking for hope. Abdi [Soltani, Executive Director of the ACLU-NC] and the other speakers were pissed off and frustrated. They didn't hide their emotions. They didn't try to paint a better picture than the reality we are facing. I value that honesty and truth in looking at the challenges . . . and also the ACLU's ability to address those challenges.



PHOTO BY AMY CULLEN PHOTOGRAPHY

Zac, Amy, & their son, Owen

WHAT ABOUT THE FUTURE?

ZW: As a member of the finance committee, I know how thoughtfully the organization is run. There is a whole new dimension of funding coming into the ACLU in this political climate. This has not been taken lightly. The organization has thought long and hard about how to spend now and also how to remain sustainable because the fight is going to continue for years to come. It's good to know that more donors in our generation and younger have joined the ACLU this year. Part of the sustainability plan is to keep younger generations engaged. 



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FREE SPEECH SUPPRESSION THREATENS RACIAL JUSTICE

CONTINUED FROM PAGE 1

In addition, giving school officials more power to punish students through the dress code would likely result in more discipline against students of color. Even if the initial intent is good, acts that seem like they will address racial tension can end up harming students of color, who are punished more harshly and frequently than white students for the same offenses, as research shows.

We've seen this throughout history, and in today's climate when politicians are labeling Black Lives Matter an extremist hate group, this raises great concern.

In Visalia, we worked with students and community members and came up with a better way to tackle the problem. The ACLU opposes censorship; but it wasn't enough to object to the proposed dress code change on the grounds that it violated the First Amendment. We asked the school to address the causes of racial tension on campus, rather than putting a Band-Aid on the issue by banning free speech. Students in the Visalia district said Black students are called the N-word, Latino students are told to "Go Back to Mexico" and white students regularly say "White Power" to students of color. Banning the confederate flag was not the solution.

We sent a letter asking the school district to address the racially harmful environment that has been building for years. We called on them to create a safe space for dialogue about racial tensions at school, ensure proper and authentic history lessons regarding the confederacy and historical racism, and create a space for students to discuss race, where they are supported by faculty.

The district tabled its vote on the dress code and pledged to have further discussions with the students. We are continuing our work with the community and district to address these problems.

BLACK LIVES MATTER BAN IN ALAMEDA

What is considered hateful and controversial is ultimately decided by who is in power. In November, we were told by a parent that the Alameda Unified School District was banning Black Lives Matter signs and stickers on campus. She learned about the ban from her daughter and contacted the superintendent asking for an explanation.

TAKEN TOGETHER, ALL OF THESE EFFORTS REPRESENT OUR COMMITMENT TO THE CONSTITUTIONAL PRINCIPLES THAT GUIDE US: FREEDOM OF EXPRESSION, RACIAL JUSTICE, AND EQUAL PROTECTION UNDER THE LAW FOR ALL. WE WILL REMAIN VIGILANT AND PURSUE JUSTICE AT EVERY TURN.

She was told that school policy allowed the superintendent to ban controversial materials, and he considered Black Lives Matter controversial. We sent a letter letting the district know that banning Black Lives Matter signs violated the California Constitution and the First Amendment.

"It's sad that the Alameda district considers discussions regarding supporting Black lives, fixing police brutality, and ending racism controversial," ACLU of Northern California attorney Abre' Conner said in the letter.

Several days after receiving our letter, the district issued a statement saying there was no ban on Black Lives Matter materials, signs, or stickers.

TAYLOR SWIFT THREATENS WRITER

Threats to free speech don't just come from the government—they also come from others with power, often under the guise of defamation and libel. We went to bat for a blogger after pop star Taylor Swift and her attorney threatened to sue her for a post about how white supremacists have embraced Swift. The blogger called on the singer to denounce white supremacy.

Instead, Swift and her lawyer sent the writer a letter labeling the post defamatory and demanding that she issue a retraction and remove the story from the internet.

"It was a completely unsupported attempt to suppress constitutionally protected speech," said ACLU of Northern California attorney Michael Risher.

We responded, refuting the meritless claims and asking whether Swift would nevertheless

be following through on her threat to file a lawsuit. We didn't hear back, which we believe confirms the letter was full of empty threats and designed to intimidate.

We remain concerned that these types of letters by powerful people are used to suppress free speech, and hope anyone who receives them seeks legal advice. Whether it's the president or a pop star, the ACLU stands on the side of free speech and the free press—and is vigilant against false claims of libel.

FRESNO PROTEST TRACKING

Peaceful assembly and the right to petition the government are cornerstones of the First Amendment. In Fresno, we discovered that the Fresno Police Department's Criminal Intelligence Unit was tracking progressive demonstrations like Defend Planned Parenthood and Fresno Stands with our Undocumented Community. In addition to the troubling revelation that protests were being considered criminal, we noticed the list did not include pro-Trump rallies and events organized by the local Tea Party.

Law enforcement agencies in this country have a long history of spying on political activist groups. In addition, tracking demonstrations based on the views expressed violates the First Amendment. The California Attorney General's office has explained that police cannot maintain dossiers about people engaged in free speech activities unless they establish and document facts showing the event involves criminal activity. We sent a letter to the Fresno Police Department outlining our concerns and seeking an explanation. We're considering next steps to ensure that protesters and demonstrators in Fresno feel safe.

BERKELEY EVENTS POLICY

Campuses are grappling with how to uphold free speech and ensure public safety. Sometimes their solutions place excessive limits on speech. In Berkeley, we submitted a letter after UC Berkeley released a draft event policy requiring students give the university eight weeks' notice and comply with a number of other administrative

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burdens in order to hold an event with over 200 people in attendance.


We believe this policy would deter some students from organizing events and limit their ability to schedule speakers. It's virtually impossible for students to schedule activists and thought leaders to respond to breaking news and/or an urgent civil liberties threat two months in advance. The university was still considering the policy at press time.

EQUAL JUSTICE GRANTS

One of the consequences of recent events is an erosion of support for free speech among young people. In September, after white nationalists scheduled events at UC Berkeley to spew racism and hate, we announced a one-time grant program for UC Berkeley student groups seeking to use free speech for a different purpose: to advance equal justice.


The ACLU defends the First Amendment right to free speech, as well as the Fourteenth Amendment principle of equal protection under the law. We wanted to help fund events that promote racial justice, immigrants' rights, LGBTQ inclusion, and other issues related to equal protection.

After reviewing the applications, we chose 11 different student groups for the grants. We're giving a total of \$17,000 in funding.

Taken together, all of these efforts represent our commitment to the constitutional principles that guide us: freedom of expression, racial justice, and equal protection under the law for all. We will remain vigilant and pursue justice at every turn. 

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

LEGISLATIVE UPDATES

The ACLU Center for Advocacy & Policy staff review every bill introduced in the California legislative process each year. We help amend and fix hundreds. As of press time, the legislative team is gearing up for the new legislative season. Stay up to date by signing up for our email list (www.aclunc.org/email), and an update on 2018 bills will follow in the spring issue of the *ACLU News*. 

THE FREEDOM TO CHOOSE

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Jane Doe entered the United States without her parents, who abused her in her home country. Shortly after she crossed the border, she was apprehended and taken to a federal shelter in Texas where she learned she was pregnant. She knew immediately she was not ready to be a parent and requested to have an abortion, a procedure the federal government is required to let her access. Private funds would pay for the procedure, her court-appointed guardian would transport her, and (as required in Texas) a state court determined she could consent to the abortion on her own without parental consent. But the Trump Administration held her hostage and refused to let her leave the shelter to obtain the abortion. We sued in response.

Throughout a number of emergency filings in court, the federal government made disturbing arguments trying to justify their blatantly unconstitutional actions. A month after Jane Doe first requested it, the court eventually ruled that she could get her abortion.


The origins of this case precede Trump and Attorney General Jeff Sessions. For more than a month before we knew of Jane Doe's plight, I had been anticipating just such a case. This is because, as the junior attorney reviewing documents produced by the government in a related case, I had found an alarming series of e-mails from the director of the Office of Refugee Resettlement (ORR), the government agency charged with caring for unaccompanied immigrant minors like Jane Doe.

We and our partners at the ACLU Reproductive Freedom Project had sued ORR in 2016, under the Obama Administration, for funding religious

organizations that refused to provide required reproductive health care to unaccompanied minors. While the government's actions were unconstitutional, ORR was not directly denying these young people their rights. This changed dramatically when the Trump Administration came to power and E. Scott Lloyd became the director of ORR. Prior to his arrival at ORR, the many documents I reviewed for our case were largely dry and unexceptional—emails about grant language, scheduling meetings, procedures for data entry, etc. But in reading Lloyd's emails, I was shocked to see that he was *directly* and *personally* intervening to try to prevent minors in ORR custody from accessing abortion.


In addition to telling staff that shelters should "not be supporting abortion services," Lloyd required that minors go to crisis pregnancy centers (religiously affiliated counseling centers that are often not staffed by healthcare professionals), and

he personally spoke directly, in person and by phone, with pregnant minors who were contemplating abortion to attempt to persuade them to carry their pregnancies to term.

Jane Doe was not the only unaccompanied minor subjected to this illegal conduct by ORR. In December, we represented two more "Janes"—Jane Poe and Jane Roe—whose requests for abortion were similarly being denied. They, too, prevailed in court and were able to obtain their abortions. We've won justice for three Janes so far, and we're not stopping now—we know more Janes are out there. This story will continue to unfold as the ACLU stands on the side of reproductive and immigrants' rights. 

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THE MUSLIM BAN: WHAT JUST HAPPENED?

In December 2017, the U.S. Supreme Court allowed President Donald Trump's Muslim ban to go into full effect while it is being litigated. It's important to note that the Supreme Court did not express any views about the merits of the ban—in particular, it did not find or suggest that the ban is constitutional. We have been challenging this and previous versions of the ban since the president's first executive order, and we will be back in court in 2018. In October, Trump issued another ban, this time focused on refugees from Muslim-majority countries. We filed another lawsuit in December challenging that ban, which has now been blocked from going into effect on a nationwide basis by a district court in Washington state. 

LETTER FROM THE EXECUTIVE DIRECTOR

We are now entering the second year of the Trump presidency. From his racist comments about Haiti and Africa, to Jeff Sessions's resurgent war on drugs and militarized police, we can anticipate even greater attacks on Black and brown communities. We can expect more deportations without due process. And further attacks on the rights of women, LGBT people, and the poor.

Trump's actions are an attack on our communities, but also on our foundational principles like freedom of the press, the rule of law, and equal protection under the law.

I have a few things to say: thank you, stay motivated, and let's step up the fight in honor of our communities and our history.

First, thank you. Since Trump's election, the ACLU's membership has increased four-fold—and it is still growing. We are grateful to our longtime supporters who have given us the strength to endure, and our new supporters who have given us the strength to grow. Because of you, the ACLU is stronger in its defense of our liberties.

Second, stay motivated. This administration is doing its absolute best to confuse, deflect, and distort the truth. We are rightly feeling a lot of emotions—anger and fear are high on the list. But we have to turn those emotions into motivation. And use that motivation to engage and use all of our power.

Third, let's step up the fight in defense of our communities and in honor of our history. Every one of us sees the grave threat to freedom, equality, and democracy posed by the policies, actions, and statements of this administration.

Our Constitution defends the rights of every person—citizen and non-citizen alike. I take the Constitution personally.

My parents were on a fellowship from Iran to the U.S. in 1973. I was born in Los Angeles and

we returned to Iran where I grew up until we immigrated to the U.S. when I was nine years old.

The provision of U.S. law that makes me a citizen is the 14th amendment of the United States Constitution, secured after the abolition of slavery. The first section of the 14th amendment reads in part: "All persons born or naturalized in the United States... are citizens of the United States..." It goes further to say no state shall "deny to any person within its jurisdiction the equal protection of the law."

As I write this letter, we're approaching the anniversary of Trump's inauguration. If that wasn't motivation enough, let me highlight two other anniversaries.

This year will mark the 200th birthday of Frederick Douglass, on the day that he chose to celebrate it—February 14th. Frederick Douglass was born a slave, and did not know his precise birthday. He escaped slavery and told his story in his famous *Narrative of the Life of Frederick Douglass, An American Slave*. Along with many others such as Sojourner Truth and Wendell Phillips, he then dedicated his lifetime to the abolition of slavery and to secure freedom, equal justice, and suffrage.

Their movement challenged slavery and built a stronger opposition to it, leading up to the election of Abraham Lincoln, the secession and declaration of war by the Confederacy, and ultimately the end of the Civil War.

Fifty years after his birth, Douglass and his counterparts succeeded in abolishing slavery with the 13th amendment, followed by the ratification of the 14th amendment.

Which brings us to a second historic anniversary: July 28, 2018 marks the 150th anniversary of the ratification of the 14th amendment—the amendment that is the basis of my citizenship and of much of the work of the ACLU and our partners today as we stand up to Trump's policies.



ACLU of Northern California Executive Director
Abdi Soltani.

I have been reading several of Douglass's books this year. In *My Bondage and My Freedom* he describes being in Britain before slavery ended and writes:

The land of my birth welcomes me to her shores only as a slave, and spurns with contempt the idea of treating me differently; so that I am an outcast from the society of my childhood, and an outlaw in the land of my birth.

Douglass lived as an outlaw in the land of his birth. His struggle is what made it possible for me to become a citizen in the land of my birth.

What we are fighting for right now is for that legacy—the legacy of struggle for freedom, equality, and democracy. What we are fighting for right now are our communities—who endure the brunt of the injustice of this administration.

But there is a warning in Douglass's life story as well. Periods of progress can be followed by periods of rights being stripped away. Within his lifetime, he saw the end of Reconstruction and the beginning of Jim Crow.

That's the kind of time we're living in now. That's why I am thankful for you, asking you to stay motivated—and let's all step up the fight.

Abdi Soltani
Executive Director, ACLU of Northern California

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