

ACLU NEWS

DISSENT IS
PATRIOTIC

THE NEWSLETTER OF THE ACLU
OF **NORTHERN CALIFORNIA**
SUMMER 2022
VOLUME LXXXVI ISSUE 2

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TO ACHIEVE TRUE REPRODUCTIVE JUSTICE IN CALIFORNIA, WE MUST LOOK BEYOND *ROE V. WADE*

BY ARNETA ROGERS

The ACLU of Northern California fights for Californians' bodily autonomy and the right to have children, not have children, and parent the children we have with dignity and safety. Although the U.S. Supreme Court has dealt a devastating step back by overturning *Roe v. Wade* and nearly 50 years of precedent guaranteeing the constitutional right to abortion, we know that *Roe* was never enough to make our vision a reality, and that it does not define our vision for reproductive justice and liberation.

In light of this disastrous ruling, we must reaffirm our fight for true reproductive justice in California and dismantle reductive narratives about reproductive freedom in this state.

The rosy picture of California as an abortion haven state has been far from a reality for many low-income people; Black people, Indigenous people, and other people of color; LGBTQ+ people; immigrants; people with disabilities; people living in rural communities; and people living at the intersections of these identities. Despite our state Constitution and state laws that protect the right to an abortion, these communities still struggle to access abortion care due to lack of funds,

transportation challenges, childcare, and well-documented racism within the healthcare system.

However, if we are to achieve reproductive justice for all, and especially for communities who have been systematically and historically excluded from power, we must look beyond abortion rights and work to build a California where **all people are able to make decisions about their bodies, their families, and their futures.**

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Abortion access is just one part
of a larger struggle.

For actions that you can take
today to support reproductive
justice, see the list on the back
page of this newsletter →

WANT TO TAKE ACTION ON ACLU ISSUES?

Join our email list to stay informed about current issues and campaigns, upcoming events, and opportunities to get more involved in the fight to protect and expand civil liberties.

Subscribe to our email
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BOARD ELECTION NOTICE

Pursuant to Article VI, Section 4 of the American Civil Liberties Union of Northern California's bylaws, there are two ways for members to participate in the Board nominating process.

Candidates and ballots will appear in the Fall issue of the *ACLU News*. Elected Board members will begin their three-year term in January.

We're always looking for committed members to join the Board. The nominating committee is now seeking suggestions from the membership to fill positions on the Board. ACLU members may participate in the nominating process in two ways:

1. Send suggestions for the nominating committee's consideration by Sept. 1, 2022. Address suggestions to: Nominating Committee, ACLU-NC, 39 Drumm Street, San Francisco, CA 94111. Include your nominee's qualifications and how the nominee may be reached.
2. Submit a petition of nomination with the signatures of 15 current ACLU-NC members. Petitions of nomination, which should also include the nominee's qualifications, must be submitted to the Board by Oct. 21, 2022 (20 days after the Oct. 1 Board meeting).

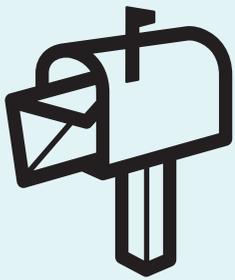
Current ACLU members are those who have renewed their membership during the last 12 months. Only current members are eligible to submit nominations, sign petitions of nomination, and vote. No member may sign more than one such petition. ACLU members will select Board members from the slate of candidates nominated by petition and by the nominating committee. The ballot will appear in the Fall issue of the *ACLU News*.

BYLAWS OF THE AMERICAN CIVIL LIBERTIES UNION OF NORTHERN CALIFORNIA

ARTICLE VI, SECTION 4B NOMINATIONS BY MEMBER PETITION

Any 15 or more members of this corporation in good standing may themselves submit a nomination of a member in good standing of this corporation to be included among those voted upon by the general membership by submitting a written petition to the Board not later than 20 days after the adoption by the Board of the slate of Board nominees. No member of this corporation may sign more than one such petition and each such nomination shall be accompanied by a summary of qualifications and the written consent of the nominee. This provision of these bylaws shall be printed in an issue of the *ACLU News* or other document mailed to this corporation's members before each election, together with an article advising members of their rights in the nominating process.

WANT TO CHANGE YOUR ADDRESS OR MAILING PREFERENCES?



Please contact us at
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TO OUR MEMBERS

Mailings to our members and the general public provide opportunities to describe complicated legal and political issues in ways not possible in other media and to describe strategies we plan to use for future actions. They enable us to explain, in detail, the benefits and provisions of the Constitution and the Bill of Rights, the ways our rights can be protected in today's world, and the costs of preserving those rights. We use the mail to inform people of the importance of our legal work and to solicit funds that enable us to continue our litigation, public education, and legislative lobbying.

Sometimes, as part of our program to find and recruit members, we exchange or rent our list of members' names to like-minded organizations and publications. We do this so that we will be able to send our membership letters to their lists.

The ACLU never makes its list available to partisan political groups or those whose programs are incompatible with the ACLU's mission. Whether by exchange or rental, the exchanges are governed by strict privacy procedures, as recommended by the U.S. Privacy Study Commission. Lists are never actually given into the physical possession of the organization that has rented them or exchanged for them. No organization ever possesses our list and no organization will ever see the names of the members on our list unless an individual responds to their mailing.

While mailings—under strict privacy guidelines—form the basis of our new member acquisition program, and are key to our growth, we understand some members do not wish to receive solicitations from other groups and we gladly honor requests from our members to be removed from the process. Once you make this election, you do not need to do so again unless you wish to change your preference back.

If you do not wish to receive materials from other organizations, please email membership@aclu.org or complete this coupon and send it to:

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

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

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Name _____

Address _____

City, State, Zip _____

REPORT REVEALS LONG-SUSPECTED COLLUSION BETWEEN CENTRAL VALLEY LAW ENFORCEMENT AND ICE

BY SARAH HOPKINS

In 2018, the Fresno Bee published the story of Ramiro Gonzalez Alvarez, a local man who had expected to go home after serving a two-month misdemeanor sentence in the Fresno County Jail. Sheriff's deputies left him inside a locked "release vestibule" for processing. But, as they handed over his wallet, they buzzed two Immigration and Customs Enforcement (ICE) agents into the room, who took him into custody. Alvarez told the Bee that he was forced to sign a self-deportation order. He was deported to Mexico.

Earlier that year, state legislators had enacted the Values Act (SB 54), also known as the "sanctuary law," in order to curtail just this type of entanglement between law enforcement and ICE. The ACLU has long supported this separation of roles to protect due process and fair treatment for immigrants.

Under the Values Act, only certain criminal convictions permit local law enforcement to transfer a person in their custody to ICE. Alvarez's criminal conviction did not qualify him for handover to ICE custody under the sanctuary law, according to local advocates.

"Stories like Alvarez's continued to bubble up in immigrants' rights circles and among Central Valley immigrants," said Maria Romani, a senior staff attorney with ACLU NorCal's Immigrants' Rights Program, who is based in Fresno.

These stories prompted Romani to conduct a systematic investigation. She obtained hundreds of internal documents from Central Valley sheriffs' departments through Public Records Act requests, combing their contents to uncover the scope and nature of the sheriffs' entanglement with ICE.

She found that sheriffs throughout the Central Valley have devised unscrupulous tactics to target people who have completed their jail sentences, paid their bail, or have been granted release by a judge and are expecting to return to their families and communities in the Valley. If not for the fact that they are immigrants, they would just be going home.

ACLU NORCAL'S REPORT SHOWS TROUBLING FINDINGS

In February 2022, the ACLU published the results of Romani's investigation in a report titled "Collusion in California's Central Valley: The Case for Ending Sheriff Entanglement with ICE." It reveals in minute detail that, despite the passage of pro-immigrant state laws like the Values Act, Central Valley sheriffs have tried to evade these laws, pursuing an anti-immigrant agenda through various forms of cooperation with ICE.

The investigation uncovered chilling collusion tactics, including: sheriffs' officials holding people in jail for extra time in order to allow ICE agents to detain them; illegal transfers of people directly to ICE custody, when there is no alleged conviction to permit the transfer under the Values Act; and a practice of "releasing" people into non-public areas of jails, where ICE agents come to arrest them, thereby skirting the requirement to report ICE transfers to the California Attorney General.

The report estimates that Central Valley sheriffs have released 1,000 people from local jails to ICE since the 2018 enactment of the Values Act, a number nearly three times higher than the one that

Despite the passage of pro-immigrant state laws like the Values Act, Central Valley sheriffs have tried to evade them, pursuing an anti-immigrant agenda through various forms of cooperation with ICE.

sheriffs have officially reported. (That number could be even higher due to some sheriffs' improper interpretation of what constitutes a transfer.)

It is no coincidence that these schemes have taken hold in the Central Valley. It is where former Maricopa County Sheriff Joe Arpaio, former President Donald Trump, and the Federation for American Immigration Reform (labeled a hate group by the Southern Poverty Law Center) all worked to organize local jurisdictions against the Values Act. It is also home to a large population of noncitizen workers who disproportionately occupy low-wage agriculture jobs. Their high poverty levels, language barriers, and scant access to legal services in the region make them particularly vulnerable to the sheriffs' abuse of power.

THE VISION ACT AND THE FUTURE AHEAD

Since releasing the report, the ACLU has worked with a coalition of immigrants' rights advocates to lobby lawmakers to support the VISION Act (AB 937) this year. This proposed legislation, co-sponsored by ACLU California Action, would sever the link between law enforcement and ICE and prohibit their collusion outright. The ACLU, partner organizations, and impacted community members have met with legislators across the state and with the governor's office, to urge their support in favor of the bill. The bill may come up for a vote in the state Senate by August.

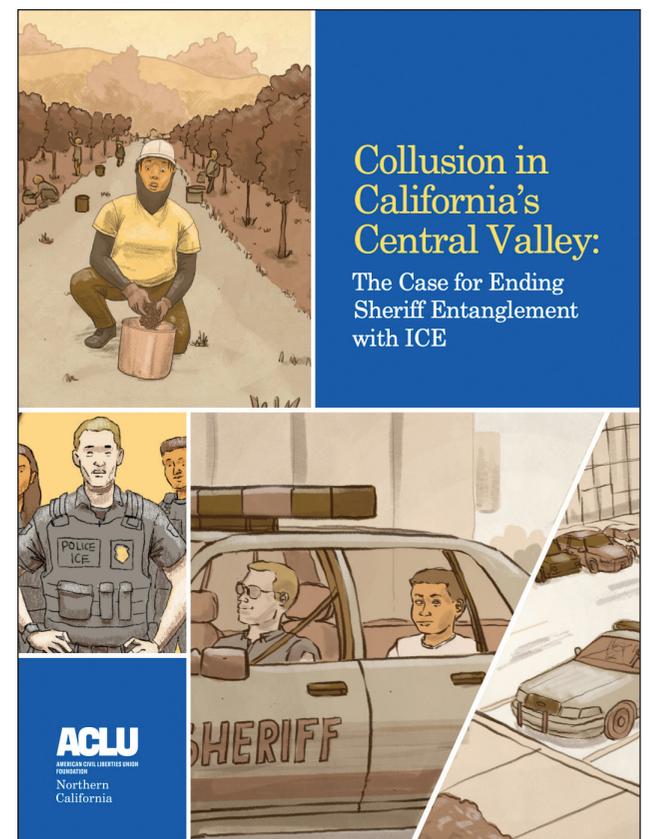
Since the report's publication, the ACLU has also monitored pushback from the sheriffs. Some of them, like the Kern County Sheriff, railed against the report on Facebook Live, but did not discuss it in

detail or address any of its points directly. "I wouldn't even call it a backlash, just a defensive response," said Romani. "The sheriffs claimed we were lying but offered no data to counter our points."

Overall, this report was an opportunity to solidify what a lot of people knew was happening in the region. "Laying out the evidence allowed us to show them, 'This is not in your head,'" Romani explained. "We have the data to show that, objectively, the sheriffs are intentionally working around the law to violate its spirit and purpose. The next step is to end these workarounds once and for all by passing the VISION Act."

Read the report at aclunc.org/cvreport. Support the VISION Act at aclucalaction.org/bill/ab-937. 

Sarah Hopkins is a communications strategist at the ACLU of Northern California.



One of the findings of this new ACLU NorCal report: Sheriffs throughout the Central Valley have devised unscrupulous tactics to target people who have completed their jail sentences, paid their bail, or have been granted release by a judge and are expecting to return to their families and communities in the Valley. If not for the fact that they are immigrants, they would just be going home.

LOOKING BEYOND *ROE V. WADE* CONTINUED FROM PAGE 1

To get there, we need to advance bold policy, organize and build power, and shift harmful narratives away from those that stigmatize reproductive healthcare, abortion, and gender-affirming care to ones that honor and celebrate an inclusive right to bodily autonomy and self-determined family formation.

Those two concepts—bodily autonomy and self-determined family formation—have formed the backbone of the reproductive justice movement since its inception. The movement, in turn, has been firmly grounded in human rights, racial and economic justice, and a strategy that addresses intersecting oppressions: race, class, gender expression, sexual orientation.

Our work builds on that framework, with calls to action for policy changes that reflect and improve every aspect of our lives.

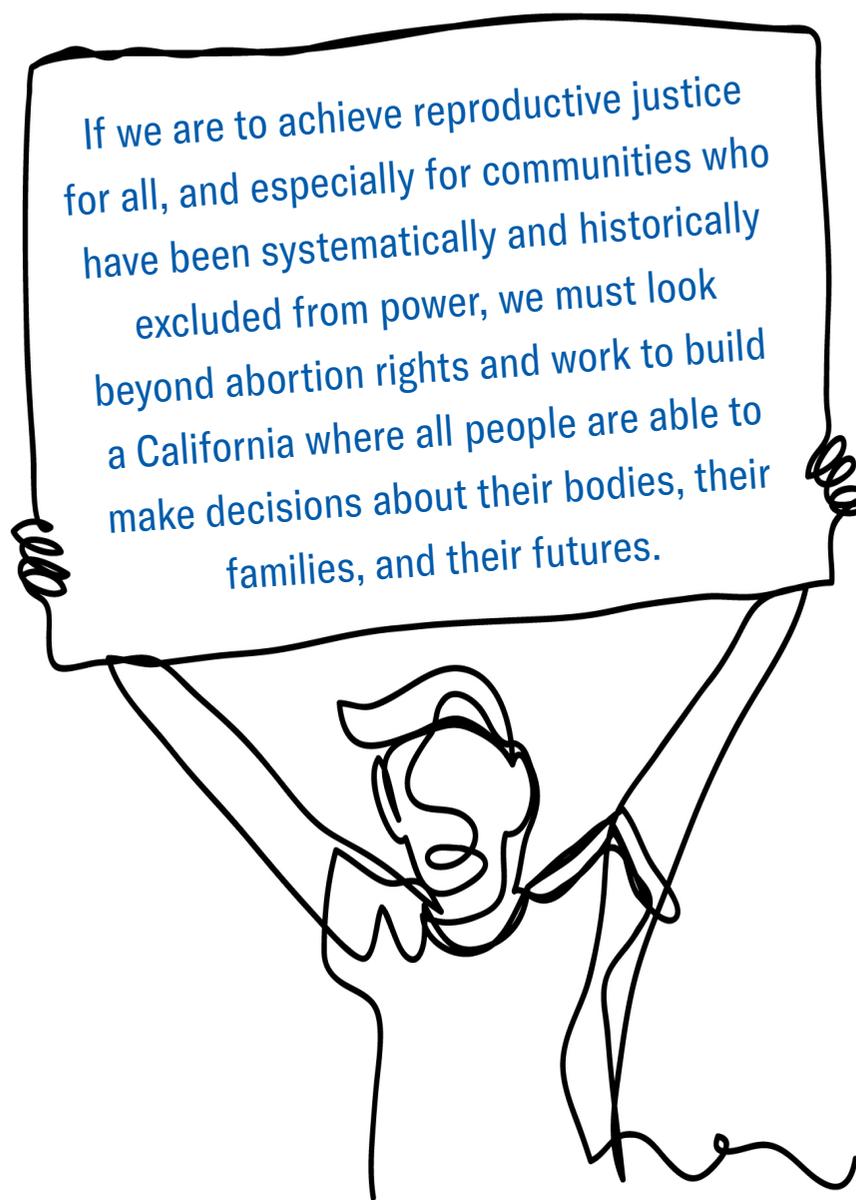
Reproductive justice means economic security so that California families can thrive. Reproductive justice means rebuking white supremacy, a legacy built on the desire to control the reproduction of Black peoples' bodies, and the bodies of other people of color. Reproductive justice means being free from all forms of violence—including gun violence—so that we can raise the children we have in safe communities, with dignity. Reproductive justice means being free from criminalization for decisions that we make about our bodies.

So, while we support efforts to clarify and strengthen protections for abortion access in our state laws and Constitution, abortion access is just one part of a larger struggle to create a state with liberation, freedom, and dignity for all, where racism and socioeconomic status no longer stand in the way of people of all genders, gender expressions, and sexual orientations thriving.

We have a lot of work to do here in California to end this struggle. Far too many laws and systems in our state present obstacles to true bodily autonomy for the most marginalized. Here are just a few examples:

- ♦ **Reactionary forces in this state have tried to use the criminal legal system to coerce and control pregnant people and reproductive decision-making.** Two women in California, Chelsea Becker and Adora Perez, were recently prosecuted and imprisoned for stillbirths.

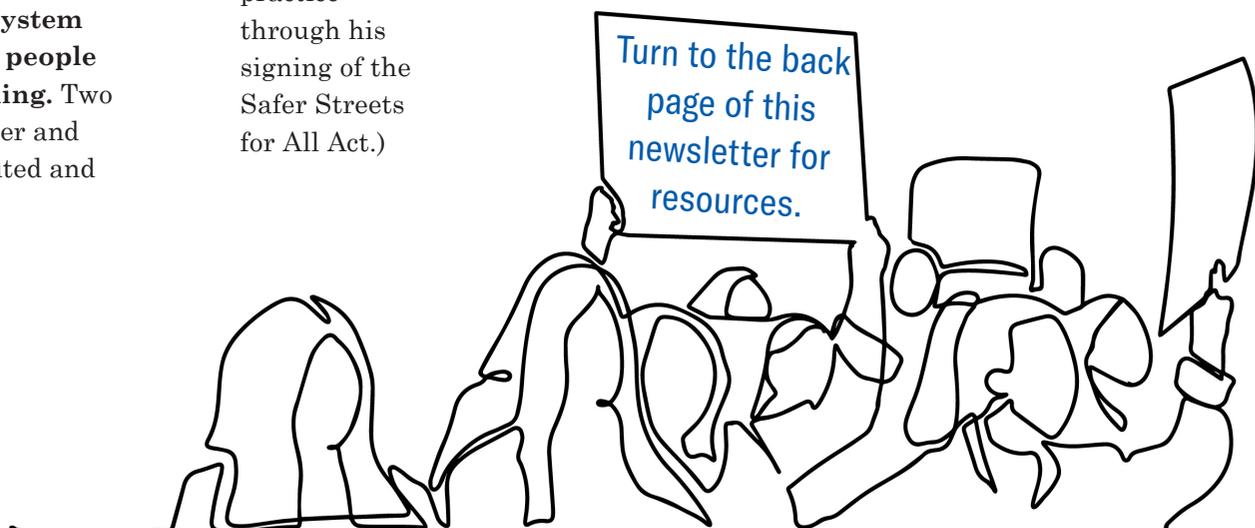
- ♦ **Black and Latinx people, and people living in poverty, face profound barriers to accessing abortion care.** Forty percent of California counties have no clinics that provide abortions,



If we are to achieve reproductive justice for all, and especially for communities who have been systematically and historically excluded from power, we must look beyond abortion rights and work to build a California where all people are able to make decisions about their bodies, their families, and their futures.

according to the Guttmacher Institute's most recently available data. And for people who rely on Medi-Cal, it can be even harder to find care. One study published in a leading health services research journal shows that people—disproportionately Black and Latinx people—have had to travel more than 100 miles to find an abortion provider that accepts Medi-Cal.

- ♦ **Laws and policies have driven the disproportionate criminalization of LGBTQ+ people, and especially transgender women of color.** California law long criminalized loitering with the intent to engage in sex work, giving law enforcement a tool to harass and discriminate. (On July 1, 2022, Gov. Newsom banned this outdated and subjective practice through his signing of the Safer Streets for All Act.)



- ♦ **Like the criminal legal system, California's racist, classist family regulation system (a.k.a child welfare system) allows government agents to surveil, control, and punish families—primarily the families of Black, Indigenous, and other people of color.** Conditions of poverty are falsely characterized as “neglect” and allow for the disproportionate removal of Black and Indigenous children from their families. The system is built on a legacy of forcibly removing Indigenous children from their families and communities.

We can't achieve equitable abortion access for all without fighting for the right to bodily autonomy for all. If we view abortion access as divorced from that framework, then we risk upholding abortion care—and all other aspects of reproductive decision-making—as a right that is only available to the privileged few.

This advocacy framework is especially critical now. California has become the closest state to provide abortions to over 1 million out-of-state people. The rights and identities of marginalized groups throughout the country are under attack.

We must continue to work toward building a California where all people—including all people who may seek refuge here—have the power and resources to make decisions about their bodies. That is the universal right on which all of their freedoms rest.

For actions that you can take today to support reproductive justice, see the back page of this newsletter. 

This piece was published June 24 on the ACLU NorCal website. It has been edited and condensed.

Arnetta Rogers is the director of the gender, sexuality & reproductive justice program at the ACLU of Northern California.

ACLU FALL 2022 VOTER GUIDE

WHAT'S INSIDE THIS INSERT

- ✓ Learn about what the ACLU is doing to ensure and protect voting rights in California and across the country
- ✓ The Oakland Fair Elections Act
- ✓ Why you should vote YES on Prop 1 on the November ballot
- ✓ The importance of voting in District Attorney elections
- ✓ Know Your Rights resources
- ✓ Learn how your legislators score on civil liberties issues

And visit aclunc.org for updates on voting and ballot measures



Illustration by Jackie Fawn

DEFENDING THE RIGHT TO VOTE, ACLU MOBILIZES FOR NOVEMBER ELECTIONS

In November, voters will go to the polls at a critical juncture for California and the nation as a whole. Law enforcement officials and politicians have manipulated public fears about crime to campaign for dangerous policies that threaten our civil liberties. Meanwhile, in an appalling assault on reproductive rights, the U.S. Supreme Court has overturned the constitutional right to abortion, a ruling that will have a devastating impact on millions of pregnant people, particularly women, low-income individuals and people of color who live in states that have made abortion against the law. In state after state, extremist-controlled legislatures continue to pass laws to suppress the right to vote.



The ACLU is on the ground in every state, defending the right of eligible Americans to exercise their constitutional right to vote. In California, while voter suppression efforts may not be as widespread or overt, people from historically marginalized groups still face barriers that make it harder for them to both register and cast a ballot.

For nearly two decades, the ACLU of Northern California has made significant strides to expand voting opportunities in California, securing and implementing universal vote by mail, automatic voter registration, and election day registration. We remain steadfast in our fight to overturn election laws and policies that disproportionately affect people of color, individuals who have been swept up into the criminal system, people with disabilities, and others who have been disproportionately shut out of the democratic process.

ADVANCING VOTING RIGHTS FOR PEOPLE ON PAROLE

In 2020, we and our partners, many of them formerly incarcerated people and their family members, co-sponsored Proposition 17, which amended the state Constitution to restore the right to vote for citizens at the end of their prison term. The ballot measure was approved by 60 percent of voters and repealed a Jim Crow-era law that stripped some 50,000 people on parole of the right to vote.

While we celebrate this huge victory for voting rights, we also know that in order for the law to have teeth, we must continue to press voting rights officials to take proactive measures to help people released from prison participate in our democratic process.

In April, we wrote the Secretary of State urging her office to designate the California Department of Corrections and Rehabilitation's Division of Adult Parole Operations (DAPO), county and city jails, and county probation departments as voter registration agencies. This would require DAPO, jails, and probation departments to provide eligible voters going through their systems with voter registration forms, to assist in completing the forms, and to accept the completed voter registration forms.

As part of our ongoing Prop 17 implementation work, we also fought to ensure that all 58 counties, as well as the Secretary of State and CDCR, updated the voter eligibility information on their websites, voter forms, and other elections materials in advance of the 2021 recall and 2022 June primary.

We also successfully helped to pass SB 504 last year and are now pushing elections officials to implement it statewide. This new law requires CDCR to give the Secretary of State weekly reports about who is in prison for a felony and who has been released from prison. SB 504's passage also improves voter outreach by requiring elections officials to send rights restoration notices to newly eligible voters on parole.

ENSURING VOTING RIGHTS FOR PEOPLE IN JAIL

Most people in jail in California can legally vote. But they often don't know it, or there are numerous obstacles to their being able to register and cast a ballot. As a result, during every election, people are disenfranchised for the sole reason that they are in jail.

For that reason, the ACLU of Northern California and our partners created a toolkit to guide community advocates, county election offices and sheriffs in helping people in jail exercise their voting rights. Learn more about the ACLU's Jail Voting Toolkit, and find other resources for system-impacted voters, at LetMeVoteCA.org/toolkit.



OAKLAND FAIR ELECTIONS ACT

At every level of government, money determines who runs for office, who gets elected and whose interests they represent. During local elections in Oakland, about half of contributions to political candidates come from people, businesses and other entities that aren't located in the city. The other half comes from Oakland's four wealthiest and whitest zip codes. Less than 1 percent of residents contribute to political campaigns for mayor, school board, city council, and other local elected offices.

The outsize influence of big money in local elections leads to an unfair and undemocratic system that allows those who are not representative of Oakland's diverse population to set the political agenda.

It's time to ensure an equal voice for all Oakland residents.

The ACLU has long worked to ensure that all Californians—regardless of socio-economic status, race, ethnicity, disability, or other factors that have historically led to disenfranchisement—have a meaningful opportunity to engage in the democratic process.

In keeping with that mission, the ACLU of Northern California has joined a grassroots coalition advocating for a ballot measure that

would give every Oakland resident the chance to contribute to a political candidate, regardless of their financial means. The novel proposal is called "Democracy Dollars."

It is patterned after a successful initiative in Seattle that has been credited with increasing both the number of small-dollar contributions and the number of candidates in local elections.

Every eligible Oakland resident would receive four \$25 vouchers for a total of \$100 that they can donate to the candidates of their choice. Candidates would be required to opt into the program, agree to participate in five public debates and abide by campaign spending limits.

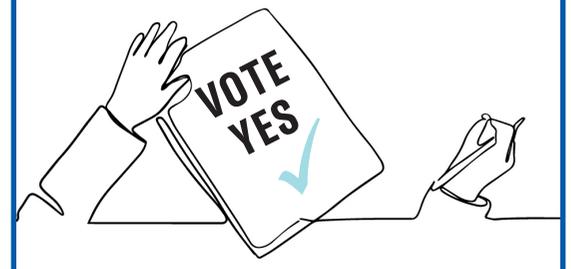
The candidates who accept the vouchers would then receive funds from the city public finance fund to pay for campaign expenses equal to the amount of the vouchers they receive.

The city's Public Ethics Commission has voted to support the proposal. The City Council voted on July 11 to place the measure on the November ballot.

The Democracy Dollars program is a key step toward meaningful campaign finance reform that would help hold elected officials accountable to all residents—and not just the wealthy and politically connected.

VOTE YES ON PROP 1

Proposition 1 (Senate Constitutional Amendment 10), would **spell out the rights to access abortion and contraception in our state Constitution**, further solidifying existing privacy and equal protection guarantees.



FIGHTING VOTER ROLL PURGES

Registered California voters can be removed from voter rolls due to "mental incompetency to vote" (including in conservatorship cases), because they're in prison, or simply because they haven't voted or updated their registration for four years after being sent a notice from their county elections official. When their registration is cancelled for any reason, California voters are not even notified that it is happening.

When their registration is cancelled for any reason, California voters are not even notified that it is happening.

The ACLU is currently co-sponsoring AB 2841, a common-sense bill that will require election officials to notify voters prior to canceling their registration and give eligible voters an opportunity to head off mistaken cancellations before they happen. This law will also protect the rights of eligible voters under conservatorship and improve statewide transparency around voter purge practices.

At press time, AB 2841 had passed the Assembly and Senate policy committees.

DISTRICT ATTORNEY ELECTIONS

District attorneys wield tremendous power in the criminal justice system. They decide whether to file charges, whether a case is prosecuted as a misdemeanor or felony, and whether to pursue incarceration or offer diversion.

Most of the DA's races we were tracking in our region were settled in the June 7 primary when one candidate received a majority of the vote. But in Alameda County, where District Attorney Nancy O'Malley is retiring after 13 years in office, a contested race between Pamela Price and Terry Wiley will proceed to the November runoff. ACLU NorCal does not endorse or oppose candidates for office, but we encourage ACLU members to learn about the candidates and their positions on civil liberties and civil rights issues. You can learn more about these candidates' positions on key civil liberties issues on our website at vote4DA.org.

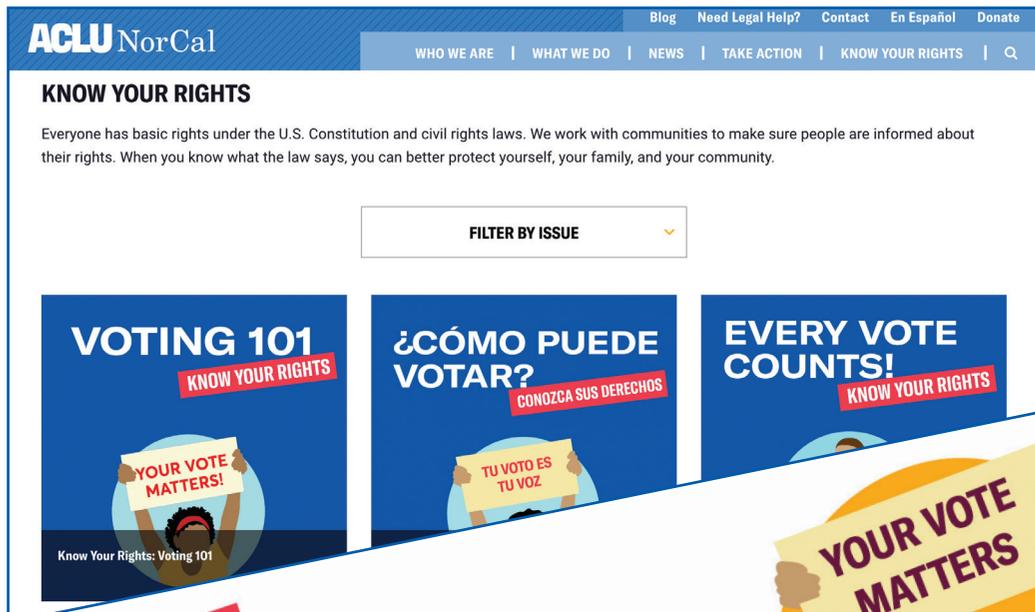
Vote4DA California THE SURVEY | WHY IT MATTERS

Where do you live? enter zip instead What do you care about?

Select County Select Issue Area

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|--------------|----------|-------------|----------------|-----------------|------------|----------|
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vote4DA.org

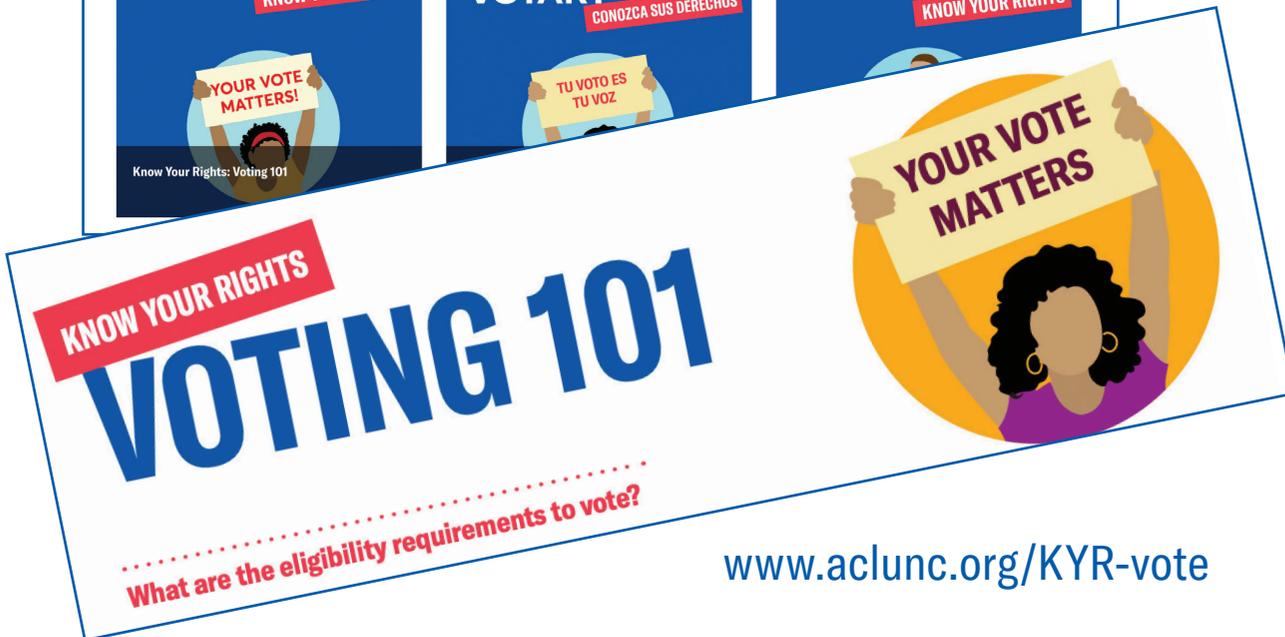


KNOW YOUR VOTING RIGHTS

Voting is a fundamental right and a cornerstone of American government. Our democracy works best when all voices are represented.

When voters turn out for federal, state, and local elections, we can hold politicians accountable and make critical decisions about where our tax dollars get spent and what we want for our communities.

Visit our Know Your Rights page to learn whether you are eligible and get other useful voter information: aclunc.org/KYR-vote.



LEGISLATIVE SCORECARD

Every year, the ACLU releases a legislative scorecard to track how state lawmakers voted across a range of civil rights and civil liberties issues. To arrive at our findings, we analyze and monitor hundreds of legislative proposals each year across a wide variety of issues. We evaluate their potential impact and alert members of the legislature in advance when we support or oppose a bill, both in writing and by providing testimony in committee hearings.

We ranked each member based on the positions they took on 113 bills in the Assembly and 114 in the Senate. For the 2020-2021 session, we recognized eight legislators' courage and leadership, designating them as Champions with a score of 100 percent.

Another group of 27 legislators who were critical to enacting the ACLU's bold policy agenda earned the designation of Advocate, scoring between 90 and 99 percent. As just two examples, thanks to the fearless leadership of our champions and advocates, abusive police officers can finally be decertified and California is one step closer to ending discriminatory loitering laws that target transgender women and women of color.

See how your local legislator ranked at aclucalaction.org/scorecard and an accompanying article on page 5 on our candidate survey.

HOW DID YOUR LEGISLATORS SCORE?

Select a region from or use the map to find your legislators's 2020 scores.

OR



See how your local legislator ranked at
aclucalaction.org/scorecard

ACLU ASKS CALIFORNIA ASSEMBLY AND SENATE CANDIDATES WHERE THEY STAND ON CIVIL LIBERTIES

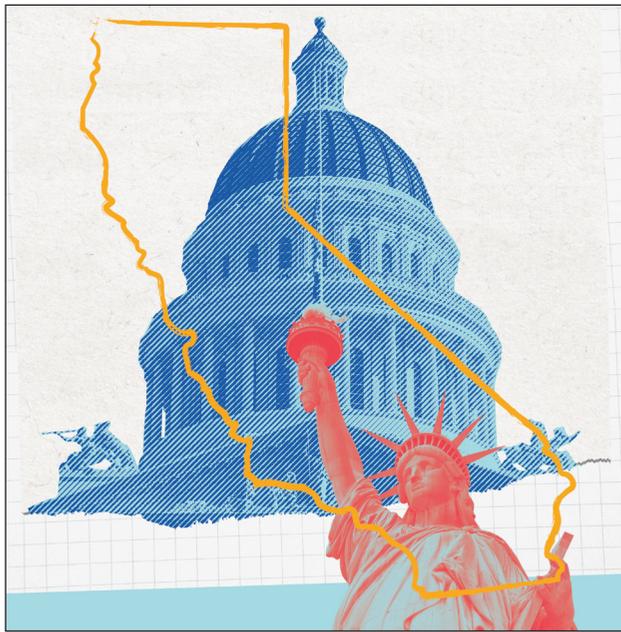
PREPARING FOR A CONSEQUENTIAL NOVEMBER BALLOT

BY CARLOS MARQUEZ III

In the lead-up to this year's June primary, two factors converged. First, an unusually large number of open Assembly and Senate seats were contested, due to term limits, candidates running for higher office, redistricting and the great resignation. And second, in the face of a rising "crime wave" narrative, reporters and political pundits spent months foreshadowing the defeat of local, legislative, and statewide candidates who dared to stand firmly behind proven smart criminal justice policies over sentencing enhancements, more police, and mass incarceration. In that context, ACLU California Action launched our first "Candidate Issues Guide" focused on state assembly and senate seats asking candidates their positions on key civil liberties issues.

And the pundits got it wrong. Candidates up and down the ballot who believe the levers of our criminal legal system should be harnessed for redemption and rehabilitation over criminalization and incarceration beat back the politics of fear promoted by so called "law and order" opponents. Legislative candidates in particular who went on record and were aligned with the ACLU on progressive crime prevention policies enjoyed strong performances in the June primary. Time will tell if this trend holds through the general election in November, but results for the primary show promise.

While it is generally true that electoral politics can swing like a pendulum, California voters have affirmed and reaffirmed their preference for a fair and humane criminal legal system for nearly a decade now. Accordingly, it should come as less of a surprise that smart criminal



justice polices can translate into political success at the ballot in California. Through successive ballot measures beginning in 2014, a majority of voters have reduced the classification of certain nonviolent crimes from felonies to misdemeanors, legalized recreational use of marijuana, expanded rehabilitation and early release opportunities for nonviolent offenders, and restored the right to vote for people on parole, while rejecting efforts to roll back these gains.

While pundits were busy writing off candidates and incumbents who back progressive solutions to crime prevention and public safety, ACLU California Action polled voters on the type of candidate they preferred. Nearly 60 percent of voters preferred a candidate who will prioritize addressing racism and unfairness in the

criminal justice system and hold police officers accountable over candidates who will ignore police accountability and racism in the criminal legal system. Armed with these promising results, we asked legislative candidates competing in five open Assembly seats and two open Senate seats to go on record and state where they stand on crime prevention and public safety.

ACLU California Action provided the same questionnaire to all the candidates in those races. We then released our inaugural "Candidate Issues Guide" and educated voters about the candidates' responses. Candidates who went on record on policies the ACLU supports, even under a very challenging political climate, performed relatively well. There were other bright spots for candidates who support criminal justice reform in district attorney and sheriff races as well as statewide races. Of course, there were concerning outcomes as well, like the successful campaign to recall San Francisco District Attorney Chesa Boudin. But given the broader prevailing trend, the Boudin recall may turn out to be the exception rather than the rule.

If you're interested in learning more about where legislative candidates stand, visit aclucalifornia.org/2022-candidate-survey. And please see the center insert for other information on issues of concern in California for the November election. 

Carlos Marquez III is executive director of ACLU California Action.

The next generation is ready to carry the torch. You can pass it on by remembering the ACLU of Northern California in your will or trust or by beneficiary designation. Help shape justice and equality for the future.

To learn more, please visit aclunc.org/donate/planned-giving



LEGAL AND POLICY UPDATES

BY TAMMERLIN DRUMMOND, BRADY HIRSCH, AND CARMEN KING

ACLU BLOWS WHISTLE ON SPIES IN THE SKY

If you were one of the thousands of Californians protesting in the streets after George Floyd was murdered, you probably heard the drone of helicopters circling overhead.

ACLU NorCal's Technology & Civil Liberties team set out to find out what was happening, why, and got to work to stop surveillance of Californians exercising their free speech rights to fight for racial justice and stop police brutality.

Through an exhaustive year-long public records investigation, we uncovered that the California Highway Patrol (CHP) had sent aircraft to record racial justice protests stretching across the state. The hours of footage and hundreds of pages of CHP flight logs paint a disturbing picture. Using high-powered cameras, CHP zoomed in on the faces of people thousands of feet below. In the recordings, you can see people coming together peacefully to mourn, march, and hold signs.

Our ACLU investigation and the more than 2,500 people who joined us in signing a letter to elected officials to demand an end to discriminatory surveillance spurred real action in Sacramento. CHP is drafting new policies and the ACLU will be watching to make sure that this type of surveillance cannot happen again.



The California Constitution guarantees the rights to privacy and free expression—and for good reason. Tech-powered surveillance is ripe to be used to intimidate, instill fear, and chill the exercise of rights. Throughout our state's history, the government has used surveillance to try to undermine movements for justice, target Black and Brown communities, and threaten the safety of immigrants.

Shown above, a video still of CHP aerial surveillance footage of Black Lives Matter activists.

Over 28 percent of traffic stops conducted by the Sheriff's Department in 2021 were of Asian drivers, although Asian and Pacific Islanders made up only 2.4 percent of Siskiyou County's voting-age population

SISKIYOU COUNTY WATER ORDINANCES

In May of 2021, the Siskiyou County Board of Supervisors passed racially motivated ordinances to cut off water to the county's Hmong residents. The county failed to provide a sufficient rationale for enacting the ordinances or for their discriminatory targeting of Hmong people.

In August of 2021, the ACLU of Northern California and Advancing Justice-Asian Law Caucus filed an amicus brief supporting a lawsuit against the water ordinances. And in September, a judge issued a temporary injunction against two of the ordinances. In response, the county made superficial changes to end the injunction, but we successfully argued such changes would not restore water access.

The water ordinances are just one part of the county's efforts to make Hmong and Asian residents of Siskiyou County feel unsafe and unwelcome. Hmong people, who have built lives and communities in Siskiyou County, are subjected to racism by the county sheriff and board of supervisors. For example, based on the available data, over 28 percent of traffic stops conducted by the sheriff's department in 2021 were of Asian drivers, although Asian and Pacific Islanders made up only 2.4 percent of Siskiyou County's voting-age population in the most recent Census. These numbers mean that Asian American drivers were pulled over at a rate nearly 12 times what would be expected given their proportion of the driving-aged population.

We remain vigilant and will monitor the situation until the board and county sheriff end their racist targeting of the Hmong community.

MARTINEZ ET AL. VS. CITY OF FRESNO

In March, the ACLU Foundation of Northern California filed a federal lawsuit against the City of Fresno, challenging efforts to illegally target unhoused people and put unconstitutional restrictions on advocates, reporters, and other members of the public who try to expose how unhoused people are mistreated during encampment sweeps. Fresno officials insisted that the purpose of the amendments to an existing law were to keep people safe while the city operated heavy machinery during "nuisance abatements." In reality, they didn't want anyone documenting cruel and sometimes violent sweeps where city workers and contractors forcibly remove unhoused people and discard their possessions like garbage.

The outrageously broad ordinance threatened criminal sanctions against anyone who entered a buffer zone where abatement activity, like a sweep, is taking place on public property. Those without "express authorization" from the city could be charged with a misdemeanor and fined up to \$250.

ACLU NorCal and the California Homeless Union, represented by the Law Offices of Anthony D. Prince, filed the suit on behalf of Dez Martinez, a longtime advocate who was once unhoused; Robert McCloskey, a reporter and activist; the Fresno Homeless Union; and Faith in the Valley.

We argued that advocates, organizers, and the media play a critical watchdog role during encampment sweeps and help keep unhoused people safe during often violent displacements. We noted that advocates once prevented an unhoused individual from being run over by a bulldozer when the operator didn't see them.

In May, a federal judge issued a ruling blocking Fresno from enforcing the ordinance. The court recognized that the law was unconstitutional from the start and infringed on the First Amendment right of the public and media to observe, document, and protest government workers performing their duties in public places. The court further agreed that the city's true intent seemed to "in reality" be about avoiding public scrutiny of the sweeps. Following this ruling, Fresno officials voted to rescind the amendments we challenged.

This important victory is part of our ongoing work to protect and defend the civil rights of people experiencing homelessness.

OUSD'S RACIALLY DISCRIMINATORY SCHOOL CLOSURES

In April, the ACLU of Northern California filed a complaint with the California Department of Justice urging California's Attorney General to investigate the Oakland Unified School District's (OUSD) racially discriminatory school closure plan. The complaint was filed on behalf of the Justice for Oakland Students Coalition, a multi-racial group of students, parents, and educators working to increase equity for low-income students of color in the school district.

OUSD has a history of targeting schools for closure that serve a greater number of Black students. Of the seven schools currently slated for closure, six are either majority-Black schools or schools where Black students are enrolled at higher-than-districtwide percentages.

In their haste to close schools, District officials ignored state law, failed to conduct a required environmental impact analysis, and failed to conduct a racial equity analysis as required by its Reparations for Black Students Resolution. The District ignored strong opposition from OUSD students and families, educators, and community leaders.

The loss of tight-knit neighborhood schools is the latest blow to Oakland's declining Black population, which has been pushed out of the city by gentrification, skyrocketing housing costs, and increasing wealth inequality.

ADORA PEREZ, IMPRISONED FOR A STILLBIRTH, IS FINALLY FREE

After four long years, the murder charges against Adora Perez, whose case we supported, have finally been dropped.

We are glad for Perez but remain outraged with the system that traumatized her. Every step that

led to her imprisonment was an injustice—from the hospital who reported her to the District Attorney who prosecuted her pregnancy loss.

Perez was put in prison by Kings County District Attorney Keith Fagundes. While in office, Fagundes conducted an illegal crusade to blame two women for the outcomes of their pregnancy, claiming, without scientific basis, that their stillbirths were caused by substance use. Perez was the first target, followed by Chelsea Becker.

The implications of Fagundes' argument are vast. If someone can be imprisoned for anything potentially connected to pregnancy loss, then how much they exercise, the job they work, or the diet they eat could all be used against them.

Fortunately, both women are now free, and Keith Fagundes lost his recent reelection campaign.

While we're relieved by these outcomes, they demonstrate that attacks on reproductive freedom extend beyond the overturning of *Roe*. On top of the widescale erosion of abortion rights, there is a growing effort to use the legal system to control how pregnant people can live their lives.

In California, lawmakers have responded to Perez and Becker's prosecutions by introducing legislation that protects against pregnancy criminalization. AB 2223, authored by Assemblymember Buffy Wicks (D-Oakland), ensures that no one in California is investigated, prosecuted, or incarcerated for ending a pregnancy or experiencing a pregnancy loss.

.....
Every step that led to this imprisonment was an injustice—from the hospital who reported her to the District Attorney that prosecuted her pregnancy loss.
.....

But while necessary, this bill is just one part of ensuring California lives up to its reputation as a reproductive justice leader. The right to abortion may be safe here, but racial and economic disparities severely limit access to reproductive healthcare.

Perez's release should be a rallying cry for California to continue to pass laws, shift narratives, and build power until every person has the bodily autonomy and care they need to safely make decisions about their bodies, their families, and their futures.

SOLANO V. ICE

In February of 2021, the ACLU Foundation of Northern California and Asian Americans Advancing Justice filed a class-action lawsuit demanding that ICE stop using third-party contractor, G4S Secure Solutions, to arrest people at jails and prisons for immigration enforcement purposes.

Since at least 2016, G4S contractors have arrested hundreds of people and transferred them from state and local custody to immigration detention. Many people, including our plaintiff in this case, Gabriela Solano, have been cruelly ripped away from their families and sent to out-of-state ICE prisons ravaged by COVID-19.

In July of this year, a settlement was reached that prevents ICE from continuing this illegal and inhumane practice. Per the agreement, ICE will stop using private contractors, including G4S, to arrest someone when they are released by CDCR or local law enforcement to hand them over to ICE custody.

This case is a prime example of why the California legislature must pass the VISION Act (AB 937). It would ensure that once people have served their sentences or have their charges dropped, they are not processed for deportation and instead are able to reunite with their families. 

Tammerlin Drummond is a communications strategist at the ACLU of Northern California. Brady Hirsch and Carmen King are associate communications strategists at the ACLU of Northern California.

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A LETTER FROM ACLU OF NORTHERN CALIFORNIA EXECUTIVE DIRECTOR ABDI SOLTANI

The U.S. Supreme Court term that ended in June of 2022 marks a new period for the court and the country. The conservative majority eliminated the constitutional right to abortion by overturning *Roe v. Wade*, elevated religion at the expense of church-state separation, and struck down a century-old New York gun law. In the process, the court showed no restraint or respect for precedent.

The decision on abortion will have a profound impact on the lives of thousands of people in states where abortion has already been banned or severely limited. The ACLU's response will be vigorous and sustained—in each and every state—and across a range of issues, from securing abortion rights under state law to protecting the right to interstate travel.

But there is another challenge ahead. The current Supreme Court majority has elevated the idea of originalism as the way to interpret and apply the Constitution. As they ruled in *Dobbs*, “a right to abortion is not deeply rooted in the nation's history and traditions.”

There are multiple problems with this approach. First, it is a highly selective method to cherry pick the history the justices want to see to justify the conclusions they want to reach. Second, it gives constitutional power to parts of our history and traditions rooted in racial and gender oppression, which were uprooted by our history and traditions of movement to advance freedom and equality.

On July 9, 1866, in a stirring speech urging the passage of the 14th Amendment—which guarantees citizenship for those born in the U.S. as well as due process and equal protection under the law—U.S. Rep. Jehu Baker called the amendment valuable “for the security and future growth of liberty.”

Where the Supreme Court and state legislatures seek to turn back the clock on our rights, it will be up to each of us to be the guardians of the security and future growth of liberty.



Abdi Soltani, Executive Director
ACLU of Northern California



PHOTO BY BETHANIE HINES

ACLU of Northern California
Executive Director Abdi Soltani

ACTION YOU CAN TAKE TODAY TO SUPPORT REPRODUCTIVE JUSTICE CONTINUED FROM PAGE 1

♦ Support the following proposed state laws:

- Prop 1 would spell out the rights to access abortion and contraception in our state Constitution, further solidifying existing privacy and equal protection guarantees.
- AB 2223 would ensure that no one in California is investigated, prosecuted, or incarcerated for ending a pregnancy or experiencing a pregnancy loss.
- AB 2085 would clarify that poverty is not “neglect” and should never trigger mandatory reporting to the family regulation system.
- AB 2199, the Birthing Justice for California Families Pilot Project, would advance birth equity by funding doulas to work with communities who suffer from high rates of negative birth outcomes, including people in jails.

- ♦ Ensure that your schools are providing comprehensive sexual health education as required by California law, including information about abortion and rights to access sexual and reproductive health care. See our Know Your Rights webpage, aclunc.org/KYR-sex-ed, for more.
- ♦ Donate money and/or time to ACCESS Reproductive Justice (accessrj.org), California's only abortion fund providing practical support for people seeking care, or to an abortion fund (abortionfunds.org) in a state where abortion rights are endangered.
- ♦ Visit aclu.org to track ACLU lawsuits and advocacy in key states such as Texas, Alabama, and Michigan to protect and advance abortion rights.
- ♦ Educate yourselves and those around you about abortion rights, reproductive justice, and how barriers to accessing care

disproportionately impact low-income communities and the communities of Black, Indigenous, and other people of color:

- Read our Know Your Rights webpage on abortion access in California: aclunc.org/KYR-abortion-access
- Follow reproductive justice organizations and leaders like @BW4WLA, @Latinas4RJ, @SisterSong_WOC, @michelebgoodwin, and @dorothyroberts.

