

ACLU NEWS

DISSENT IS PATRIOTIC

THE NEWSLETTER OF THE ACLU OF NORTHERN CALIFORNIA
FALL 2024
VOLUME LXXXVIII ISSUE 3

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DEFENDING DEMOCRACY: THE ACLU'S ELECTION STRATEGY

BY LISA P. WHITE

In November, voters will choose whether to preserve freedom and democracy or set the country on a perilous path to authoritarianism. With so much at stake in this election, the ACLU has launched its most comprehensive voting rights protection and voter education programs in its history.

The ACLU has raised and committed more than \$25 million to advance ballot measures that expand and protect voting and abortion rights, and to spotlight candidates' stances on critical civil rights and civil liberties issues through the ACLU Voter Education Fund, a new super PAC. The project includes a redistricting reform measure in Ohio, state supreme court and legislative races, and a pivotal U.S. Senate contest in Wisconsin.

Both the ACLU and the ACLU Voter Education Fund are nonpartisan and do not support or oppose candidates for elected office.

"We stand at a precipice," said ACLU Chief Political and Advocacy Officer Deirdre Schifeling. "This election will not be merely a choice between candidates, but a test of our fundamental civil liberties and civil rights."

PROTECTING THE RIGHT TO VOTE

Since the 2020 election, anti-democratic forces have attacked voting rights in state legislatures and court houses, including attempts to restrict mail-in and absentee voting, purge voter rolls, pass voter ID laws, and end same-day registration.

CONTINUED ON PAGE 6

A California worth voting for

THIS NOVEMBER

VOTE YES ON PROP 3

Proposition 3 removes discriminatory language from the California Constitution and protects the fundamental right to marry, regardless of gender or race. Vote YES!

VOTE YES ON PROP 6

Proposition 6 ends forced labor in California prisons and jails, which will reduce recidivism, improve public safety, and promote rehabilitation. Vote YES!

VOTE NO ON PROP 36

Proposition 36 cuts safety programs, increases prison spending, and takes us back to the days of locking people up without rehabilitation. Vote NO!

SEE PAGE 9 OF THIS NEWSLETTER FOR DETAILS ABOUT OTHER BALLOT MEASURES
IN THE ACLU FALL 2024 VOTER GUIDE

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NEW “KNOW YOUR RIGHTS” VIDEO: FREE SPEECH, PROTESTS & DEMONSTRATIONS

We’ve released a new informational video on free speech rights, as well as new materials specifically for college students moved to demonstrate on campus. Check out both resources on our website at www.aclunc.org/KYR.

Both the California Constitution and the First Amendment to the United States Constitution protect your right to free expression. However, police and other government officials are allowed to place certain narrow restrictions on the exercise of speech rights.



Check out ACLU NorCal’s new Know Your Rights materials at www.aclunc.org/KYR

WE’D LIKE TO GET TO KNOW YOU

Occasionally, we survey the dynamic community of people, like you, who power the work you read about here in the ACLU News. Our community of supporters is constantly evolving, and we want to evolve the ways we inform and engage you.

Your survey input helps refine our understanding of the issues that drive you and the experiences that deepen your connection to this work. A fresh snapshot of our community helps bring into focus what we can do to strengthen our partnership with you, who make all this work possible.

Please visit bit.ly/ACLUSurvey2024 or scan the QR code below and take a little time to tell us what matters most to you. All responses are confidential; all data is securely stored.

Respond by November 15 for a chance to win a special ACLU NorCal prize box!

Questions? Reach out to Devon Fryer at 2024survey@aclunc.org, or call us at 415-621-2493.



ACLUNews

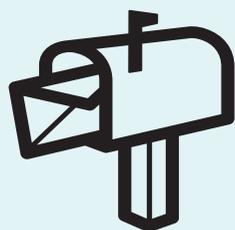
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AFTER U.S. SUPREME COURT HOMELESSNESS DECISION, SAN FRANCISCO CRACKS DOWN

BY LISA P. WHITE

A month after the U.S. Supreme Court’s landmark 6-3 decision in *Grants Pass v. Johnson* that cities can cite and arrest people for sleeping outside when they have nowhere else to go, San Francisco ramped up aggressive enforcement against homeless encampments with predictably disastrous results.

Even though the city’s shelters are at capacity and the waiting list for a placement is long, police officers and Department of Public Works (DPW) staff swept through neighborhoods rousting unhoused individuals, detaining people, confiscating their belongings, and issuing tickets for illegal lodging. But the tents often returned within days, demonstrating the futility of wasting limited public resources on an endless cycle of displacement rather than investing in stable housing. And despite a 2016 voter-approved ordinance requiring San Francisco to offer shelter before clearing encampments, under a new policy city workers must tender a bus ticket first. But no one from the city is reaching out to family or friends to ensure that the person has a place to stay when they arrive.

“Instead of offering vulnerable people a pathway off the streets, San Francisco has doubled down on cruelty in a cynical attempt to make homelessness less visible,” said John Do, senior attorney in the Racial and Economic Justice Program. “Punishing people for sleeping on the street or giving them a one-way ticket out of town won’t end the city’s homelessness crisis. San Francisco leaders must expand affordable housing and do more to prevent people from becoming homeless, like providing rental assistance and passing stronger eviction protection measures.”

In *Coalition on Homelessness v. City of San Francisco*, the ACLU of Northern California and the Lawyers’ Committee for Civil Rights of the San Francisco Bay Area presented evidence that the city routinely violated unhoused peoples’ Fourth Amendment rights by seizing and destroying their belongings—including tents, sleeping bags, medication, IDs, phones, and other items they need to survive on the street. Under the city’s “bag and tag” policy, DPW workers must collect unattended property that has not been abandoned and store the items for 90 days. In granting our request in December 2022 for a preliminary injunction barring the city from violating the policy, the federal district court found that the plaintiffs were likely to succeed in showing that San Francisco had a pattern of trashing personal property.

When the city persisted, in summer 2023 we filed a motion to enforce the injunction. Shortly after a news website published shocking video of city workers ripping a tent away from an unhoused man during an encampment operation in August, the court granted our motion and ordered San Francisco to develop and document comprehensive training on the “bag and tag” policy for DPW staff.

Under the injunction, the city can enforce all health, accessibility, and public safety laws to address homeless encampments when necessary, including for routine street cleanings. The Coalition case is scheduled to go to trial in 2025.

The city has been destroying property all along, but it’s happening more often since San Francisco increased the frequency of encampment sweeps, and unhoused residents are feeling under attack.

Although we hope that with additional court oversight of the new training the city will end its unlawful practice of taking peoples’ possessions, we are disturbed by the decision to enforce criminal penalties. Citing and arresting people simply for being homeless will push them into the criminal legal system and have a disproportionate impact on Black and Latino residents who make up 25 percent and 34 percent, respectively, of

San Francisco’s unhoused population. Even if they ultimately prevail in court, the damage will be done. An arrest, warrant, criminal record, or unpaid court fines can trap people in homelessness by making it more difficult for them to secure public benefits, employment, and permanent housing.

Since we filed the Coalition lawsuit in 2022, the city has reopened the shelter waitlist, and the most recent data shows the number of people living on the street in San Francisco has decreased. However, homelessness has risen overall because housing remains expensive. Instead of tackling housing affordability and other root causes of homelessness, city leaders have responded to the Supreme Court’s decision by further punishing residents who have no option for shelter other than a tent. 

Lisa P. White is a communications strategist at the ACLU of Northern California.

WHAT DO SAN FRANCISCO’S MAYORAL CANDIDATES SAY?

ACLU NorCal asked the San Francisco mayoral candidates their positions on a range of critical civil liberties issues, including homelessness.

To read their responses, visit: www.aclunc.org/SF-mayoral.

Here are the questions we asked them about homelessness:

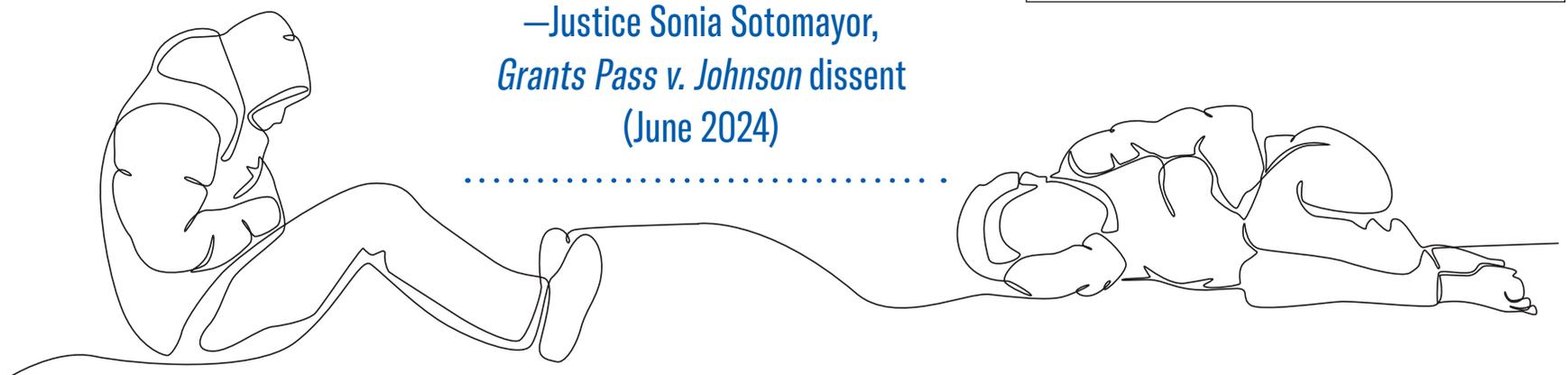
- ♦ What will you do to ensure that San Francisco follows its own policy to offer appropriate shelter to unhoused individuals prior to citing or arresting people?
- ♦ How will you increase emergency shelter and affordable housing in San Francisco?

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“Sleep is a biological necessity, not a crime. For some people, sleeping outside is their only option. The city of Grants Pass jails and fines those people for sleeping anywhere in public at any time... for people with no access to shelter, that punishes them for being homeless. That is unconscionable and unconstitutional.”

—Justice Sonia Sotomayor,
Grants Pass v. Johnson dissent
(June 2024)

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LEGAL AND ADVOCACY UPDATES

VICTORY FOR MARGINALIZED STUDENTS IN PITTSBURG UNIFIED

BY TAMMERLIN DRUMMOND

For years, Pittsburg Unified School District maintained a separate and unequal education system where Black students as a whole, children of color with disabilities and English learners were segregated in substandard learning environments and subjected to unwarranted suspensions and expulsions.

In 2021, the ACLU Foundation of Northern California and law firm Steptoe LLP sued the District, the State of California and State Superintendent of Public Education Tony Thurmond in Contra Costa County Superior Court— on behalf of two Pittsburg public school students, two parents of students, as well as a teacher.

The lawsuit, *Mark S., et al. v. State of California*, demanded that education officials take immediate steps to guarantee historically marginalized students their constitutional right to a meaningful education.

It specifically called out the State of California for being derelict in its responsibility to oversee the local school district.

In June of 2024, state education officials agreed to a settlement that will require them to strengthen their monitoring and oversight of school districts to prevent systemic discrimination.

The agreement is a significant victory in the battle to ensure that all children, regardless of their race or disability, receive the education that they deserve.

Now for the first time, the state must review individual student files to make sure students are treated fairly and have access to supportive learning environments.

A discipline hotline has also been created so that potential discrimination can be reported.

State education officials also must extend their monitoring of Pittsburg Unified's special education programs through the 2027-2028 school year.

Furthermore, in direct response to the pressure from this lawsuit, the State has begun incorporating qualitative data review, including classroom observations and teacher interviews, into its monitoring of school districts' special education programs.

The plaintiffs were also represented by Disability Rights Education and Defense Fund, and the ACLU Foundation of Southern California. 

Tammerlin Drummond is a senior communications strategist at the ACLU of Northern California.

RECORDS OF SEXUAL ABUSE UNSEALED AT A FEDERAL PRISON

BY BRADY HIRSCH

The prison officials who ran the all-female federal facility at FCI Dublin buried their secrets. For decades, prison staff, from the warden to the chaplain on down, sexually preyed on incarcerated women and scared them into silence. To keep them quiet, they threatened to stop them from seeing their family, deny them early release, or transfer them to cold, "little cells" that were like "dungeons."

After years of work by journalists, advocates, and survivors, the truth finally began to come to light. Since 2021, nearly sixty lawsuits have been filed against FCI Dublin, including a class action brought in August 2023 by eight survivors. In April 2024, the federal Bureau of Prisons abruptly decided to close the prison.

It was at this time that the federal district court ordered numerous records sealed. Some related to abuse at FCI Dublin, while others pertained to the sudden decision to close the site. The court also held a series of closed hearings without prior notice, and in many instances, the docket did not reflect that they even occurred.

For many of the sealed documents, the court had issued a one-line order and nothing more.

On June 12, 2024, the ACLU Foundation of Northern California and Public Justice intervened. We filed a motion to unseal the records and restore public access to future hearings.

The First Amendment protects the right of public access to court records and judicial proceedings. This includes the right to know the full extent of the systemic sexual abuse that occurred in FCI Dublin, as well as what happened during the final chaotic weeks leading up to the facility's closure and in the immediate aftermath.

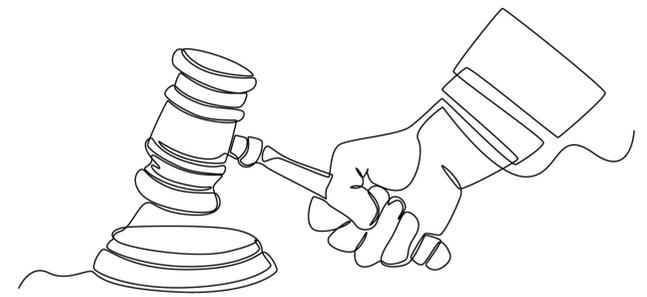
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The last point is especially important, because of reports that many of the 600 women who were transferred from FCI Dublin to other prisons now face new retaliation. Dozens have been kept inside without seeing sunlight for months.

Thankfully, in late July the court unsealed a majority of the records. Remarkably, the government admitted that many of the records should never have been sealed to begin with.



The records deepen what we already know: FCI Dublin was plagued by a toxic culture that permeated the facility and continued through its closure. If the Bureau of Prisons is to be held accountable, there must be full and complete transparency as the cases against it proceed. 

MAKING ARTIFICIAL INTELLIGENCE WORK FOR THE PEOPLE

BY BRADY HIRSCH

The ACLU of Northern California has worked at the cutting-edge of technology and civil rights for decades. When we think about artificial intelligence, we focus on the big picture. Artificial Intelligence (AI) has the potential to change the world, but what that change will look like depends on many factors. California's role is pivotal and we have the opportunity to use our power to affect that change.

In May, in response to Governor Newsom's Executive Order on AI, ACLU NorCal and ACLU Cal Action submitted a 26-page comment with a set of recommendations to the state for how AI can advance access, equity, and justice.

We explained the importance of a robust process for AI decision-making, to be transparent and accountable to those who are most impacted. We proposed mechanisms to ensure that AI systems are built carefully. We laid out the dangers to our public systems—from housing to healthcare—if AI is adopted recklessly. We also made clear that AI should never be trusted to make high stakes decisions in our criminal, immigration, and policing systems.

There's a temptation for policymakers to jump straight to "how to use AI" without first asking "should we use AI?" But rushing to adopt AI in areas that it shouldn't be used can exacerbate bias and discrimination and undermine rights. Any AI decision-making process should solicit diverse community input and include an evidence-based impact assessment that demonstrates that public benefits justify the proposed use and outweigh the potential harms.

Like all technology, AI will only work for the people if its development and use is shaped by the people. You can read the comment and learn more about our AI-related work at www.aclunc.org/tech. 

Brady Hirsch is a communications strategist at the ACLU of Northern California.

PUBLIC RECORDS HELD FOR RANSOM

BY TAMMERLIN DRUMMOND

Public records are public. They are required to be accessible to everyone, not just the wealthy. The California Public Records Act helps to hold government officials accountable. But in 2021, Shasta County passed a law that allowed it to impose excessive, illegal fees for public records.

State law limits fees to the direct cost of duplicating a record. Public officials can't legally demand payment for staff time spent searching for or reviewing records. The California Supreme Court has found that these kinds of extra fees create a financial barrier to government transparency.

Shasta County was charging \$25 per hour for staff to "locate, retrieve, review, and prepare" documents—making it impossible for those who couldn't pay to obtain public records.

Shasta officials sent the ACLU a bill for \$3,950 to produce public records about the county's implementation of the California Racial Justice Act. And, they told *Shasta Scout* news that it would have to pay \$4,750 for county emails.

So, in September 2023, the ACLU, the First Amendment Coalition, and two local news organizations (*Shasta Scout* and *Redding Searchlight*) wrote a letter to the Shasta Board of Supervisors. We warned that if the county didn't repeal the ordinance, we would sue.

In May 2024, Shasta repealed its ordinance—

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These fee ordinances are not only illegal under the California Public Records Act. They also violate the California Constitution.

The ACLU believes that public records should not be held for ransom and only available to the wealthy.
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without us having to go to court.

Shasta is the fifth county in California to repeal its fee ordinance. This latest victory is part of our ongoing campaign with the First Amendment Coalition to identify counties guilty of fee-gouging for public records and advocating for such fees to be repealed. Our joint

investigation identified at least eight.

In May 2023, the Mendocino County Board of Supervisors repealed an ordinance that allowed officials to charge as much as \$150 per hour to fulfill public records requests. One local community news organization, the Mendocino Voice, had been charged \$76,000 in the months that the law was in effect.

In December 2023, Siskiyou County also got rid of an ordinance that charged residents \$50 per hour to obtain public records. The Board of Supervisors cited our advocacy in Mendocino when they voted to repeal the law. Tuolumne and Ventura Counties then followed with their own repeals.

These fee ordinances are not only illegal under the California Public Records Act. They also violate the California Constitution.

The ACLU believes that public records should not be held for ransom and only available to the wealthy. We will continue our advocacy with the First Amendment Coalition to break down barriers to transparency. 

LEGISLATIVE UPDATE: A FOCUS ON THE CRIMINAL LEGAL SYSTEM

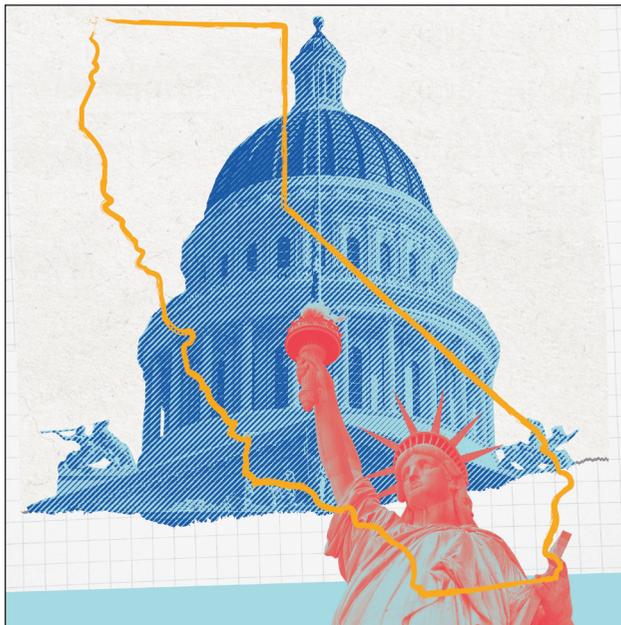
BY MICA DOCTOROFF

PROTECTING OUR JUSTICE REFORM WINS

Fueled by fearmongering, misinformation, and scapegoating, the 2024 California Legislative Session gave rise to a huge number of harmful so-called public safety bills—a volume and scope reminiscent of the mass incarceration policy climate of the 1990s. While some bills aimed to create new crimes or enhance punishment in novel ways, many bills sought to roll back hard-fought and effective reforms championed by the ACLU and our allies over the past decade. In partnership with system-impacted people, public health practitioners, and social justice advocates from across the state, ACLU staff worked hard to defeat many of these bills, while helping to mitigate and narrow many more.

KEY BILLS DEFEATED IN 2024

AB 2034, AB 2646, and SB 1219 were all killed without being heard in committee. These bills would have reenacted a discriminatory law that criminalized loitering with the intent to engage in sex work. That law was successfully repealed in 2022 by the Safer Streets for All Act, a bill co-sponsored by the ACLU and led by the DecrimSexWork CA Coalition. AB 2034, AB 2646, and SB 1219 would have returned California to a shameful era that emboldened law enforcement officers to profile, harass, and arrest transgender women and cisgender women of color based solely



on their appearance or location. In defeating these bills, our coalition highlighted the ways in which such policies decrease sex workers' safety, including the safety of those trafficked in commercial sex, and increase the disparities already plaguing our criminal legal system.

AB 2209 failed passage in committee. This bill would have created a fentanyl exception to the California Values Act, which prohibits California law enforcement agencies from engaging in immigration enforcement activities. Under the bill, local law enforcement would

have been permitted to work closely with ICE whenever they merely suspected a person of possessing any amount of fentanyl for sale. This bill would have encouraged unequal treatment, racial profiling, pretextual stops and arrests, and wrongful referrals of Brown and Black Californians to immigration authorities. By stoking fear of arrest and sowing further distrust of local and state law enforcement by immigrant and refugee communities, AB 2209 would also have contributed to increased overdose rates and preventable deaths by discouraging witnesses of drug overdoses from seeking medical help.

SB 923 didn't make it to committee. Under this bill, a person charged with shoplifting or petty theft for stealing a bar of soap, a loaf of bread, or baby formula, having previously done so on two or more occasions, could have been charged with a felony and sentenced to up to three years in jail. This draconian policy was a relic of prior law, successfully repealed by California voters in 2014 by the Safe Neighborhoods and Schools Act. Despite our collective success in preventing SB 923 from proceeding in the Legislature, a nearly identical but even more punitive policy will appear on the November ballot as part of Proposition 36. The ACLU opposes Prop 36 and will continue to fight to defeat it. 

Mica Doctoroff is a senior staff attorney at the ACLU of Northern California.

THE ACLU'S ELECTION STRATEGY CONTINUED FROM PAGE 1

By mobilizing our resources, the ACLU has challenged these voter suppression laws and sought to preserve equal access to the ballot across the country with a focus on six battleground states—Wisconsin, Georgia, Arizona, Michigan, Nevada, and Pennsylvania.

We've already notched significant wins. Due to an ACLU legal challenge to a sweeping Georgia law, volunteers will be allowed to hand out food and water to voters waiting in line this November and people voting by mail won't be required to include their birthdate on the ballot-return envelope. The ACLU of Nevada successfully sued to force one county to comply with a state law requiring jails to establish procedures to allow eligible incarcerated voters to register to vote and cast a ballot. Partnering with community groups, the ACLU of Wisconsin secured funding for three new early voting locations in Milwaukee. And in Florida, the ACLU blocked a law barring noncitizens from registering people to vote.

That work will continue, but the ACLU's efforts to safeguard the integrity of the election won't end when the polls close.

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As we learned during the tumultuous aftermath of the 2020 presidential contest, legal advocates must ensure that partisan interference does not taint the process of counting the ballots or certifying the election.

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As we learned during the tumultuous aftermath of the 2020 presidential contest, legal advocates must ensure that partisan interference does not taint the process of counting the ballots or certifying the election. We saw a preview of what may come earlier this year when county commissioners in Nevada refused to certify the June primary results. On Election Day and beyond, ACLU staff attorneys are prepared to respond quickly, including filing litigation when appropriate, should irregularities arise.

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In the two years since the U.S. Supreme Court overturned *Roe v. Wade*, 14 states have banned abortion outright and eight outlaw abortion after a set period ranging from six to 18 weeks.

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REPRODUCTIVE RIGHTS ON THE BALLOT

In the two years since the U.S. Supreme Court overturned *Roe v. Wade*, 14 states have banned abortion outright and eight outlaw abortion after a set period ranging from six to 18 weeks. In addition to challenging attacks on reproductive freedom through litigation in states including Georgia, Indiana, and Iowa, the ACLU has pursued a strategy of bypassing state legislatures and appealing directly to voters, who overwhelmingly support abortion rights, at the ballot box. In November, voters in Arizona, Colorado, Florida, Maryland, Missouri,

Montana, Nebraska, Nevada, New York, and South Dakota will decide whether to follow the example Ohioans set in 2023 by enshrining abortion rights in the state constitution. The ACLU has worked on many of these state campaigns.

CALIFORNIA VOTING RIGHTS

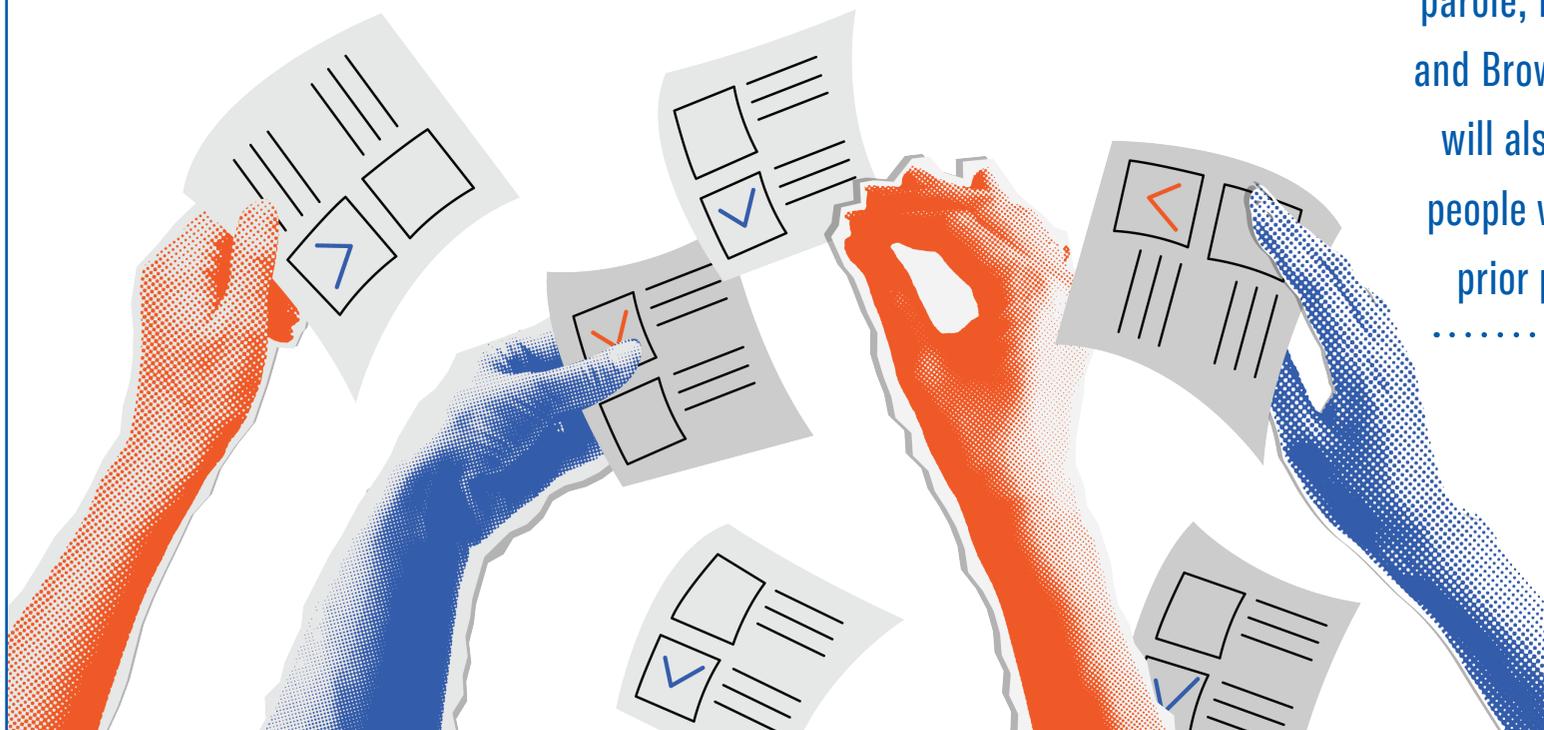
Over the past decade, the ACLU of Northern California has worked to expand the right to vote in California, resulting in millions of new and updated voter registrations through the Department of Motor Vehicle's automated voter registration system.

Due to the successful campaign ACLU NorCal and our community partners led in 2020 to restore voting rights to Californians on parole, most of whom are Black and Brown, this year's electorate will also include thousands of people who were excluded from prior presidential elections. This summer, we distributed thousands of educational Let Me Vote posters and postcards to spread the word that people with criminal convictions are eligible to vote. We shared the materials, which are available in six languages, with the county jails, election departments, probation officers, public defenders' offices, and Department of Adult Parole offices across the state. In addition to deciding races for federal, state and local office, California voters have an opportunity to protect marriage equality, end forced prison labor, and reject mass incarceration (see page 9).

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PREPARING FOR A HARRIS OR TRUMP ADMINISTRATION

The ACLU has produced a series of detailed policy memos covering Vice President Kamala Harris's and Donald Trump's positions on our priority issues including abortion, criminal justice, LGBTQ+ rights, immigration, and voting rights. The ACLU also developed a roadmap for how the national organization and state affiliates will protect and expand civil rights and civil liberties under either administration.

An overview of select issues follows based on an extensive review of their records and campaign statements. The full memos are available at www.aclu.org.

ABORTION ACCESS

Trump has claimed credit for the Supreme Court's disastrous Roe decision and during the campaign he has not been entirely forthcoming regarding his position on abortion and reproductive healthcare—although he has pledged to leave abortion policy up to the states, during the September presidential debate he refused to say whether he would veto a national ban. Under Trump, the ACLU will fight any attempt to restrict access to mifepristone, a medication used in most abortions in the U.S., or to use the Comstock Act, a nineteenth century anti-obscenity law, to ban abortion nationwide, a tactic that is included in Project 2025.

Harris strongly supports reproductive healthcare and has promised to sign a bill restoring abortion rights. This is an important first step, but the ACLU will press Harris to do more including ending the Hyde Amendment, which restricts Medicaid coverage for abortion, pushing Congress to repeal the Comstock Act, ensuring hospitals provide necessary abortion care as required under the Emergency Medical Treatment and Labor Act, and investing in Title X, the federally funded family planning program.

The ACLU will pursue these policy goals, while protecting access to contraception and supporting ballot measures to add abortion rights to state constitutions.

CRIMINAL LEGAL SYSTEM

Trump's platform calls for punitive policies that would drive mass incarceration, increase death sentences, and protect abusive police. The ACLU will challenge any plan to expedite executions or return thousands of people released on home confinement during the pandemic to federal prison.

During her Senate tenure, Harris introduced a bill that would have decriminalized marijuana and co-wrote a major police reform bill. The ACLU also will press Harris to halt federal executions and abolish the death penalty.

Under either administration, much of our criminal justice agenda will focus on Congress. The ACLU will press lawmakers to address systemic racism in the criminal legal system by passing legislation that eliminates sentencing

disparities between crack and powder cocaine, restricts solitary confinement in federal penal institutions, provides civilian teams to respond to people experiencing mental health crises, prevents police departments from acquiring military equipment and ensures police accountability. At the state and local level, we will push for reforms that reduce incarceration and decrease interactions between police and the public, such as ending racially biased pretext traffic stops.

LGBTQ+ RIGHTS

Trump's campaign makes clear he would sanction unconstitutional discrimination against the LGBTQ+ community in education, employment, healthcare, and housing. In the event of a second Trump administration pursuing such policies, the ACLU will go to court to overturn federal policies that discriminate based on gender identity or sexual orientation and continue challenging state bans on gender-affirming healthcare. We will also lobby Congress to thwart the Trump administration's attempts to codify anti-LGBTQ+ discrimination and work with state legislators to pass protections for LGBTQ+ students.

The Biden-Harris administration rescinded discriminatory federal policies from the Trump era and sued to stop a barrage of anti-trans laws and other attacks on LGBTQ+ rights at the state level. We will press Harris to further expand federal protections for LGBTQ+ people and work with the Department of Justice (DOJ) to pursue litigation to shield trans individuals from biased state laws.

We will also advocate for passage of the federal Equality Act, which prohibits discrimination based on sex, gender identity, or sexual orientation.

VOTING RIGHTS

Trump has spent the past four years lying about the outcome of the 2020 election and sowing doubt about the upcoming one. Based on his past actions and campaign statements, there is every reason to believe a second Trump administration will undermine the right to vote, subvert efforts to expand voter registration, and try again to add a citizenship question to the 2030 census. As we did during his first

term, the ACLU will sue to block Trump from manipulating the census count and ask the courts to intervene if he tries to use federal law enforcement to intimidate voters or elections workers.

The ACLU will hold Harris accountable for keeping her campaign promise to support federal voting rights legislation that would expand ballot access, protect marginalized voters, and deter racial and partisan gerrymandering.

We'll push Congress to pass the John Lewis Voting Rights Advancement Act and Freedom to Vote Act, and ACLU affiliates will encourage state legislators and local officials to adopt policies protecting voting rights. We're poised to fight any new voter suppression laws or policies introduced at the state or local level and will push the DOJ to enforce federal statutes protecting the right to vote. In the states, the ACLU also will continue advocating for same-day registration, mail-in and early voting and other policies that make it easier for people to exercise their right to vote.

IMMIGRATION

As detailed in our memo, Trump has promised to detain and deport millions of people and restrict legal immigration. The ACLU is prepared to use every tool at our disposal—including litigation, lobbying, and public pressure—to prevent Immigration and Customs Enforcement from carrying out Trump's xenophobic plans. We'll also protect the right to asylum and birthright citizenship.

The ACLU will press Harris to repair our broken immigration system by taking executive action to establish a pathway to citizenship for the millions of undocumented residents who have lived, worked, and raised families here; end the inhumane practice of detaining and deporting immigrants; and restore access to asylum, which the Biden-Harris administration restricted in June, prompting the ACLU and other immigrants' rights groups to file a lawsuit.

In addition to advocating for restoring balance to U.S. immigration policy, the ACLU will oppose state laws that subject immigrants to racial profiling, harassment, deportation or arrest. 

EMPOWERING NATIVE STUDENTS THROUGH ADVOCACY AND SUPPORT: A PROFILE OF SONNY TRIPP

BY CARMEN KING

Sonny Tripp is committed to transforming educational outcomes for Native students. As an Indigenous education advocate at the Northern California Indian Development Council (NCIDC), a partner organization of ACLU NorCal, Tripp plays a crucial role in mediating between families, tribes, and school staff. “My role is to see past the labels and stereotypes that hold our kids back and to recognize each student’s full potential,” Tripp says. “The days of schools neglecting and dismissing Native youth are over.”

Prior to colonization, Indigenous people nurtured their children’s education through deep connections to their lands and traditions. Their teachings were more than lessons; they were spiritual and mental anchors to the natural world and their communities. This profound wisdom was interrupted when settlers arrived, bringing with them the damaging mindset that Indigenous ways were inferior and needed to be erased.

The result was a public education system designed to destroy Native identity and culture, leaving Native people unmoored from their land and their spiritual connections. For over a century, this policy was manifest in the federal government’s boarding schools, where Native children were punished for practicing their traditions and speaking their languages. Many Native students are only two generations removed from this era, and the trauma continues to impact families today.

Tripp’s commitment to this work is deeply personal. His paternal grandmother was sent to the Sherman Indian Boarding School in Riverside, California. Despite her mother’s ability to speak five languages fluently, his grandmother spoke only English and broken Karuk because of her time at Sherman.

Growing up, Tripp faced his own learning challenges, as many Native students face in traditional public schools. “My reading comprehension was solid, but I couldn’t get my intellect on paper. It wasn’t until college that I was finally tested and properly diagnosed with ADHD.” This personal experience underscored the importance of addressing learning differences with support rather than labels. “Children know when they are being labeled and dismissed, and it affects their performance in school,” Tripp said. “This issue is particularly pronounced for Native students, who face rampant discrimination and stereotyping in school.”

Tripp’s daily work focuses on addressing and correcting the long-standing issues faced by Native students in an education system that was not designed for them. He described a recent incident where a principal sought to expel a



“My role is to see past the labels and stereotypes that hold our kids back and to recognize each student’s full potential. The days of schools neglecting and dismissing Native youth are over.”

—Indigenous Justice advocate Sonny Tripp

Native student. When Tripp intervened, he discovered that the student, who had recently lost a parent and was in foster care, was being overlooked by school staff and lacked meaningful adult connections at school. “Kids need at least one safe space on campus where they can talk about what’s going on in their lives,” Tripp said. “I saw that she didn’t have that support.”

In that student’s case, Tripp shifted the school’s focus from discipline to support. He advocated for the student’s inclusion in an Individualized Education Plan (IEP)—a plan tailored to address the specific educational needs of students by

“Children know when they are being labeled and dismissed, and it affects their performance in school. This issue is particularly pronounced for Native students, who face rampant discrimination and stereotyping in school.”

—Sonny Tripp

setting clear goals and providing necessary accommodations and support services. This intervention transformed her school experience, connected her with supportive adults, and ensured she was recognized for her potential rather than her circumstances.

Tripp credits the success of such interventions to the strong partnership between ACLU NorCal and NCIDC and its member tribes, which began in 2020. “The relationship between our organizations is greater than the sum of its parts,” he notes. “Legal action can initiate change, but lasting impact comes from building trust with community members and ensuring Indigenous students receive ongoing support and respect beyond the terms of a legal agreement.”

A key outcome of the ACLU-NCIDC partnership was a report titled *Failing Grade: The Status of Native American Education in Humboldt County*. This report, published in 2020, revealed that Native American students in Humboldt County experience disproportionately high rates of exclusionary discipline, chronic absenteeism, and lower academic performance compared to their non-Indigenous peers. Additionally, the report uncovered a severe shortage of mental health professionals in the county’s schools, with nearly 90% of districts lacking school nurses and many lacking full-time social workers or psychologists.

Tripp’s position as Education Advocate, initially established with support from the ACLU and now sustained by donors, is crucial in addressing these disparities. “My goal is to help parents and students advocate for a better education for our Native youth,” Tripp said. “This involves increasing visibility and representation in the classroom, incorporating Indigenous perspectives and languages into curriculums, and addressing disciplinary issues in ways that prevent suspensions and loss of critical learning time. Most importantly, it means providing tailored support to recognize and encourage each student’s full learning potential.” 

Carmen King is a communications strategist at the ACLU of Northern California.

ACLU FALL 2024 VOTER GUIDE

A California worth Voting for

- YES on Proposition 3** – Freedom to marry
- YES on Proposition 4** – Climate bond to meet the challenge of the climate crisis
- YES on Proposition 5** – Create more affordable housing
- YES on Proposition 6** – End slavery and promote rehabilitation over exploitation
- YES on Proposition 32** – Raise California’s minimum wage
- YES on Proposition 33** – Expand local governments’ ability to enact rent control
- NO on Proposition 36** – Stop the prison spending scam

Vote Local

ACLU NorCal

ALAMEDA COUNTY

- NO on the Recall** of Alameda District Attorney Pamela Price

SAN FRANCISCO

- NO on Proposition D** – Protect police oversight and good governance
- YES on Proposition E** – Reform commissions the right way
- NO on Proposition F** – Don’t double-pay police

BOARD OF DIRECTORS ELECTION VOTING INFORMATION

WHO CAN VOTE

The bylaws of the ACLU of Northern California call for directors to be elected by the membership. The label affixed to this issue of the *ACLU News* indicates on the top line if you are a current member and thus eligible to vote. Your label states “VOTE” if you are eligible to vote or “INELIGIBLE” if you are not eligible to vote.

If your label states that you are ineligible to vote, but you have recently renewed your membership, please send in your ballot with a note that includes your name and phone number, so we can verify your status. If you are ineligible because you have not renewed your membership but would like to do so at this time, please enclose your membership renewal check in the same envelope as your ballot. (Please note that it is your membership dues payable to the ACLU, not tax-deductible donations to the ACLU Foundation, that make you eligible to vote.)

HOW THE CANDIDATES WERE NOMINATED

As explained in the Spring 2024 issue of the *ACLU News*, our bylaws specify two methods for nominating candidates for directorships. Candidates may be nominated by the current board of directors after the board considers recommendations from its nominating committee. Candidates may also be nominated by petition bearing the signatures of at least 15 of our members in good standing.

INSTRUCTIONS FOR VOTING

The candidates are listed in alphabetical order. We have 16 candidates running to fill 16 vacancies on our board of directors. You may vote for up to 16 candidates.



ACLU NORCAL BOARD OF DIRECTORS BALLOT

Please vote by marking one square next to each candidate you support. You may vote for up to 16 candidates on this ballot.

If you share joint membership with another member, use both squares.

Ballots must be received by
December 16, 2024.

**SEND THIS BALLOT AND YOUR ADDRESS LABEL
FROM THE FRONT PAGE TO:**

BOARD ELECTION
ACLU of Northern California
39 Drumm Street
San Francisco, CA 94111

- | | | | | | |
|--------------------------|--------------------------|-------------------------|--------------------------|--------------------------|---------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | ALLEN ASCH | <input type="checkbox"/> | <input type="checkbox"/> | SANDY LUCAS |
| <input type="checkbox"/> | <input type="checkbox"/> | ADRIENNE BOUSIAN | <input type="checkbox"/> | <input type="checkbox"/> | MAGAN RAY |
| <input type="checkbox"/> | <input type="checkbox"/> | GRAHAM DRAKE | <input type="checkbox"/> | <input type="checkbox"/> | KALIMAH SALAHUDDIN |
| <input type="checkbox"/> | <input type="checkbox"/> | ARLETTE FLORES | <input type="checkbox"/> | <input type="checkbox"/> | BOBBIE SIMPSON |
| <input type="checkbox"/> | <input type="checkbox"/> | STEPHANIE FLORES | <input type="checkbox"/> | <input type="checkbox"/> | NANCY STUART |
| <input type="checkbox"/> | <input type="checkbox"/> | MARINA HSIEH | <input type="checkbox"/> | <input type="checkbox"/> | BEVERLY TUCKER |
| <input type="checkbox"/> | <input type="checkbox"/> | AYISHA IFRAN | <input type="checkbox"/> | <input type="checkbox"/> | BETH VON EMSTER |
| <input type="checkbox"/> | <input type="checkbox"/> | JACQUELINE JOLLY | <input type="checkbox"/> | <input type="checkbox"/> | MARIA-ELENA YOUNG |

You cannot cast more than one vote for any candidate. That applies even if you vote for fewer than 16 candidates. If you share a joint membership with another member, each of you can vote for 16 candidates. Do so by using both of the two columns provided for that purpose.

After marking your ballot, enclose it in an envelope along with your address label (on the front of this newsletter), which is used to ensure voter eligibility.

**ADDRESS THE ENVELOPE TO
BOARD ELECTION
ACLU of Northern California
39 Drumm Street
San Francisco, CA 94111**

If you prefer that your ballot be confidential, put your ballot in one envelope, then insert that envelope plus your address label in a second envelope and send to the address indicated above. In that case, we will separate your envelopes before we count your ballot.

In order for your ballot to be counted, we must receive it at the address shown above by Dec.16, 2024.

As required by our bylaws, in order to have a quorum for our election, we need at least 100 timely returned ballots from our members.

To help you assess this year’s candidates, we’re including brief statements submitted by the candidates (see opposite page).

ACLU NORCAL BOARD STATEMENTS

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



ALLEN ASCH INCUMBENT UNION BOARD NOMINEE

I'd be honored to serve another term on the board. I joined the ACLU in 1983, worked as a volunteer ACLU attorney in the 1990s, and helped found the Sacramento ACLU chapter in 2007. I've worked recently on criminal legal issues like sheriff oversight representing the ACLU at city council and the county board.



ADRIENNE BOUSIAN INCUMBENT UNION BOARD NOMINEE

I would be honored to serve another term on the board to protect and advance civil liberties for all Californians. I'm proud to have partnered with the ACLU throughout my career. I'm currently a philanthropy advisor with Third Plateau. I'm a mom, Armenian-American, and Berkeley resident who has traveled to every county served by ACLU NorCal.



GRAHAM DRAKE INCUMBENT UNION BOARD NOMINEE

It has been my pleasure to be a board member since 2021 and I would be honored to serve another term on the Board of Directors. Born and raised in Oakland, I continue to fight for racial, economic, and environmental justice causes in the East Bay and beyond. While trained as a lawyer, my passion is working on improving public policy through emerging technology.



ARLETTE FLORES UNION BOARD NOMINEE

As an immigrant and first-generation, I firmly commit to social justice. My experiences have taught me to channel my struggles into power through community service, opening doors for new generations. I have been a volunteer and active leader in local organizations in Merced County, the Central Valley regions, and at the state level. It would be an honor to serve on the board.



STEPHANIE FLORES UNION BOARD NOMINEE

My passion for activism originated at a young age in San Jose, California, where I grew up. As a longtime community leader, I have championed issues like immigration rights, housing justice, police brutality, bail reform, pretrial services, and incarcerated women's rights. In collaboration with the ACLU in many cases, I feel privileged at the opportunity to be part of the board.



MARINA HSIEH INCUMBENT UNION BOARD NOMINEE

It is a privilege to support our beloved civil liberties as a Board member and as the NorCal representative to the ACLU National board. Currently I serve on the Governance and Audit committees. I am a recently retired law professor and live in San Ramon, which I represent on the Contra Costa County Library Commission.



AYISHA IFRAN UNION BOARD NOMINEE

I'm honored to be considered for the ACLU NorCal board. I've been a community organizer and advocate on issues of police reform, immigration reform, and anti-Muslim surveillance policies and practices of the New York Police Department for 15+ years. I now work on tech policy issues at Google to advance equity.



JACQUELINE JOLLY UNION BOARD NOMINEE

I am a queer community organizer in El Dorado County, and passionate about the rights of marginalized communities, including the rights of marginalized communities in rural areas. I currently volunteer with NorCal Resist to support queer and trans immigrants. I am a long-time ACLU supporter and would look forward to contributing to the organization's important work on the board.



SANDY LUCAS UNION BOARD NOMINEE

I am thrilled to have been nominated to serve on the ACLU NorCal board. I recently retired after working for 40 years for the Stanislaus County Superior Court of which the last twenty I served as Director of Family Court. I have seen first-hand the inequities of the court system and how it impacts people's lives. In these perilous times for the rule of law and civil liberties I would be honored to serve on the board.



MAGAN RAY INCUMBENT UNION BOARD NOMINEE

As we see increasing threats to our civil rights and civil liberties, I would be honored to serve another term on the ACLU NorCal board. We are at an inflection point in our nation's history; where we as Americans choose democracy or move towards authoritarianism and white nationalism. As the daughter of a refugee, first-generation immigrant, mother of three, and a practicing attorney, I am deeply committed to the rule of law and ensuring equal protection for all.



KALIMAH SALAHUDDIN UNION BOARD NOMINEE

Pursuing social justice and equity has been a personal driver for decades. I have benefited from others' advocacy and want to continue to pay it forward. I would be honored to serve on the board, bringing my previous experience serving on the boards of a school district and housing justice organizations.



BOBBIE SIMPSON UNION BOARD NOMINEE

I have lived in northern California for 35 years, have two children, and am currently enrolled at Shasta College to be a hospice nurse. As a transgender woman, I am proud to represent LGBTQ+ people in our community, speaking at public meetings. I volunteer with our local outreach, and I coordinated Redding Pride 2024.



NANCY STUART INCUMBENT UNION BOARD NOMINEE

It has been a privilege and a pleasure to support the critical work of the ACLU NorCal as member of the board. As a retired social justice lawyer and clinical law professor, I applaud the efforts and successes of the amazing staff, and know their work is needed now, more than ever. I welcome the opportunity to serve on the board for an additional term.



BEVERLY TUCKER INCUMBENT UNION BOARD NOMINEE

Since 1987, I have served several terms on the board. I have served on the development, legal, legislative, board nominating, personnel, and CEPAC committees. I am vice-chair of the board now. I am committed to the mission of the ACLU and I would welcome the opportunity to continue to serve on the Union board.



BETH VON EMSTER INCUMBENT UNION BOARD NOMINEE

It would be an honor to serve a second board term. I am the board's development committee chair, a chapter co-chair, and a retired attorney. It has been a privilege to support and advance the work of the ACLU in the community and I look forward to the opportunity to continue contributing to the organization's mission.



MARIA-ELENA YOUNG UNION BOARD NOMINEE

I am thrilled to be nominated to serve on the ACLU NorCal board. I live in Merced and am an active member of our chapter where I have worked to improve transparency surrounding our county budget and advocated for the immigrant community. I am an Assistant Professor of Public Health at UC Merced where I conduct research to understand the health impact of the U.S. immigration system.

A LETTER FROM ACLU OF NORTHERN CALIFORNIA EXECUTIVE DIRECTOR ABDI SOLTANI

What are you working on these days at the ACLU? I'm often asked that question casually, by acquaintances at the dog park, over coffee with a friend, or during family visits. These days, I have three main answers.

AN EPIC NATIONAL ELECTION

Throughout the country, the ACLU is conducting our largest scale voter education and voting rights protection activities in our history. As covered on our front page, the scope of this work is quite far-reaching. I am in daily contact with my peers in Missouri and Florida leading abortion rights ballot measures, in Georgia and Pennsylvania conducting deep local voting rights protection, even Connecticut (the land of steady habits!) is sponsoring a state constitutional amendment to establish universal no-excuse absentee voting.

Here in California, the ACLU is working to ensure the full implementation and enforcement of our robust voting rights at the state and county level. As described elsewhere, we are deeply involved in three statewide ballot measure campaigns. We have also released a toolkit for residents to use to assess their school board candidates on civil liberties issues.

A SWINGING PENDULUM IN CALIFORNIA

For the past fifteen years, California has been on the vanguard of criminal justice reforms that have dramatically reduced jail and prison sentences, while improving public safety. Coming out of COVID and in the face of the fentanyl epidemic, a number of prosecutors have seized on voter anxieties to roll back some of our hard-won gains. We are urging voters to vote No on Proposition 36, which purports to support drug and mental health treatment when in fact it increases incarceration and drains the very funds available for these alternatives to incarceration.

This swinging pendulum is also manifest in local and state government officials' statements and policies on homelessness. In the wake of the U.S. Supreme Court decision in *Grants Pass*, policymakers are showing no restraint in fining and arresting homeless people who have no other option but to sleep on the streets.

In San Francisco, we have released a questionnaire to Mayoral Candidates on solutions on key civil liberties issues. In Alameda County, we are urging voters to vote No on the Recall of District Attorney Pamela Price, because the recall is an attack on her civil liberties policies.

A NEW SCHOOL YEAR, NEW LAWSUITS

Last academic year was filled with a full range of civil liberties issues that unfolded in high school and college campuses throughout our region. Our attorneys and investigators worked hard to fully document and respond to those events.

In the face of campus protests, we saw truly unprecedented law enforcement and disciplinary responses by university officials to both protected free speech activity and civil disobedience. Among these campuses, the response at the University of California Santa Cruz required our serious attention. With the start of the academic year, we filed a major lawsuit against UCSC for their practice of banishment of student and faculty protesters in violation of state and federal law.

While some students protested at their graduation ceremonies, other students sought to wear tribal and other cultural regalia at theirs. Our recent report documents the systemic violations of these rights as we call on school districts to publicize and enforce these rights.

We also released a comprehensive update of our My Schools My Rights website, www.myschoolmyrights.com, with a range of

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Throughout the country, the ACLU is conducting our largest scale voter education and voting rights protection activities in our history.

Here in California, the ACLU is working to ensure the full implementation and enforcement of our robust voting rights at the state and county level.

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Photo by Bethanie Hines

ACLU of Northern California
Executive Director Abdi Soltani

resources and information about positive California laws ranging from curriculum, books and LGBTQ students' rights.

A POINT OF PERSONAL REFLECTION

As an Iranian American, I am constantly in awe of the multi-racial democracy that I am honored to be a part of, and to defend. In one of his timeless speeches, the former slave and abolitionist, Frederick Douglass, called this a "composite nation" that should be equally inclusive of people of all races. It is for this reason that I am filled with extra motivation when political leaders train their targets at the most vulnerable members of our composite nation—whether transgender youth or Haitian immigrants. One of Douglass' final acts of service to this nation was as the United States' consul general to the Republic of Haiti. I speak for myself, and I think Frederick Douglass would agree - that every one of us, including our neighbors from Haiti, fall within the meaning of person, deserving and entitled to the rights of the Constitution of this composite nation. I appreciate all you do to keep that vision alive.

Abdi Soltani, Executive Director
ACLU of Northern California

WANT TO TAKE ACTION?

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 action list at ACLUNC.ORG/EMAIL