

ACLUnews

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WHAT'S INSIDE

- 2 Board election results
- 3 Protecting the rights of immigrants
- 3 Privacy rights
- 4 Voting rights
- 5 California at a Crossroads: Will we solve the incarceration crisis?
- 7 The ACLU-NC campus network
- 8 Ask the Experts: Reproductive Justice

OCCUPY THE FIRST AMENDMENT

By Rebecca Farmer

On the heels of Arab Spring came what some have dubbed American Fall—the Occupy movement that spread from Wall Street to cities and towns across the country. Occupy quickly became the largest expression of free speech in a generation. But police crackdowns on demonstrators followed just as quickly.

In Oakland, police fired tear gas, flash bang grenades, and lead pellet-filled bags at huge crowds of demonstrators. At UC Berkeley, campus police hit student and faculty protesters with batons and threw people to the ground by their hair. And at UC Davis, police doused seated student protesters in the face with military-grade pepper spray.

Excessive police force against protesters is never acceptable. That's true even if peaceful protesters are engaged in civil disobedience and refuse to comply with a police order to disperse.

The ACLU of Northern California has filed suit against the Oakland Police Department and administrators and individual officers at UC Davis, and has uncovered disturbing information about the UC Berkeley administration's role in giving the green light for police force against students.



Eric Hoffman

A protester celebrates the First Amendment at an Occupy demonstration at UC Berkeley.

CONTINUED ON PAGE 6

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AMERICAN CIVIL LIBERTIES UNION
of NORTHERN CALIFORNIA

LETTER FROM THE EXECUTIVE DIRECTOR



Bob Hsiang Photography

This is a big year for the ACLU here in California—and nationally.

We are proud to be part of the coalition that has submitted 800,000 signatures to qualify the SAFE California Act for the November 2012 ballot. This

measure gives voters the chance to replace the death penalty with life without parole, and direct \$100 million in savings toward solving the half of murders and rapes that are unsolved in our state. Please contact Ashley (ashley@safecalifornia.org) to organize a house party or to help.

It is also a big year for us in Sacramento. We are sponsoring a number of major bills. Our goals are to reduce the penalty for simple drug possession to a misdemeanor; reform the pre-trial system so that poor people do not languish in jail due to the inability to post bail; expand access to safe and early abortion care; and reform school suspension and expulsion processes to encourage alternatives that keep kids in school.

As *ACLU News* readers may already know, this is a big year in the U.S. Supreme Court, too. The Court will hear the Arizona anti-immigrant law on April 25. Starting in San Francisco on April 22, the ACLU will launch a nationwide, coast-to-coast tour called *Estamos Unidos: "We are United."* I am excited to travel with the tour through California, hold a town hall in Phoenix on the eve of the Supreme Court arguments, and travel east through New Mexico, Texas and three southern states with copy-cat laws—Alabama, Georgia and South Carolina, where the tour will conclude on May 1. With press conferences, outreach events, video testimonies and an online and offline petition, you can follow the tour at ACLU's new bilingual website www.miACLU.org.

Thank you for all of your support. You make these ambitious civil liberties campaigns possible.

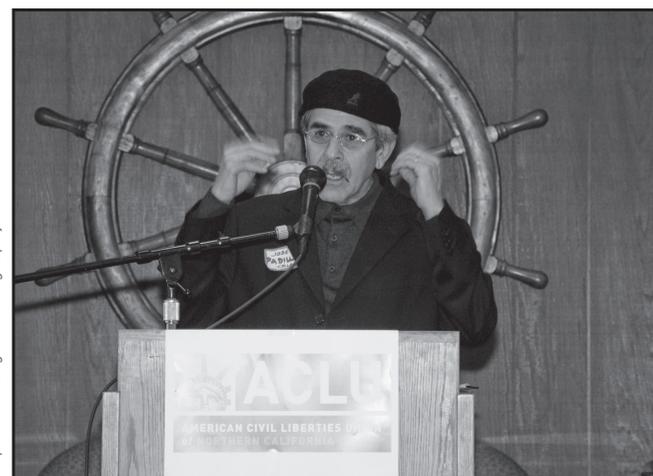
iAdelante!

Abdi Soltani
Executive Director

BILL OF RIGHTS DAY: CELEBRATING OUR PARTNERSHIPS ACROSS NORTHERN CALIFORNIA

On December 11, the ACLU of Northern California celebrated Bill of Rights Day, and honored José R. Padilla, executive director of California Rural Legal Assistance, with the Chief Justice Earl Warren Civi Liberties Award, for his tireless work providing legal services to rural communities throughout California.

Also honored were members of the Friedman family, including Howard A. Friedman [posthumously], Phyllis Friedman, Robert Friedman and Kristina Kiehl, Ellie Friedman and Jonathan Cohen, and David Friedman and Paulette Meyer. The family was presented with the Lola Hanzel Courageous Advocacy Award. The Greater Fresno Chapter was honored with the Dick Criley Activism Award.



Stephanie Jaeger Photography

José R. Padilla, executive director of California Rural Legal Assistance, was honored with the ACLU-NC's Chief Justice Earl Warren Civi Liberties Award.

WELCOME

Jocelyn Wong joined the ACLU-NC in 2011 as Director of Foundation Support. She works with staff to engage foundation funders and secure new grants. She has worked for organizations throughout California, as a program manager and grant writer. While studying political science and LGBTI Studies at UC Riverside, Wong served on the boards of the University of California Student Association and United States Student Association.



Gigi Pandian

In her spare time, she volunteers for Queer Control Records, a nonprofit LGBT record label that she and her wife founded in 2007.

ALAN SCHLOSSER HONORED BY THE NATIONAL LAWYER'S GUILD

On March 10, ACLU-NC Legal Director **Alan Schlosser** was honored by the National Lawyers Guild along with attorney Bobbie Stein for their tireless work for social justice. Over 400 members,



Bob Hsiang Photography

supporters and friends celebrated Schlosser and Stein as Champions of Justice at NLG's annual Testimonial Dinner.

BOARD ELECTION RESULTS

Congratulations to ACLU-NC's new Board members, Officers and Executive Committee members!

Election Results: Board of Directors

The membership of the ACLU-NC has elected the following people to serve on the Board of Directors for the 2012 term [an asterisk (*) denotes an incumbent]: *Alicia Fernandez, *Allen Hammond, *Dennis McNally, *Magan Ray, *Stephen Rosenbaum, Arsenio Mataka, David Berger, Angela Clements, Zona Sage, Lisa Honig. We also thank our outgoing at-large Board members Nancy Pemberton, Dick Grosboll, Jim Blume, Jahan Sagafi and Elizabeth Zitrin for their valuable contributions to our work and mission.

New Officers & Executive Committee Members

The ACLU-NC Board of Directors elected Dennis McNally as Development Committee Chair and Ajay Krishnan as Legal Committee Chair. The Board has also re-elected Farah Brelvi as Legislative Policy Committee Chair, Ken Sugarman as Finance Committee Chair (Secretary/Treasurer), Allen Asch as Field Activists' Committee Chair, Cherri Allison as National Board Representative, and Simran Kaur as Affirmative Action Officer. The 2012 Executive Committee will also include the following "at-large" members: Susan Mizner, Beverly Tucker, Marlene DeLance (*member emerita*) and Frances Strauss (*member emerita*); as well as Marin County Chapter representative George Pegelow and Monterey Chapter representative Elliot Ruchowitz-Roberts.

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THE PUBLICATION OF THE
AMERICAN CIVIL LIBERTIES UNION OF NORTHERN CALIFORNIA

Membership (\$20 and up) includes a subscription to the *ACLU News*. For membership information call (415) 621-2493 or visit www.aclunc.org

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THE ACLU-NC PROTECTS IMMIGRANTS' RIGHTS IN SONOMA COUNTY—AND BEYOND

By Miriam Gerace

Sheriffs have the power to make effective choices without turning local officers into federal agents or violating the civil liberties of California residents. In 2011, the Sheriff of Sonoma County, the County of Sonoma, and the U.S. Bureau of Immigration, Customs & Enforcement (ICE) announced just that—thanks to an innovative settlement in a case brought by the ACLU-NC with pro bono assistance from Latham & Watkins LLP.

“The settlement will increase public safety and reduce ineffective tactics for policing communities with a high density of new immigrants, a top priority for the ACLU of Northern California,” said Julia Harumi Mass, lead attorney in the suit and staff attorney at the ACLU-NC.

Under the county agreement—brokered on behalf of local activists, the Committee for Immigrant Rights of Sonoma County and two individuals—the Sonoma County sheriff's office will no longer participate in joint field operations with the federal agency ICE unless ICE refrains from arresting or taking custody of persons solely based on a suspicion that they are unlawfully present in the country.

The sheriff also agreed not to volunteer information to ICE

about people who are in the county's custody due solely to traffic infractions or driving without a license and to consider accepting identification from consular offices. Such cards are now accepted by many Sonoma County law enforcement agencies, a practice that helps minimize arrests based on lack of state-issued ID.

Local peace officers and ICE agents continue to have the ability to detain or arrest individuals who are suspected of criminal activity or who are thought to pose an imminent threat to public safety.

In August, 2010, after the Sonoma lawsuit was filed, ICE issued a national policy clarifying that its agents could only issue immigration detainers for persons *already* in state or local custody on independent, criminal grounds.

In December, 2011, in the federal settlement, ICE agreed to train all agents authorized to issue immigration detainers from the San Francisco field office (which serves Sonoma County) on this aspect of federal detainer policy.

This shift signals a significant intent to curb the practices challenged in the case—and reflects the long reach of the ACLU-NC's excellent policy and legal team.

The lawsuit was filed in 2008. Plaintiffs claimed that for three years, sheriff's deputies and agents from the U.S. Bureau of Immigration and Customs Enforcement (ICE) stopped and searched people who appeared to be Latino, interrogated them about their immigration status, and detained them in the county jail on behalf of federal agents. The holds were made at local expense and were based on detainers that ICE had issued solely to hold persons who did not have any criminal charges but were suspected of civil immigration violations. The Sheriff's Department and ICE were also charged with failure to notify targeted individuals of their rights under the law or about the charges against them, among other charges of violations of due process.

“Counties play a real and important role in protecting all residents from crime,” added Mass. “But they have a better shot at finding actual criminals when they remove the focus from people who are not a threat to anyone. The real victory this settlement brings is an opportunity to rebuild trust.”

Miriam Gerace is Senior Communications Strategist at the ACLU of Northern California.

DONORS RUTH AND JERRY VUREK HONOR A LIFELONG ACLU MEMBER

Orinda residents Ruth and Jerry Vurek have generously supported the ACLU for many years through their philanthropy and volunteerism.

Last year, they gave a special contribution of \$50,000 in honor of Jerry's mother Helen Vurek, who was herself a lifelong ACLU member, steadfast supporter, and loyal participant in our annual Benefactors Dinner. An ardent advocate for civil liberties, Helen was particularly passionate about protecting reproductive freedom. By making this memorial gift, Ruth and Jerry have ensured that Helen's legacy of support will continue, and allowed us all to celebrate her vision of fairness and justice for all.

Gifts of all sizes can be designated in honor or memory of someone special and provide much-needed resources for the ACLU. Please contact Jackie Adams at 415-621-2493 x 431 or jadams@aclunc.org for more information.



GUILTY UNTIL PROVEN INNOCENT? OPPOSING WARRANTLESS COLLECTION OF DNA

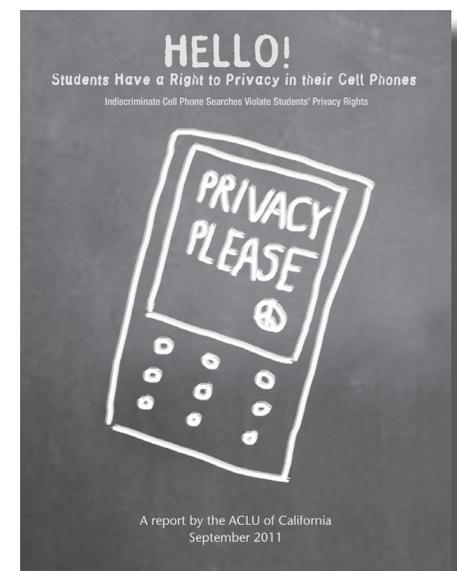
The ACLU-NC filed a lawsuit in federal court in 2009 seeking to stop California's policy of mandating that DNA is collected from anyone arrested for a felony, whether or not they are ever charged or convicted. The ACLU-NC and co-counsel Paul, Hastings, Janofsky & Walker have long argued that the policy, a result of Proposition 69 (2004), violates constitutional guarantees of privacy and freedom from unreasonable search and seizure, and has a harmful impact on communities of color. Under this law, tens of thousands of innocent Californians will be subject to a lifetime of genetic surveillance because a single police officer suspected them of a crime.

In February, a three-judge panel of the Ninth Circuit Court of Appeals disagreed, in a 2-1 split decision, ruling that the collection of DNA samples, which sometimes involves a cheek swab or a blood sample, is much like taking a fingerprint.

From the ACLU-NC perspective, the majority opinion allows the government to treat people who have only been arrested and are presumed innocent as if they have been found guilty at trial. The dissenting judge, however, rightfully noted that taking a person's DNA is not like taking fingerprints because DNA reveals much more information than does a mere fingerprint, and also that the majority allowed taking DNA for reasons that would not even justify taking a fingerprint.

The ACLU-NC has asked the entire Ninth Circuit to order that the case be reheard en banc by an 11-judge panel of the Court. The Court has already taken the unusual step of ordering the government to respond to the ACLU's request.

ACLU TO SCHOOLS: SEARCHES OF STUDENTS' CELL PHONES THREATEN THEIR PRIVACY RIGHTS



As cell phones become more and more indispensable to young people, confiscation and searches of students' phones by school authorities have become widespread. Because such searches provide a window into every aspect of a students' private life, they violate the laws that protect students' privacy rights.

A new report, *HELLO: Students have a right to privacy in their cell phones*, summarizes the results of the ACLU's examination of search and seizure policies in nearly 200 California school districts, reviews the current legal limits for searching students' belongings, and lays out the components of an ideal model policy.

A copy of the report can be downloaded at: www.aclunc.org/issues/youth.

SACRAMENTO REPORT

By the Sacramento Legislative Office

In the Chinese Lunar Calendar, the Year of the Dragon is one that should bring great risks and rewards. We are optimistic.

Governor Brown has taken the prophecy of risk to heart by proposing massive changes to the state's education funding system. In brighter news, the ACLU of California is sponsoring two bills that would strengthen our public education system.

But first, the budget. The Governor's education budget proposal involves eliminating state funding for a number of programs and for the enforcement of some important laws.

Current law provides school districts with reimbursements for costs associated with notifying parents when their children are absent from school. This is essential so parents can help their children understand the importance of school and because parents may be charged with a misdemeanor if their children do not attend school. Sadly, the Governor proposes to eliminate parent notifications of student truancy. The ACLU believes that parents should receive these notices and school districts should have adequate funds to provide them.

The Governor has also proposed eliminating funding for financial and compliance audits. Most significantly for us, these audits help ensure the protections enacted in the

Williams v. California settlement legislation are effective, and that students receive sufficient textbooks, for example.

The ACLU of California is taking a strong stand in opposition to these budget cuts.

AB 1729 ENCOURAGES
SCHOOLS TO TAKE A
PROACTIVE APPROACH
TO PREVENTING
BULLYING...EMPLOYING
ALTERNATIVES TO
SUSPENSION AND
EXPULSION UNLESS
THERE IS A THREAT OF
PHYSICAL VIOLENCE.

We are also proposing two important bills in the State Assembly. Assembly Bill 1575, authored by Ricardo Lara, will put procedures in place to end the charging of student fees for basic activities and materials including textbooks, workbooks and assigned novels.

This legislation stems from an investigation by the ACLU of Southern California, which led to an ACLU lawsuit on behalf of students alleging that the fees violate the California Constitution's free public education guarantee and discriminate against lower-income students by creating a "pay to learn" system that threatens the integrity of our state's public education system.

All students must feel—and be—safe at school. AB 1729, authored by Tom Ammiano, encourages schools to take a proactive approach to preventing bullying by assessing and addressing the root causes of problem behavior on a case-by-case basis, and employing alternatives to suspension and expulsion unless there is a threat of physical violence.

This bill stems from the ACLU's research over the past ten years about the most effective ways to create safer learning environments for vulnerable youth. 

CALIFORNIANS SENTENCED UNDER REALIGNMENT HAVE THE RIGHT TO VOTE, ARGUE CIVIL RIGHTS ADVOCATES

By Laura Saponara

Represented by the ACLU of Northern California and Rother counsel, three organizations concerned with voting rights filed a lawsuit in March in the First District Court of Appeal to clarify that people who have been sentenced for low-level, non-violent offenses under the state's historic realignment law are entitled to vote in the 2012 elections and beyond. The suit asks the Court to clarify the voting rights of more than 85,000 Californians in time to allow them to register before the Oct. 22 deadline.

"Being deprived of the right to vote is civil death," said Joe Paul, who coordinates a re-entry program that focuses on workforce development and life skills in conjunction with the Los Angeles County Sheriff and the Department of Corrections. "For democracy to work, especially in the inner city, everybody needs to be a part of the franchise."

The petitioners in the case are All of Us or None, Legal Services for Prisoners with Children, and the League of Women Voters of California, as well as a woman confined in San Francisco jail for a narcotics conviction who wishes to vote. Secretary of State Debra Bowen and San Francisco Director of Elections John Arntz are named as respondents.

At the center of the lawsuit is a 2006 ruling in the ACLU-NC's case *League of Women Voters vs. McPherson* in which the same court clarified that people who are confined in county jail as a condition of felony probation are entitled to vote under California law. The ruling in the *McPherson* case states that a person may not be deprived of the right to vote unless they are "in state prison" or "on parole."

In December, Secretary Bowen issued a memorandum to all county clerks and registrars stating that none of the individuals sentenced under realignment are eligible to vote.

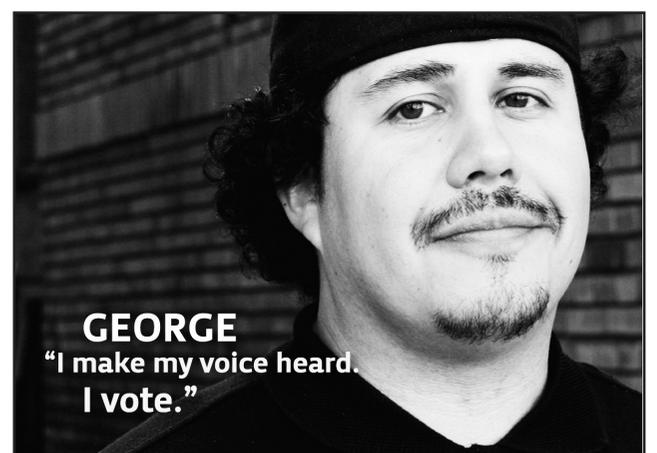
CALIFORNIA'S COURTS
HAVE A PROUD TRADITION
OF PROTECTING OUR
FUNDAMENTAL RIGHT TO VOTE.

Co-counsel in the case include the Social Justice Law Project, Lawyers' Committee for Civil Rights of the San Francisco Bay Area, A New Way of Life Reentry Project, Legal Services for Prisoners with Children, and the Law Office of Robert Rubin.

"California's courts have a proud tradition of protecting our fundamental right to vote. Here, this is particularly important because disenfranchisement has such a disproportionate impact on people of color," said Jory Steele, managing attorney of the ACLU of Northern California.

The people who will now be in their communities following implementation of realignment are men and women whose offenses are neither violent nor serious. They include, for example, people who have forged a train ticket, possessed morphine, received stolen metal from a junk dealer, or counterfeited a driver's license.

"I feel fundamentally that laws are weighted heavily in favor of those who already have power," explained Willy Tate of San Leandro, a volunteer organizer with All of Us or None. "As a formerly incarcerated person, it's very dear to me that everyone who has been locked down has the chance to help put in place policies that can have a



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"I make my voice heard.
I vote."

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Off Parole?
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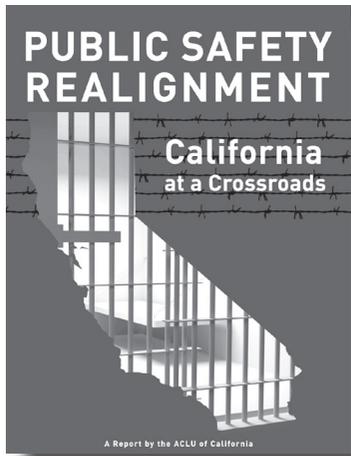
positive impact on the lives of people who are vulnerable to incarceration." 

Laura Saponara is Communications Director at the ACLU of Northern California.

HOT OFF THE PRESS: CALIFORNIA AT A CROSSROADS: WILL WE SOLVE THE INCARCERATION CRISIS?

By Margaret Dooley-Sammuli, Allen Hopper and Clarissa Woo

Last year in *Brown v. Plata*, the United States Supreme Court ruled that California must stop imprisoning so many people and take steps to reduce the state's prison population by 33,000. California's historic realignment process, now underway, is intended



to help the state reverse decades of over-reliance upon incarceration. The realignment law encourages decision-makers at the county level to use evidence-based practices to stop the revolving door of incarceration by stemming the rate at which people who are sentenced to prison and jail are released and then return.

The decisions counties are making right now about how to implement realignment will have dramatic and long-lasting impacts on public safety and on local taxpayers. Will counties focus on expanding incarceration at the expense of good public safety policy? Or will they tackle complex criminal justice challenges by implementing policies and practices based upon evidence rather than upon the politics of fear?

In a new 112-page report, the ACLU of California takes a hard look at the reality of jail overcrowding and how to fix it, explains how the state's money-based bail system discriminates against the poor while failing to protect community safety, and surveys alternatives to incarceration that are proven to be more effective than jail at preventing crime and limiting future victims. It is the first major analysis of realignment since it took effect October 1, 2011.

Central to the ACLU of California's analysis is this stunning fact: most people in county jails have not been convicted of a crime. More than 50,000 of the 71,000 Californians held in county jail on any given day are awaiting their day in court, most of them incarcerated without trial simply because they cannot afford bail. The report describes policies and practices that counties can adopt to ensure that people who pose a real risk to public safety are held behind bars—not those who are simply too poor to afford bail.

The ACLU's realignment research team conducted an in-depth analysis of how local leaders in the 25 counties that received the most realignment (AB 109) funding have decided to invest these dollars—nearly \$400 million, slated to grow to more than \$1 billion annually in the next fiscal year.

The bad news is that at least 32 of California's 58 counties have plans to expand jail capacity using state realignment funds or other tax dollars.

The good news is that a range of less expensive and more effective alternatives to incarceration exist, including:

- Allowing all defendants awaiting trial who pose little or no threat to public safety to be released on their own recognizance (OR).
- Expanding drug treatment and mental health counseling services for individuals with addiction problems.

California at a Crossroads It's time to fix California's broken criminal justice system



California's prison system has become a revolving door.

Evidence-based alternatives to incarceration will reduce recidivism rates.¹

Most people in California jails HAVE NOT BEEN CONVICTED OF A CRIME.

More than 50,000 of the 71,000 Californians held in a county jail on any given day are awaiting trial: that's 71% of county jails' average daily population.²



In addition to the human cost, there is a high financial cost of pretrial incarceration.



\$100 per day to keep someone in jail awaiting trial.



\$2.50 per day to monitor people with pretrial programs.³

1. The Pew Center on the States, *State of Recidivism: The Revolving Door of America's Prisons* (Apr. 2011), p. 26. 2. Corrections Standards Authority, *Jail Profile Survey Third Quarter Results* (2011). 3. Justice Policy Institute, *Baltimore Behind Bars* (2010), p. 30

- Employing alternative sentencing—such as home detention with or without electronic monitoring—where appropriate.

The ACLU has become one of the state's strongest advocates for seizing the new opportunities presented by realignment to transform the way we address crime, public safety, punishment and rehabilitation.

Public Safety Realignment: California at a Crossroads is intended primarily for policy advocates and stakeholders including county officials, state legislators, and members of law enforcement, particularly sheriffs, probation chiefs, district attorneys and public defenders. 

For a copy of the report, visit: www.aclunc.org/realignment.

The authors are part of the ACLU of California's Criminal Justice and Drug Policy Project. Margaret Dooley-Sammuli is senior policy advocate with the ACLU of San Diego and Imperial Counties; Allen Hopper is the director of the project at the ACLU of Northern California; and Clarissa Woo is director of policy advocacy at the ACLU of Southern California.

OCCUPY THE FIRST AMENDMENT

CONTINUED FROM PAGE 1

“Don’t Shoot Students”

On November 18, Fatima Sbeih, a senior majoring in international studies, was riding her bike on the UC Davis campus following afternoon prayer. She came across a large crowd of demonstrators, flanked by police in riot gear armed with shotguns. She joined the demonstrators, sitting down on the Quad to show that she was non-violent. Seated near her was David Buscho, a mechanical engineering student. It was the first time that David had decided to participate in a political demonstration.

Fatima and others chanted, “Don’t shoot students!” while remaining seated on the Quad. Suddenly on-lookers began shouting, “Cover your faces!” Lt. John Pike unleashed pepper spray on Fatima, David and many other seated protesters while other officers stood calmly by. All of this was captured on video and shared widely on the Internet.

David was in searing pain after being sprayed directly in the face. As the pepper spray entered his lungs, it became harder for him to breathe.

Sarena Grossjan, a photographer majoring in Native American Studies and art, was also pepper-sprayed. She was in pain and some of the effects lasted for weeks. Sarena decided to join the demonstration because additional tuition and fee hikes will likely mean that she will have to drop out of school. She is taking five courses this semester, and sleeps on friends’ couches because she cannot afford rent.

Another student plaintiff who was pepper-sprayed said that she opened her eyes to see what was going on—just in time to see a line of pepper-spray coming directly into her eye.

The ACLU of Northern California and cooperating attorneys are representing Fatima, David and Sarena, along with 14 other students and two alumni, in a lawsuit against UC Davis and individual police officers. That lawsuit seeks to determine why the university violated the demonstrators’ state and federal constitutional rights and seeks better policies that will prevent similar abuses of power in the future. The lawsuit also charges that university officials and the campus police department failed to properly train and supervise officers.

As student plaintiff Elizabeth Lara told TV reporters, “I want the university to be a place where activism is encouraged, not just tolerated.”

Suing to Stop Oakland Police Violence Against Protesters

Oakland became an epicenter of the Occupy movement after police reacted violently to a demonstration on October 25. That night police indiscriminately shot flash bang grenades, projectiles and excessive amounts of tear gas into crowds of peaceful protesters. In so doing, police officers violated the First Amendment by interfering with the right to demonstrate. And the officers violated the Fourth Amendment by subjecting protesters who posed no safety concerns to excessive force.

That police response gained international criticism and spurred another mass demonstration on November 2. This time tens of thousands of protesters turned out. Police responded violently again. Timothy Scott Campbell, a videographer, was shot with a lead-filled bag while lawfully filming the police.



Sarena Grossjan joined the demonstration at which she was pepper-sprayed because additional fee hikes at UC Davis would mean she might have to drop out of school.



It was the first demonstration mechanical engineering student David Buscho had ever participated in.



Fatima Sbeih, a senior majoring in International Studies, was riding her bike on the UC Davis campus after afternoon prayer. Joining the demonstrators, she sat down on the Quad to show that she was nonviolent.

Photos by David Felsen

“I was filming police activity at Occupy Oakland because police should be accountable,” said Campbell.

Lead-filled bags are sometimes called “bean bag projectiles” but this is a misnomer, given the injury and extreme pain they can cause.

The ACLU-NC and the National Lawyers Guild filed a federal lawsuit on behalf of Campbell and others against the Oakland Police Department (OPD) for these egregious constitutional violations. Early rulings from U.S. District Court Judge Richard Seeborg denied our requests for an emergency temporary restraining order and a preliminary injunction to stop the use of violent force.

In a hearing, the City of Oakland promised that it would follow its Crowd Control Policy, which calls for “uphold[ing] constitutional rights of free speech and assembly while relying on the minimum use of physical force...required to address crowd management.” Unfortunately, during demonstrations in late January, the OPD reverted to old tactics and fired multiple rounds of tear gas into crowds of protesters during a mid-afternoon demonstration. Over 400 arrests were also made that day. Journalists, too, were zip-tied and arrested.

The civil rights lawsuit against the OPD is ongoing.

Revealing the UC Berkeley Administration’s Role

Police use of force was also caught on camera at UC Berkeley, when police responded to non-violent student protesters last fall with baton blows.

Chancellor Birgeneau initially claimed that the Occupy Cal protesters, by linking arms, were “not non-violent,” apparently forgetting this iconic gesture of the civil rights movement. He quickly recanted after actually reviewing videos of the scene, which he subsequently acknowledged were “very disturbing.”

However, the ACLU-NC obtained emails in response to a public records request that show that the police conduct that day was in fact authorized at the highest level of the university. The emails reveal that the chancellor was clearly informed by Vice-Chancellor Breslauer that the police had used batons against students. The chancellor responded by giving the go-ahead for further use of force, which is exactly what happened in a second clash with protesters that day.

Keeping free speech free

The United States was founded on a strong tradition of protest, protected by the First Amendment. Two hundred and thirty-five years later, that tradition is alive and well. It’s essential that the police response to demonstrations does not quell speech.

As ACLU-NC staff attorney Michael Risher puts it, “When the cost of speech is a shot of blinding, burning pepper spray in the face, speech is not free.”

The ACLU-NC will continue standing up for the rights of demonstrators in Oakland, at UC Davis, UC Berkeley and around the region. We’re the ACLU, after all. It’s what we do. 

More information about the ACLU-NC’s advocacy for demonstrator’s rights is online at www.aclunc.org. A video featuring the stories of UC Davis students Fatima, Sarena and David is at www.aclunc.org/ucdavis.

Rebecca Farmer is the Media Relations Director at the ACLU of Northern California.

ACLU-NC LAUNCHES CAMPUS NETWORK

By Laila Fahimuddin

On January 14, 50 college student activists from around California came together for a statewide ACLU Social Justice Conference. This gathering was the first of its kind, bringing in student activists from as far north as Chico and as far south as San Bernardino and Long Beach. Students spent an intensive weekend participating in organizing skills-building workshops and issue briefings on core ACLU topics and talking about the social movements that bring them to life. The conference culminated in Monterey County in a day of signature-gathering for the SAFE California campaign to replace the death penalty.

This conference signified the launch of the ACLU Campus Network, a new program designed to invite student organizers of all backgrounds and experience levels to engage with the ACLU. Participants in the network gain access to special trainings and resources, grassroots campaign opportunities, valuable peer and staff networks, and a biweekly newsletter. The project is made possible by the support of all our members and donors, including the Howard A. Friedman Endorsement.

Here are reflections of a few student activists who agreed to share their thoughts with *ACLU News* readers:



**Ignacio Fuentes,
Merced College**

I know that change starts small. I also know that small change can snowball into something huge, so I hope that with the ACLU I can help enact change that will lead to something monumental. It would be amazing if I could be a part of change for immigrant and gay rights.

It is shocking how much misinformation is out there on certain issues, so spreading knowledge can plant the seed for change.



**Kimberly Soeiro,
Sonoma State**

Looking at my generation now, I hope to inspire motivation in one person at a time. I will be working with my fellow students and peers to help build a foundation for change on campus. We want to create strong ties and a sense of solidarity that

will open up the doors to discussion and action whether it be through letter-writing, petition-signing, or charity drives. In the upcoming months, we will be encouraging students to get involved with the electoral process and providing background on the candidates and their stances to ensure that students have the information they need. If nothing else, I do hope to generate love, caring and empathy.

**Dalia Hernandez,
California State
University,
Long Beach**

I strive to find a way to not increase tuition and other fees. Higher education is vital for the growth and economy of California. As our state's population continues to grow, we need educated individuals who will be ready to do the hard work.

Undocumented students who do not receive financial aid are greatly affected by the cost of college because they have to pay on their own for school. I want to protect the rights of undocumented students as they oppose higher tuition and fees. I think it is crucial to remove the barriers for undocumented students and to make sure they are not discriminated against as they study to improve their lives.

**Caliah Hill,
California State
University,
Monterey Bay**

I am hoping to inspire a college culture change through working with the ACLU, with an eye to students who aren't aware, educated or informed of their rights with the police and the vulnerabilities associated with their online identities.

The civil rights movements of the early '60's are the most inspiring to me. Everyone involved in protecting our irrevocable rights is part of the power of activism. 

Laila Fahimuddin is an Organizer at the ACLU of Northern California.



Photos by Laura Saponara

ESTAMOS UNIDOS TOUR

This spring, the ACLU-NC will undertake a coast-to-coast tour through states affected by discriminatory anti-immigrant laws.

Learn more at www.miACLU.org and @miACLU

**CONFERENCE & LOBBY DAY
APRIL 14 - 16 in SACRAMENTO**

For more information or to register:
WWW.ACLUNC.ORG/CONFERENCE

If you missed this conference, be sure to sign up for email alerts to get advance notice about events: WWW.ACLUNC.ORG/EMAIL

SONOMA COUNTY CHAPTER EVENT

2012 Awards Celebration and Annual Dinner
Featuring Jeanne Woodford of Death Penalty Focus
Friday, April 27 at 5:30 PM

For reservations and other information:
WWW.ACLUSONOMA.ORG

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ASK THE EXPERTS!

Reproductive Justice

Over the past 35 years, ACLU-NC attorney **Margaret Crosby** has played a leading role in putting in place important laws and policies that have expanded access to abortion, birth control and comprehensive sex education in California. Crosby and many others foresaw the types of attacks that are so prominent in other states, and their achievements have made California a national leader in protecting reproductive rights. Here she talks about the work ahead.

California has some of the strongest laws in the country protecting reproductive rights. Is access to reproductive health care a problem in this state?

Yes. We are fortunate to live in California, which protects childbearing decisions in its Constitution and statutes. However, good laws, while critical, are just the beginning. They don't guarantee that all women are able to obtain the sexual health services they need.

California also has excellent programs that provide reproductive health services and counseling for teenagers and for women with low incomes. Why aren't all residents getting the care they need?

It's a complex picture. California's budget problems have resulted in some cuts to these programs, but a basic problem is that many women don't know that these programs exist. That's why we published "Your Health, Your Rights," a guide to low-cost reproductive health services in California, and created a companion web site (www.yourhealthyourrights.org) that gives women—especially women ages 18-26, who have the highest rates of unintended pregnancy—practical information about the programs that can help them obtain contraception, prenatal care and abortion.

More fundamentally, California is an enormous state. Many counties—almost half—don't have an accessible abortion provider. As a result, many women delay their abortions because they have to travel long distances or raise money for transportation and services.

What can be done to improve access to abortion in California?

We are excited to be a sponsor of SB 1338 (formerly SB 1501), an important bill introduced by state Senator Christine Kehoe to ensure that women have access to safe and early abortion services from local providers they know and trust. It would allow trained clinicians to perform early, safe abortion care within the terms of their licenses.

A major research study by the University of California San Francisco, established that these trained clinicians can and do provide early abortions safely. In safety and quality, the study found no difference between the outpatient early aspiration abortions performed by advanced practice clinicians and those done by doctors. Passage of the bill will allow women to obtain abortions, without travel and delay, from providers they know and trust in their communities.



Margaret Crosby

Michael B. Woolsey

How does the level of access to reproductive health care in California compare to that in the United States overall?

Other states are fighting a wave of hostile new legislation restricting access to abortion. More anti-abortion laws were passed in 2011 than in any other year since 1973, when *Roe v. Wade* was decided. For years, most states have made abortion inaccessible to poor and young women by eliminating public funding and requiring parental involvement for teenagers to obtain abortion. Now states are imposing other outrageous requirements, such as mandatory vaginal ultrasounds and counseling from so-called crisis pregnancy centers, which give biased and incomplete information.

In comparison, California's health policies are enlightened—but we have a way to go to make fundamental rights a reality for every woman in our state. The ACLU-NC's Reproductive Justice Project seeks to fulfill the promise of California law that every woman has the right to decide whether to bear a child or end a pregnancy.

How does California affect the nation?

California is a national leader in protecting reproductive rights. We can create model laws and programs that may be replicated nationally. A recent example is the Obama administration's inclusion of contraception as one of the

preventative services that must be covered in new health plans without special co-pays or premiums. Houses of worship, like churches, are exempt, but religiously-affiliated institutions, like hospitals, universities and charities, which employ a diverse workforce and provide publicly-funded services, are not.

That narrow exemption was crafted first by the ACLU for the 1999 Women's Contraceptive Equity Act in California, and we defended its constitutionality through the California Supreme Court. New York adopted the same language, which was also upheld in every court. Now it will be national policy. We believe that it carefully accommodates religious freedom with reproductive rights and women's equality. Institutions like hospitals, universities and charities that operate in the secular world should play by secular rules. Their workers deserve the protection of labor laws—and the right to make their own decisions about intimate matters like birth control. It's not the boss's business.

It's nice to hear some good news in what has been a very bleak year nationally for women's reproductive health. Do you think things will change?

Yes. I am encouraged by the feisty response we are seeing all across the country. The Susan G. Komen Foundation's rapid reversal of its decision to cut ties with Planned Parenthood, followed by the outpouring of support for access to contraception, shows that women and men will fight to protect these fundamental rights.

What can ACLU members do to promote access to reproductive health for all California women?

Speak up in support of SB 1338 (formerly SB 1501) in order to ensure that California women have access to safe abortion care. Make your voice heard and sign up for the ACLU-NC email list to stay updated on important opportunities to help pass this bill: www.aclunc.org/email.

Finally, tell your family and friends why these reproductive justice issues are important to you. Help them see that having the legal rights to abortion care, while essential, is not enough. We must help make these rights a reality for all Californians by removing barriers to care. 

This interview was conducted by Barbara Koh for the ACLU of Northern California.