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DEFENDING HEALTH CARE RIGHTS FOR ALL: THE ACLU TAKES ON DISCRIMINATION AT CATHOLIC HOSPITALS

BY TAMMERLIN DRUMMOND

When the ACLU learned that UCSF Medical Center was planning to expand a partnership with Dignity Health we put on a full-court press to stop it. We knew about the hospital chain's record of denying reproductive and LGBTQ-based health care to patients—all because Dignity Health bases medical decisions on Catholic doctrine rather than upon evidence-based medicine.

We spearheaded a campaign that involved a broad group of stakeholders. We worked alongside UC faculty and helped mobilize students, reproductive rights and LGBTQ organizations, and UCSF donors and elected officials. Our client Evan Minton gave an impassioned testimonial at a UC Regents meeting about his painful experience being denied a hysterectomy when the hospital learned the procedure was part of his gender-affirming care.

Finally, after months of digging in their heels, UCSF officials bowed to mounting public pressure. In May the public institution announced that it was dropping plans to deepen its Dignity Health ties.



Activists at the UC Regents health services committee meeting at UCLA, protesting the proposed partnership between UCSF and Dignity Health.

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FIGHTING TRUMP'S WHITE SUPREMACIST AGENDA 2.0: THE ACLU DEPLOYS TO THE COURTS TO DEFEND IMMIGRANTS' RIGHTS

BY TAMMERLIN DRUMMOND

As President Trump continues to unleash his xenophobic attacks on immigrants, the ACLU is on the front lines, fighting his discriminatory and un-lawful policies.

We scored a huge win for voting rights in June when the U.S. Supreme Court blocked the Trump administration's insidious and undemocratic efforts to rig the 2020 U.S. Census. The ACLU argued in our complaint that Secretary of Commerce Wilbur Ross was not telling the truth when he claimed he was adding a citizenship question to the decennial count to improve enforcement of the Voting Rights Act. We knew full well that the Trump administration's true purpose

was to create an undercount of immigrants and people of color, giving Republicans an unfair political advantage.

"This case has never been about a line on a form. It is about whether everyone in America counts," said Dale Ho, director of the ACLU's Voting Rights Project who argued the Supreme Court case. "This ruling means they do."

CONTINUED ON PAGE 5

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BOARD ELECTION NOTICE

Pursuant to Article VI, Section 4 of the American Civil Liberties Union of Northern California's Bylaws, there are two ways for members to participate in the Board nominating process. Candidates and ballots will appear in the Fall issue of the *ACLU News*. Elected Board members will begin their three-year term in January.

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

1. Send suggestions for the nominating committee's consideration by August 16, 2019. Address suggestions to: Nominating Committee, ACLU-NC, 39 Drumm Street, San Francisco, CA 94111. Include your nominee's qualifications and how the nominee may be reached.
2. Submit a petition of nomination with the signatures of 15 current ACLU-NC members. Petitions of nomination, which should also include the nominee's qualifications, must be submitted to the Board by October 30, 2019 (20 days after the October Board meeting).

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

BYLAWS OF THE AMERICAN CIVIL LIBERTIES UNION OF NORTHERN CALIFORNIA

ARTICLE VI, SECTION 4B NOMINATIONS BY MEMBER PETITION

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

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American Civil Liberties
Union of Northern California

For more information about the ACLU,
call (415) 621-2493 or visit www.aclunc.org.
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TO OUR MEMBERS

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

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

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

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

If you do not wish to receive materials from other organizations, please complete this coupon and send it to:

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

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

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Name _____

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TOWED INTO DEBT: THE ACLU OF CALIFORNIA IS SPONSORING AB 516 TO STOP PUNISHING POOR PEOPLE FOR BEING POOR

BY MAYA INGRAM

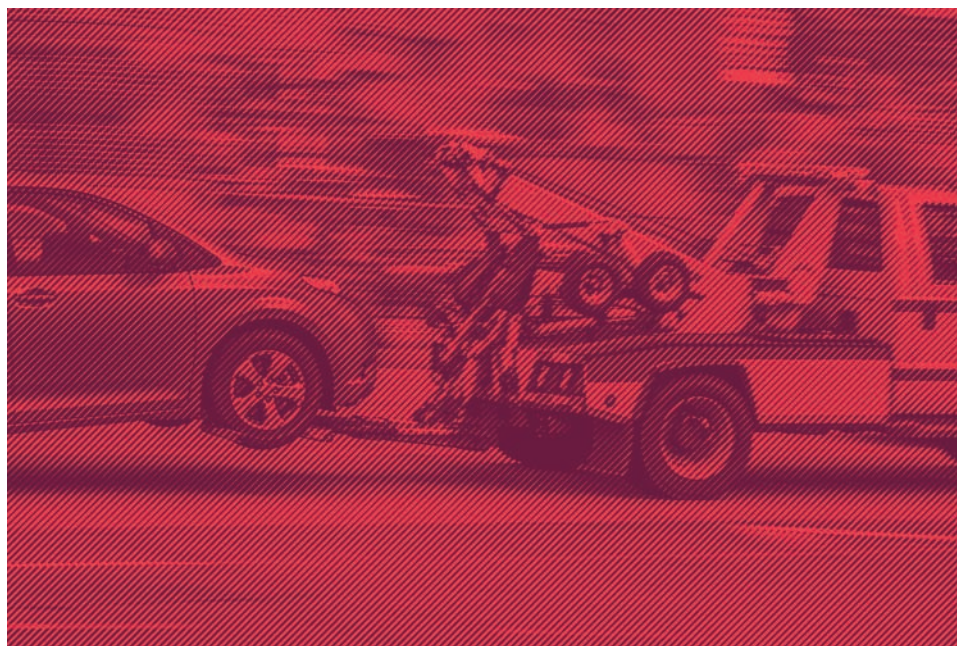
Every year, California local and state governments push countless families that are struggling to make ends meet deeper into poverty by towing their legally parked cars. Hundreds of thousands of cars are towed each year for non-safety reasons and to collect minor debts. These cars are often towed without first giving their owners notice and post-tow hearings have woefully inadequate procedural safeguards to protect the owners' due process rights. For some people, retrieving their car can be an expensive but manageable inconvenience. For low-income families, it can be disastrous. It can mean job loss, more debt, credit score dings, increased instability, and even homelessness.

For example, when someone can't afford to pay five or more parking tickets, cities tow their car. And when someone cannot afford a private parking garage or a house with a driveway and legally parks their car in the same spot for 72 hours, their car gets towed.

This is a fundamentally unjust and ineffective debt and revenue-collection tool and it disproportionately impacts Black and brown communities. A 2018 review of 26,000 tows revealed that the Oakland Police Department towed cars more often from East Oakland, which is a predominantly Black and brown neighborhood, than from other neighborhoods.

Other studies and reporting have shown significant racial bias in traffic stops by law enforcement agencies in various parts of the state, many of which can lead to the towing of vehicles.

Towing cars should be reserved for improving public safety and traffic flow, not punishing and plunging people into insurmountable debt. That's why the ACLU of California—comprised of the ACLU of Northern California, ACLU of Southern California, and ACLU of San Diego and Imperial Counties—is sponsoring AB 516, introduced by Assemblymember David Chiu (D-San Francisco), to ensure California stops punishing poor people for being poor by towing their cars for non-safety reasons. AB 516 will stop poverty tows for unpaid tickets. The bill will also stop tows for legally parked cars unless the car is continuously parked in the same spot for up to 5 days. AB 516 will still allow cities to use their existing authority to tow abandoned or inoperable vehicles.



Towing cars should be reserved for improving public safety and traffic flow, not punishing and plunging people into insurmountable debt.


That's why the ACLU of California is sponsoring AB 516.

Living in California is already expensive enough for working families—paying rent, paying for childcare, putting food on the table, etc.—without also having to pay to retrieve a towed car. But cities and counties across California typically require owners to pay at least \$500 to retrieve their car from the tow yard, and the fees can quickly escalate. If the car was towed because the owner couldn't afford to pay tickets, the owner must first pay these off, plus any late fees, and often a release fee before they even pay the tow yard's daily escalating storage fees.

We're talking about charging someone, who couldn't afford to pay parking tickets to begin with, thousands of dollars in additional fees just to get their car back so they can continue working, paying rent, and providing for their families.

Many people simply can't afford to retrieve their car. In fact, a Federal Reserve study found that 46% of people in this country can't afford to pay \$400 for an emergency expense without first selling something or borrowing money.

So unpaid tickets remain unpaid, tow yards don't recoup the costs of storing people's cars, and people end up without a necessary lifeline to live and work.

California should do everything to make it easier—not harder—for working families to succeed. We can make a difference with AB 516. Visit www.aclunc.org/towedintodebt for more information. 

Maya Ingram is a Legislative Advocate at the ACLU of Northern California.

AB 516 will end cruel towing practices that push people deeper into poverty by stopping tows for unpaid parking tickets and for 72-hour parking rule violations.

Learn more at www.aclunc.org/towedintodebt

AN INVITATION FOR THE NEXT 100 YEARS

BY CARMEN KING

In 2020, the ACLU will reach a historic milestone—its 100th birthday. This milestone comes at a pivotal point in both the history of the organization and the country.

Since the election of Donald Trump, ACLU membership across the nation has quadrupled, the number of staff has doubled, and the result is a stronger, bolder organization ready to challenge the Trump administration's unconstitutional attacks on civil rights and civil liberties. Since 2017, the ACLU has taken the Trump administration to court over 200 times and counting.

What better time to introduce ourselves to the next generation of leaders and advocates? The

ACLU100 Experience was designed to do just that.

The innovative, national tour of pop-up interactive exhibitions showcased the ACLU's work to ensure voting rights, end mass incarceration, advance racial justice, and protect immigrants. It also provided practical information on how to get involved.

In April, the ACLU100 Experience came to Oakland. One presentation was the Act to Save Lives: Panel Discussion on Critical Police Reform.

The panel's purpose was to raise awareness about the epidemic of police shootings in California and hear directly from impacted families and communities.

The speakers included Stevante Clark, brother of Stephon Clark, who was shot and killed by Sacramento police in 2018; Cephus "Uncle Bobby" Johnson, founder of the Love Not Blood campaign and uncle of Oscar Grant, who was shot and killed by BART police in 2009; and James Burch, Policy Director at the Anti Police Terror Network.


The panelists discussed California law, which

permits officers to use deadly force regardless of whether it is necessary, and they encouraged the audience to tell their legislators to vote yes on AB 392; a bill that will reduce police killings and save lives.

We know that the best work gets done when we listen and learn from directly impacted people, and we know that others are more motivated to get involved when they hear people's personal stories and experiences.

Since the election of Donald Trump in 2016, membership at the ACLU has quadrupled, the number of staff has doubled. Since 2017, the ACLU has taken the Trump Administration to court over 200 times and counting.



Over 5,000 people accepted our invitation and joined us in Oakland for ACLU100. Now we extend that invitation to you. Will you join us for the next 100 years of fighting for justice and for a democracy that works for everyone? 

Carmen King is a Communications Associate at the ACLU of Northern California.



Scenes from ACLU100 in Oakland. The innovative, national tour of pop-up interactive exhibitions showcased the ACLU's work to ensure voting rights, end mass incarceration, advance racial justice, and protect immigrants and their families.

Top: The entrance to the interactive exhibits. Above left, artist Oree Originalol with Cephus "Uncle Bobby" Johnson, founder of the Love Not Blood campaign and uncle of Oscar Grant. Above center: panelists on the Art as Activism panel, Sabiha Basrai of Design Action, children's book author Innosanto Nagara, illustrator Robert Liu-Trujillo, and artist Gregory Sale. Above right: the Act to Save Lives panel and discussion on police reform, with moderator Miguel Quezada, James Burch, Cephus Johnson, and Stevante Clark.

FIGHTING TRUMP'S WHITE SUPREMACIST AGENDA 2.0 CONTINUED FROM PAGE 1

The attacks on our democracy continue to come at a fast and furious pace.

In addition to pushing for a citizenship question, Trump has enacted a policy forcing Central American asylum seekers to remain in Mexico while their cases are processed. He's declared a bogus emergency declaration to get funds for his border wall.

"Since the moment that Donald Trump descended that escalator and announced his campaign, exclusionary immigration policies have been the centerpiece of his presidency," said ACLU-NC Legal & Policy Director Christine Sun. "With the census, the question on citizenship would diminish participation as people fear how the information will be used. With policies like 'Remain in Mexico' and other border policies the intent of the administration is to keep people from entering the United States even when they have the grounds to seek asylum."

WEAPONIZING THE CENSUS

Early last year, the Trump administration announced plans to add a question to the Census: "is this person a citizen of the United States?"

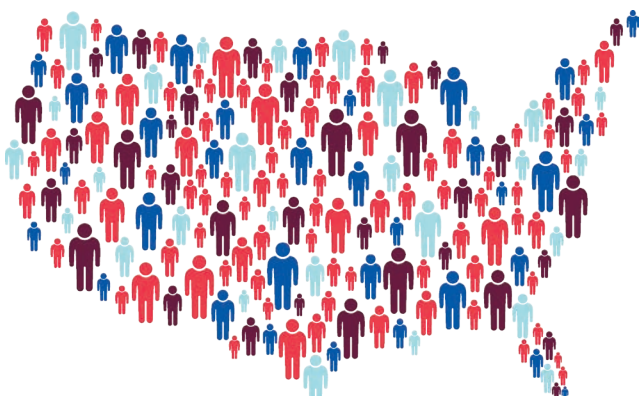
The American Civil Liberties Union Foundation and our legal partners filed a lawsuit in New York federal district court, *New York Immigration Coalition v. U.S. Department of Commerce*, to block the policy. We took our case all the way to the Supreme Court, arguing that the question intentionally discriminates against immigrants.

The Census counts every person residing in the United States regardless of citizenship status. The tally helps determine congressional representation and federal funding for local communities. Urban

VOTING RIGHTS VICTORY!

"This case has never been about a line on a form. It is about whether everyone in America counts."

—Dale Ho, director of the ACLU's Voting Rights Project who argued the Census case before the U.S. Supreme Court



"Since the moment that Donald Trump descended that escalator and announced his campaign, exclusionary immigration policies have been the centerpiece of his presidency."

—ACLU-NC Legal & Policy Director Christine Sun

and rural areas with large Latinx immigrant populations could lose representation if people are afraid to participate, fearing how information about legal status would be used.

During our litigation, the ACLU uncovered evidence that Ross had lied when he testified before Congress that the Justice Department asked him to add the question to help with its enforcement of the Voting Rights Act. In fact, Ross had discussed the idea with Steve Bannon, one of the early architects of Trump's white supremacist agenda.

As the justices were preparing to issue a ruling, new documents were uncovered from the estate of a late Republican strategist that suggest he may have also played a role in the push to add a citizenship question to the census. A 2015 memo reportedly authored by Thomas Hofeller proposed asking about citizenship on the census to dilute the votes of the growing Latino population in Texas, giving an advantage to Republicans and non-Latino whites. After Hofeller's death in 2018, his estranged daughter reportedly gave documents from his computer drive to Common Cause, which shared them with the media.

When the ACLU found out that Hofeller may have been in contact with Census officials about adding the citizenship question, we notified the Supreme Court and requested that the case be sent back to the lower court.

In their ruling, the Supreme Court justices found that "altogether, the evidence tells a story that does not match the explanation that the secretary gave for his decision."

REMAIN IN MEXICO

In *Innovation Law Lab v. Nielsen*, the ACLU Foundation and our legal partners filed a lawsuit


against the administration over its illegal policy requiring Central American asylum seekers to wait in Mexico while their cases are reviewed. Federal officials made no effort whatsoever to determine if people's lives would be put in danger by returning them to Mexico. That violates the Immigration and Nationality Act as well as international law.

In April, a federal district court in San Francisco granted a preliminary injunction, blocking enforcement of the policy. But the 9th Circuit Court of Appeals granted a stay of that injunction while the circuit court considers the appeal, allowing the administration to continue to return people during the legal challenges. The U.S. has already sent more than 3,000 asylum seekers back to Mexico. The ACLU will continue our legal battle to defend asylum seekers' rights.

A FAKE EMERGENCY

In February, Trump declared a blatantly false state of emergency to get \$5.7 billion for his border wall. This of course was after Congress refused to approve his funding request and the ensuing government shutdown.

In response, the ACLU Foundation filed a lawsuit, *Sierra Club v. Trump*, in federal court to block the wall construction.

At press time, in another blow to Trump's unlawful efforts to divert billions of taxpayer dollars for his xenophobic border wall, the 9th Circuit Court of Appeals rejected his appeal to lift the injunction against the so-called emergency funding. 

Tammerlin Drummond is a Communications Strategist at the ACLU of Northern California.

UNCONSTITUTIONAL TREATMENT DELAYS ♦ VOTING RIGHTS FOR LOW-INCOME PEOPLE AND PEOPLE WITH DISABILITIES ♦ TARGETING “BLACK

BY TIM CLARK

STIAVETTI V. AHLIN

TREATMENT DELAYS ARE UNCONSTITUTIONAL

A judge ruled in March that the California Department of State Hospitals (DSH) and Department of Developmental Services (DDS) are violating the due-process rights of defendants who have been declared incompetent to stand trial by letting them languish in jail for months, and sometimes for more than a year. The court ordered these agencies to reduce the lengthy transfer delays within three years.

The ACLU Foundation of Northern California, along with the ACLU Foundation of Southern California and the law firm Sullivan & Cromwell LLP, filed a lawsuit in 2015. This spring, Alameda County Superior Court Judge Winifred Smith ruled that the state “has systematically failed to provide due process” and must admit incompetent defendants for treatment within 28 days of receiving the relevant documents from the court.

Under state and federal law, people who lack the ability to understand the nature of criminal court proceedings because of psychiatric or intellectual disabilities cannot be tried or sentenced. DSH or DDS must transfer them into a treatment facility in a timely manner so they can be evaluated and treated.

ACLU-NC & DRC V. CA SECRETARY OF STATE

VOTING RIGHTS FOR LOW-INCOME PEOPLE AND PEOPLE WITH DISABILITIES

Civil rights groups prevailed in April in their lawsuit against California Secretary of State Alex Padilla to expand voter registration at state agencies that serve people on public assistance and individuals with disabilities. San Francisco County Superior Court Judge Ethan P. Schulman ruled that Padilla must require voter registration at additional agencies and contractors, which will benefit more than 1.8 million Californians.

The American Civil Liberties Union Foundation of Northern California (ACLU) and Disability Rights California (DRC) sued Padilla



because he failed to designate state and local offices that provide public assistance or are state-funded offices primarily serving people with disabilities as “Voter Registration Agencies” (VRAs). Padilla must identify offices that meet these definitions and notify them that they are required to provide voter registration.

Following the decision, these three offices must now register voters:

- County offices administering general assistance or general relief programs, which receive close to 300,000 applications each year;
- Financial aid programs administered by the California Student Aid Commission, which received over 1.5 million applications last year;
- Private entities providing services under contract on behalf of VRAs.

Last year, as a result of ACLU and DRC’s continuing advocacy, Padilla also agreed to designate as VRAs the disability services offices at all University of California, California State University, and community college campuses as well as the Department of Social Services, Office of Services to the Blind, Assistance Dog Special Allowance Program.

CENTER FOR MEDIA JUSTICE V. FBI

FBI TARGETING “BLACK IDENTITY EXTREMISTS”

The ACLU and the Center for Media Justice are taking the FBI to court over an August 2017 intelligence assessment that designated “Black Identity Extremists Likely Motivated to Target Law Enforcement Officers” (BIE) as a new domestic terror threat.

Disseminated to more than 18,000 law enforcement agencies, the FBI intelligence assessment claims, without evidence, that Black people involved in unrelated police killings shared an ideology that motivated their actions. It also focuses on Black people who, in the bureau’s own words, “perceive racism and injustice in American society.”

After a 2018 Freedom of Information Act request for records, in March 2019 the ACLU filed *Center for Media Justice v. FBI*, to get these FBI records. The Center for Media Justice represents organizations vulnerable to FBI surveillance under the BIE label. If the FBI refuses to provide this information, Congress should use every tool at its disposal to ensure the records are made public.

The ACLU and the Center for Media Justice are taking the FBI to court over an August 2017 intelligence assessment that designated “Black Identity Extremists Likely Motivated to Target Law Enforcement Officers” as a new domestic terror threat.

UPDATES

IDENTITY EXTREMISTS” ♦ ABUSIVE SURVEILLANCE BY IMMIGRATION & CUSTOMS ENFORCEMENT ♦ HOMELAND SECURITY DEVICE SEARCHES

ACLU OF CALIFORNIA V. U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

ABUSIVE SURVEILLANCE BY ICE

The ACLU of Northern California has obtained a treasure trove of records in a Freedom of Information lawsuit that have heightened our already serious concerns about U.S. Immigration and Customs Enforcement’s use of license plate reader surveillance technology.

Public records detail the extent to which automated license plate reader information (ALPR) has become an increasingly dangerous tool in ICE’s relentless deportation machine, threatening communities of color and our civil liberties. We’ve learned that the federal immigration enforcement agency has circumvented privacy laws as well as internal ICE guidelines designed to provide safeguards over the surveillance technology.

Vigilant Solutions operates a database that includes billions of license plate photos captured by stationary and mobile cameras that capture information about every car they detect. ICE uses stored data—up to five years worth—that enables them to find immigrants and deport them. More than 9,000 ICE officers have gained access to the records under a \$6.1 million contract with the Vigilant. Many individual police agencies also collect their own license plate data.

California laws make it illegal for local law enforcement to share ALPR surveillance with federal agencies and ICE. But emails obtained by the ACLU show that local police are doing it anyway. The emails also revealed that ICE agents break agency rules by making individual requests to police for surveillance, avoiding the mandated channels that require justification and documentation to run a search.

The ACLU has called for an end to this information sharing that flagrantly flouts local privacy and sanctuary laws.

Public records detail the extent to which automated license plate reader information (ALPR) has become an increasingly dangerous tool in ICE’s relentless deportation machine, threatening communities of color and our civil liberties.

GAL V. HOMELAND SECURITY

HOMELAND SECURITY DEVICE SEARCH


In April, the ACLU Foundation of Northern California filed a complaint with the U.S. Department of Homeland Security over an unwarranted demand to search an activist’s electronic devices.

The action was on behalf of Andreas Gal who, in November 2018, was subjected to interrogation and retaliation by U.S. Customs and Border Protection (CBP) for Gal’s questioning the search of his electronic devices. The complaint demands an investigation into whether CBP’s interrogation and search of Gal was consistent with the First and Fourth Amendments, as well as a comprehensive review of CBP’s policies.

Gal, a successful entrepreneur and technologist, is an outspoken proponent of online privacy, an opponent of warrantless mass surveillance, and strongly opposes the current administration’s policies.

When he arrived at San Francisco International Airport, three CBP officers demanded to search his electronic devices. Gal asked to speak to a lawyer before giving CBP officers access to his devices. CBP officers repeatedly told Gal that he had no right to an attorney and threatened him with criminal prosecution.

After an extended interrogation, Gal was allowed to leave with his devices; however, his Global Entry card was

taken and he was told his privileges would be revoked because he refused to comply with the search. 

Tim Clark is a volunteer writer for the ACLU of Northern California.

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THE ACLU TAKES ON DISCRIMINATION AT CATHOLIC HOSPITALS CONTINUED FROM PAGE 1

“At a time when reproductive health care and LGBTQ people are under attack, UCSF needed to strengthen its commitment to its values, not compromise them at the expense of patients’ health and rights,” said Phyllida Burlingame, Reproductive Justice and Gender Equity Director at the ACLU of Northern California. “Together, we not only stopped this affiliation, we managed to shine a light on the problems inherent in health care policy that is determined by Catholic bishops based on religion instead of on the best care for patients.”

CATHOLIC HOSPITALS’ DENIAL OF CARE

Nationally, one in every six hospital beds is in a Catholic facility. In many rural communities, it is the only option for many miles. And for some patients, Catholic hospitals are the only ones covered by their insurance.

Dignity Health in San Francisco is the largest non-profit health care provider in California. Earlier this year, it completed a mega merger with Colorado-based Catholic Health Initiatives. The new company, CommonSpirit, is now the largest not-for-profit health care provider in the country.

In California, hospitals administered by the non-profit have received hundreds of millions of dollars in public funds through Medi-Cal to serve a diverse population. Yet the Catholic hospitals in the Dignity Health network—and all Catholic hospitals nationally—follow guidelines issued by the U.S. Conference of Catholic Bishops.

These directives prohibit basic reproductive healthcare services. That includes contraception, standard treatment for miscarriage and ectopic pregnancy, and abortion. And, they even go so far as to call these services “intrinsically evil.” The bishops have further asserted that supporting gender-affirming care for transgender patients “is to collaborate with and promote a mental disorder.”

“Everyone should be able to get the health care they need. And hospitals exist to provide care—they shouldn’t be able to pick and choose who gets access to that care,” Burlingame said. Yet every day, people are turned away or denied services by Catholic hospital systems. This discriminates against them and puts their health and lives at risk.

RELIGIOUS REFUSAL LAWS

State and federal laws give individuals and institutions some exemptions from providing services that conflict with their religion. After *Roe v. Wade* in 1973, anti-abortion forces wielded their political clout to get these refusal laws passed, giving health providers legal cover to block women’s access to abortion.

Pandering to his base, Trump has taken aggressive actions to facilitate religiously-based



PHOTO BY KATE DONALDSON

Oliver Knight already had an IV in his arm when St. Joseph’s Hospital in Eureka canceled his surgery because he is transgender.

Nationally, one in every six hospital beds is in a Catholic facility. In many rural communities, it is the only option for many miles. And for some patients, Catholic hospitals are the only ones covered by their insurance.

discrimination in health care. This spring, the U.S. Department of Health and Human Services issued new regulations that aim to permit anyone in a healthcare setting—even someone who has no contact with the patient at all—to refuse to participate in services that conflict with their religious or moral values. Subsequently, the administration announced it was reinterpreting the anti-discrimination section of the Affordable Care Act to remove existing protections for transgender people. The National ACLU and others are challenging these actions in court.

To be clear, the ACLU has been a staunch defender of religious freedom for 100 years. We strongly believe that everyone is entitled to their own religious beliefs. But the First Amendment does not grant anyone the right to practice their beliefs in a way that harms others.

TAKING THE BATTLE TO THE COURTS

The ACLU Foundation of Northern California has three pending lawsuits in California against hospitals that have denied patients’ medical treatment based on the Catholic religious directives.

In *Chamorro v. Dignity Health*, we’re suing on behalf of Physicians for Reproductive Health and Rebecca Chamorro, a patient at Mercy Medical Center in Redding. After consulting with her doctor, she decided to get a tubal ligation, a common form of contraception, during her C-section. But the Catholic hospital refused to allow the procedure. We are arguing that withholding pregnancy-related care for reasons other than medical considerations is illegal in California. Partnering with the law firm of Covington & Burling, we have a hearing in the case set for July.

In *Minton v. Dignity Health*, we’re representing Evan Minton. The 35-year-old transgender man’s hysterectomy was abruptly cancelled at San Juan Medical Center in 2016 by an ethics committee headed by a reverend when the Sacramento-area hospital found out he was transitioning. The ACLU Foundation of Northern California and Covington & Burling are arguing that withholding care from a patient because he is transgender is illegal under California’s Unruh Civil Rights Act. We have appealed a San Francisco Superior Court ruling in favor of Dignity Health.

“The refusal of Dignity Health to allow a doctor to perform this common procedure simply because the patient is transgender is discriminatory,” said Elizabeth Gill, a senior staff attorney with the ACLU of Northern California and the National ACLU’s LGBT & HIV Project. “This is a hospital that is open to the general public so it’s illegal for them to turn away someone based on gender identity.”

In *Knight v. St. Joseph Health*, we are representing Oliver Knight, a 27-year-old trans man who was already hooked up to an IV awaiting a hysterectomy at St. Joseph’s Hospital in Eureka when his surgeon canceled the procedure, citing the religious directives from U.S. bishops. “I had an anxiety attack and thought about all the pre-op and mental preparedness I had to go through just to get there,” Knight said. “It seems the hospital does not understand how it feels to be treated inhumanely just because your body parts do not match your soul.”

CONTINUED ON NEXT PAGE

CONFERENCE AND LOBBY DAY 2019: ACLU ACTIVISTS TAKE THE LEAD

BY BRADY HIRSCH

The ACLU of California's legislative office sits across from the State Capitol in Sacramento, where staff work to advance civil liberties in California year-round. But every year at Conference and Lobby Day, our advocates are joined by hundreds of people determined to lead the way forward on key legislation.



PHOTOS BY JENNA PITTAWAY

Over 350 activists traveled to the state capitol to learn and lobby on bills related to police use of force and voting rights. AB 392 author Dr. Shirley Weber (pictured at right, with ACLU-NC staff attorney Abre' Conner looking on) spoke to the crowd about the need to update California's use of force standards to prevent racially discriminatory police shootings.

This year, the focus was on two pieces of legislation: Assembly Bill 392, The California Act to Save Lives, a law that would ensure officers avoid using deadly force when alternatives exist, and Assembly Constitutional Amendment 6, the Free the Vote Act, which would restore voting rights for Californians on parole.

Over 350 activists traveled to the capitol. Some were decades long ACLU supporters, others were high school students new to the organization.

"It was powerful to see people from different backgrounds, experiences, and identities come to Sacramento," said Ashley Morris, Organizing Director at the ACLU of Northern California. "Lawmakers saw that the ACLU is here. We're strong. We're organized. And we're unified by our shared values."

On the Lobby Day, ACLU activists marched


from the streets of downtown Sacramento to the front steps of the capitol. There, they were greeted by a band and a powerful lineup of speakers. Dr. Weber, the bill's author, spoke about the need to update the state's use of force standards to prevent racially discriminatory police shootings. People impacted by police violence also took to the podium to talk about how the bill will save people's lives.

Afterwards, attendees met with their legislators face to face. Rather than reiterate policy details, people spoke to their values, and shared their stories.

The conference was planned months in advance to coincide with the peak of the legislative season. This year, the timing couldn't have been better. People had the opportunity to publicly testify at the Assembly's Public Safety Committee hearing on AB 392.

At the hearing, parents, children, spouses, neighbors, and friends of people who were killed by police officers spoke the name of their loved ones and called on committee members to pass the bill without watering it down.

The message, and the need for change, was delivered loud and clear. The Public Safety Committee voted to advance the legislation in all its strength, and not long after, the bill was passed by the Assembly. Meanwhile, the Free the Vote Act continues to gain momentum.

Reflecting on the conference, ACLU-NC Executive Director Abdi Soltani said, "Spurred on by our members' activism, California is not just resisting injustice, but actively building a future where everyone can live with freedom and dignity." 


Brady Hirsch is a Communications Associate at the ACLU of Northern California.

CONTINUED FROM PREVIOUS PAGE

We filed this case in March 2019 with the law firm Rukin Hyland & Riggan, arguing that the hospital violated Knight's right to equal protection.

ALL CARE EVERYWHERE

The ACLU of California and the National Health Law Program launched the All Care Everywhere campaign to sound the alarm about the patient harm caused by religiously based denials of health care. We are encouraging Californians to share their experiences like those of Oliver Knight, to bring more attention to this issue. It's time to turn up the heat under our state officials to hold Catholic hospitals accountable.

We will never cease fighting to ensure that Californians get the health care they need—irrespective of the religious views of their provider. 

Tammerlin Drummond is a Communications Strategist at the ACLU of Northern California.

In California, hospitals administered by Dignity Health have received hundreds of millions of dollars in public funds through Medi-Cal to serve a diverse population. Yet the Catholic hospitals in this network follow guidelines issued by the U.S. Conference of Catholic Bishops that prohibit basic reproductive healthcare services—including contraception.

MEET THE ACLU-NC'S NEW CHIEF PROGRAM OFFICER, TIRIEN STEINBACH

As Chief Program Officer for the ACLU-NC, Tirien provides support and guidance to the four programmatic departments: Legal & Policy, Communications, Organizing, and Center for Advocacy & Policy. She served for 11 years as the Executive Director of the East Bay Community Law Center (EBCLC), the community-based clinical program for Berkeley Law School and largest provider of free legal services and policy advocacy in Alameda County.



PHOTO BY BETHANIE HINES

Q: WHAT'S YOUR VISION FOR THE ACLU IN YOUR NEW ROLE?

A: I join the ACLU at a time of transformative change in our country and the organization. To paraphrase a quote from Rebecca Solnit, that the great tensions today are not partisan or political, rather they are about whether you believe in a philosophy of inclusion and connection or one of exclusion and division. I believe that the ACLU's role is to ensure that all people—particularly those who have been pushed outside the margins—are held within the circle and that their civil rights and liberties are fought for and protected. As CPO, I hope to support the organization to thoughtfully, boldly and collectively use the tremendous tools of law, policy, legislation, organizing, and communications to promote true equity and liberation for all.

Q: HOW DO YOU SEE THE ACLU'S PAST SETTING UP THE ORGANIZATION TO MAKE AN IMPACT IN THE FUTURE?

A: The ACLU has been at the forefront of many struggles that have directly impacted my life. To take just one example, my mother, who is Black, and my father, who is white, married in 1967, the same year that the *Loving v. Virginia* case, brought by the ACLU, made it legal for them to wed in all 50 states. The ACLU has a 100 year legacy as a civil rights leader, but we must continually strive to actualize our commitments to racial, economic, and social justice. There is

so much work to do to challenge the pervasive culture of fear and begin to focus on what we value, what we hope to achieve, and how the world will look when we win.

Q: WHAT LESSONS HAVE YOU LEARNED FROM YOUR TENURE AT THE EAST BAY COMMUNITY LAW CENTER THAT IMPACT THE ACLU'S WORK?

A: One of the most exciting things about moving into this new role after 17 years at the East Bay Community Law Center (EBCLC) is how much it feels like a continuation of the work to address the impacts of poverty and prejudice in meaningful and impactful ways. The three things that I learned at EBCLC that I hope to share with ACLU are:

- 1) Encourage deep and sustained work to actualize the aspiration of a cohesive strategy to use a racial justice lens throughout the work and work culture.
- 2) Increase a culture of training, teaching, and mentoring future civil rights advocates. I am deeply committed to training future advocates to be skilled and compassionate champions of justice.
- 3) Support self-reflection, wellness, and balance in this challenging and important work. In this time when the work feels more urgent than ever, it is crucial that we be thoughtful in our objectives and priorities, as well as be mindful of our staff's health and wellness.

Q: WHAT DOES SOCIAL JUSTICE MEAN TO YOU?

A: I have always liked Cornell West's simple explanation that "Justice is what love looks like in public."

Q: HOW DO YOU STAY OPTIMISTIC IN TODAY'S WORLD? DO YOU HAVE TIPS FOR ACLU MEMBERS?


A: My colleagues at EBCLC often described me as "radically optimistic" (which may or may not have been meant as a compliment), and I have often been asked how I stay hopeful immersed in such hard and often heart-breaking work. Like so many people, I was driven to this work by fear and righteous anger about injustice and inequity that I experienced and witnessed.

However, that anger and fear—a great motivator—can ultimately be corrosive. I try now to work from a place of love—love for people, for principles of justice and fairness, for the possibility of transformation, and for the noble aspirations of the law as a tool for positive change. I benefit greatly from meditation practice that helps me focus on gratitude and compassion, to help balance the understandable fear and anger that arise from the daily reminders of injustice.

Q: WHAT ARE YOU READING RIGHT NOW? OR, WHAT'S A RECENT FAVORITE BOOK?

A: I love to read, and my tastes run the gamut from post-apocalyptic speculative fiction (Octavia Butler, Marge Percy, Margaret Atwood) to young adult fantasy/science fiction (Tomi Adeyemi, Madeline L'Engle) to autobiography (Michelle Obama, Ta Nehesi Coates) to legal/political (*The New Jim Crow* by Michelle Alexander, *Dog Whistle Politics* by Ian Haney-Lopez) to mysteries (Gigi Pandian).

Q: RUMOR HAS IT YOU LIKE TO COOK.

A: I love to cook and host a weekly "Framily" (friends and family) Dinner to try new recipes and food genres. From the time I was 14, I worked in restaurants, and always hung around the chefs to pick up cooking tips. My favorite cookbook right now is *Salt, Fat, Acid, Heat* by fellow Berkeley resident, Samin Nusrat. It is an inspirational and joyful exploration of food as a community-builder. 



POSTER ART BY ASHLEY LUKASHEVSKY, COMMISSIONED BY THE ACLU OF CALIFORNIA FOR CONFERENCE & LOBBY DAY

“ The idea of the poster is to move beyond just resisting the symptoms of the harmful systems we exist in, and to rebuild and plant revolutionary shifts. I was inspired by the idea from Emergent Strategy by Adrienne Maree Brown, where she talks about Dandelions as a natural brilliance. They are often mistaken as weeds, but they are deeply rooted and serve healing properties for humans and animals. Their power propagates naturally and resiliently. We are like these dandelions. The way that we impact and build with each other holds the potential for revolutionary strength and healing. ”

—Ashley Lukashevsky

LETTER FROM THE EXECUTIVE DIRECTOR

The ACLU will turn 100 in 2020. You'll hear more from us in upcoming issues about this exciting milestone, but first, a look back at 1920.

The ACLU was founded in the same year as the passage of the 19th Amendment, which guaranteed the right to vote regardless of sex.

Crystal Eastman, one of the founders of the ACLU, was also a leader in the movement for suffrage and equal rights. In her work for the passage of the 19th Amendment and the founding of the ACLU soon after, we can see throughlines to today's battles for freedom.

Soon after the passage of the 19th Amendment, she gave a speech called "Now We Can Begin" in which she said:

Most women will agree that August 23, the day the Tennessee legislature finally enacted the Federal suffrage amendment, is a day to begin with, not a day to end with. Men are saying perhaps 'Thank God, this everlasting woman's fight is over!' But women, if I know them, are saying, 'Now at last we can begin.' In fighting for the right to vote most women have tried to be either non-committal or thoroughly respectable on every other subject. Now they can say what they are really after; and what they are after, in common with all the rest of the struggling world, is freedom.

Some of today's most important struggles for freedom have roots in Eastman's struggles for freedom in 1920.

PROTECTING THE RIGHT TO VOTE

The 19th Amendment was just one step in this country's long struggle toward equal representation, overcoming exclusions based on gender, race, and poverty. Today, we are working to stop voter suppression in states like Georgia and the continued suppression of the vote of the formerly incarcerated in Florida. The ACLU is also working to significantly expand access to voting through state-based reforms like automatic voter registration, universal access to absentee voting, and election day voter registration. The Legal Updates on page 6 highlight some of our local work on voting rights.

One of the earliest actions of the ACLU was to fight the mass deportations of immigrants without due process.

PROTECTING IMMIGRANTS' RIGHTS

One of the earliest actions of the ACLU was to fight the mass deportations of immigrants without due process. Today, we are fighting the ever-escalating crisis created at the border by the Trump administration's anti-immigrant policies—from the inhumane treatment of children and families in detention, to the denial of access to asylum, which you'll see on pages 1 and 5 of this issue. Whether in court or to the public, we are communicating the core idea that all persons deserve due process and fair treatment.

Crystal Eastman had the foresight to see the victory of the 19th Amendment as a beginning, not an end. Likewise today, let us not take either our victories or our setbacks as an end, but also treat them as a beginning.



PHOTO BY BETHANIE HINES

ACLU of Northern California
Executive Director Abdi Soltani

PROTECTING REPRODUCTIVE RIGHTS

Coming full circle to Eastman's speech, she goes on to say "the immediate feminist program must include voluntary motherhood. Freedom of any kind for women is hardly worth considering unless it is assumed that they will know how to control the size of their families." Today, the ACLU is in court to stop states that are passing severe restrictions on abortion, while protecting and advancing access in states like California. As you'll see in our lead story in this issue, we must stay vigilant to ensure rights even in California.

Eastman had the foresight to see the victory of the 19th Amendment as a *beginning*, not an end. Likewise today, let us not take either our victories or our setbacks as an end, but instead, like Eastman, treat them as a beginning. Let us begin.

Abdi Soltani
Executive Director, ACLU of Northern California

JOIN THE ACLU LEGACY CHALLENGE

1. NAME THE ACLU IN YOUR WILL
2. TELL US ABOUT YOUR FUTURE GIFT
3. TRIGGER AN IMMEDIATE CASH MATCH TO THE ACLU

For a short time, name the ACLU in your will, and The Crankstart Foundation will make an immediate matching cash donation of up to 10% of the value of your future gift to the ACLU.

For more information, visit aclu.org/jointhechallenge