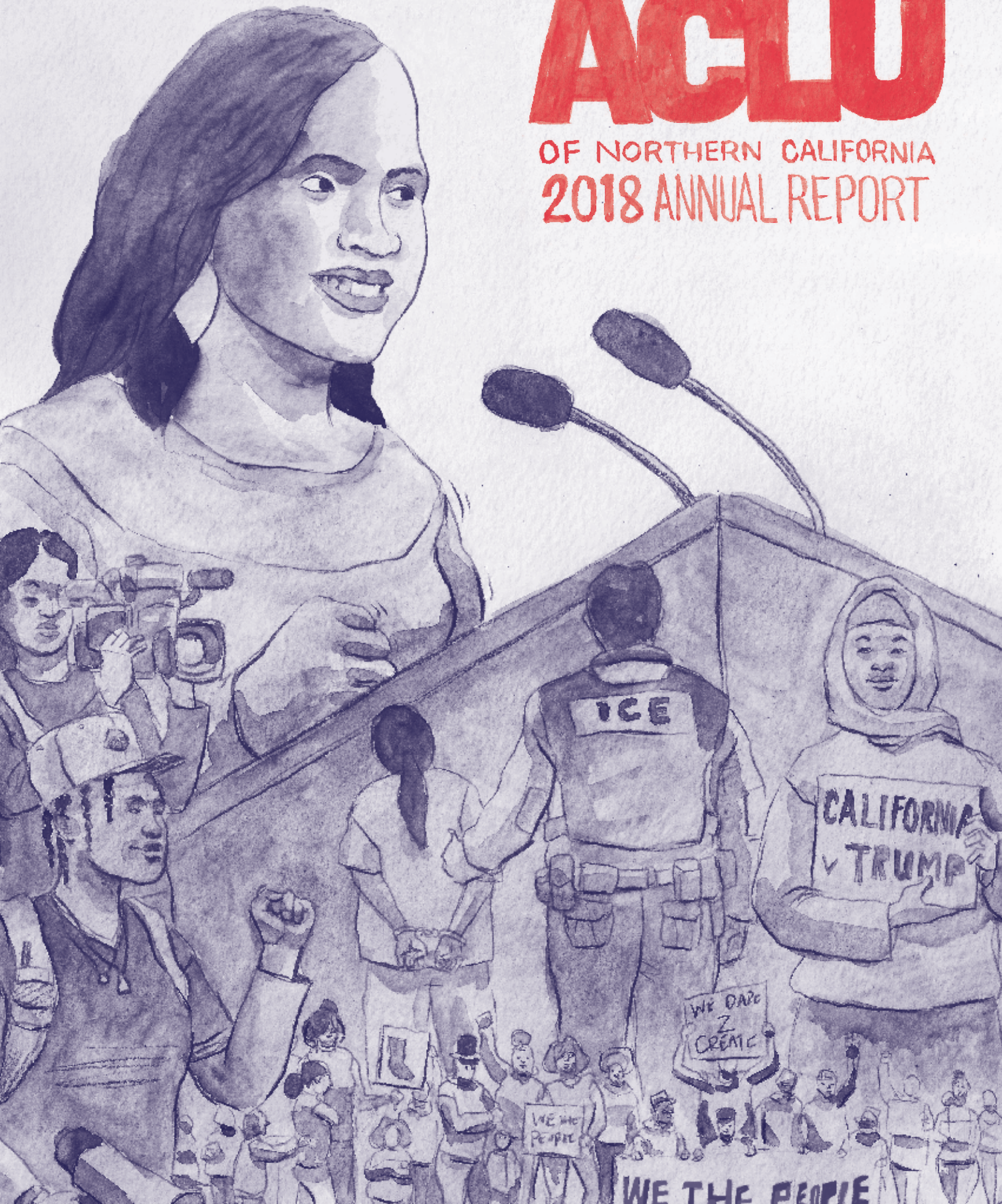


# ACLU

OF NORTHERN CALIFORNIA  
2018 ANNUAL REPORT



# Table of Contents

- 2 California vs. Trump
- 3 Thank You to Our Donors
- 4 The ACLU-NC by the Numbers
- 6 Nationwide Highlights
- 8 Police Practices
- 10 Voting Rights
- 12 Central Valley
- 16 Immigrants' Rights
- 18 Education Equity
- 20 Reproductive Justice
- 22 Technology and Civil Liberties
- 24 Racial Justice
- 25 Economic Justice
- 26 Death Penalty
- 28 Criminal Justice Reform
- 30 Public Education in Action
- 32 Thank You to Our Volunteers
- 33 Our Boards
- 34 Center for Advocacy and Policy
- 36 Development and Financial Report
- 40 Ways of Giving

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Cover illustration: Robert Liu-Trujillo  
Published June 2019 | Printed by Sequoyah Graphics

## Transforming California

In the midst of the daily tweets and assaults on our rights emanating from the White House, this report highlights two tracks of our work here at the ACLU of Northern California: 1) stopping Trump's policies; and 2) tackling the longstanding civil liberties problems **in our own state**.

Your contributions enable the ACLU Foundation of Northern California, which focuses on **litigation and public education**, and the ACLU of Northern California, which engages in **legislative advocacy**, to help transform California.

One of the longstanding problems in our state is the racial bias and abuse of power in our criminal justice system. **In 2018, after 40 years of advocacy, we secured passage of a landmark state law restoring the public's right to know about police misconduct and use of force.** (See page 8.)

We advanced another long-term commitment in 2018: expanding the ACLU's presence and impact in the Central Valley. We opened new ACLU offices in Bakersfield and in the Sacramento Metro region and expanded our Fresno office. You can read about our field fellows, like Bryan Osorio, on page 12. **We made a difference in the Central Valley, educating voters on civil liberties issues at a scale we have never done before.**

Our steadfast dedication to securing people's rights underlies all of our efforts. Civil liberties are meaningless unless everyone, especially the most vulnerable, can exercise them. This report profiles some of the individuals taking a bold stand for justice.

As you read this Annual Report, we hope you'll take pride. Your support makes all of our work possible.

**Thank you for being part of the ACLU family.**

With gratitude,



*Abdi Soltani*      *Magan Pritam Ray*

Abdi Soltani  
Executive Director

Magan Pritam Ray  
Board Chair

ACLU Foundation of Northern California  
ACLU of Northern California

When you contribute to the ACLU, you are supporting work here in your own community, as well as statewide and nationally. With affiliates in every state, and national offices in New York and Washington, D.C., the ACLU is one of the most impactful civil liberties and civil rights organizations in the country.

The breadth and depth of our geographical reach has been vital in addressing one of the most critical issues facing our country since Donald Trump was elected: the rights of immigrants.

**We go to court**

The ACLU of Northern California regularly partners with the national ACLU in fighting inhumane federal immigration policies, such as the policy of indefinitely detaining immigrants facing deportation, which we fought all the way to the United States Supreme Court. This past year, we also worked with the national ACLU's Immigrants' Rights Project to challenge in federal court President Trump's ban on asylum seekers, his policy of requiring asylum seekers to return to Mexico pending their cases, and his "emergency declaration" to secure federal funds to build a border wall.

**We advance state policy**

Here in California, our affiliate's legal and policy, organizing, and communications teams are committed to ensuring that the state of California is resisting Trump administration policies targeting immigrants. Full implementation of the California Values Act (SB 54), an ACLU-sponsored law that took effect in 2018, is one of our top priorities. This new law prohibits state and local law enforcement agencies from engaging in immigration enforcement and limits the use of state and local resources for such enforcement.

Your donations help the ACLU of Northern California defend constitutional principles and stand up for the basic dignity of immigrants and other vulnerable communities during these dark times.

Thank you for making our work possible.



Christine P. Sun  
Legal and Policy Director



Almost daily, the Trump administration seems to introduce policies challenging America's promise of freedom, democracy, and equality. Just as relentlessly, the ACLU is fighting back.

We're able to challenge these attacks head-on because of generous financial support from our donors and card-carrying members—people like you.

**We take very seriously our responsibility to use your contributions wisely and strategically.** Later in this Report (pages 36-37), we explain how we've deployed your generous gifts for maximum impact.

Contributions from donors in Northern California are shared between your home affiliate and the national ACLU. While the stories in this Annual Report focus on our work in Northern California, your support also creates a more powerful ACLU nationwide.

In 2018, your contributions helped to:

**Keep families together.** In response to ACLU Foundation litigation, a federal judge rejected the Trump administration's cold-hearted policy of separating migrant families. Since June 2018, more than 2,300 children have been reunited with their families.

**Expand the right to vote.** In the critical 2018 midterm elections, the ACLU's ballot initiative wins in Florida, Michigan, and Nevada now mean that as many as 2 million new voters can be enfranchised in 2020.

**Protect access to abortion.** The ACLU Foundation filed multiple lawsuits in states across the country, blocking the enforcement of 17 abortion restrictions and ensuring that hundreds of thousands of women received the care they needed.

Just as the ACLU relies on your generosity, our partnerships with other organizations, many of them mentioned in this report, are vital to success. We encourage ACLU supporters also to contribute to other organizations hard at work on the frontlines in our communities.

Once again, thank you. Your support empowers the ACLU to fight numerous battles on many fronts. Together, we will continue our unrelenting defense of freedom and justice for all.




Cori Stell  
Director of Development



 **>70 cases and amicus briefs**

Responded to

**3,200 requests for legal assistance**  from the public.

 **>100,000 members**


**>1 million new voters**  registered through the California Department of Motor Vehicles' new "automatic" voter registration system as a result of litigation and advocacy by the ACLU-NC and partner organizations.

 **>30,000 conversations** with Central Valley voters on their doorsteps before the November midterm elections

**>8,000 articles**  published about ACLU-NC legal, policy, organizing, and legislative advocacy work

 **Monitored 857 bills**

**753 people**  on California's death row who now have a reprieve

 **>2,300 children reunited** with families after the ACLU won a federal court order blocking Trump's cruel family separation policy

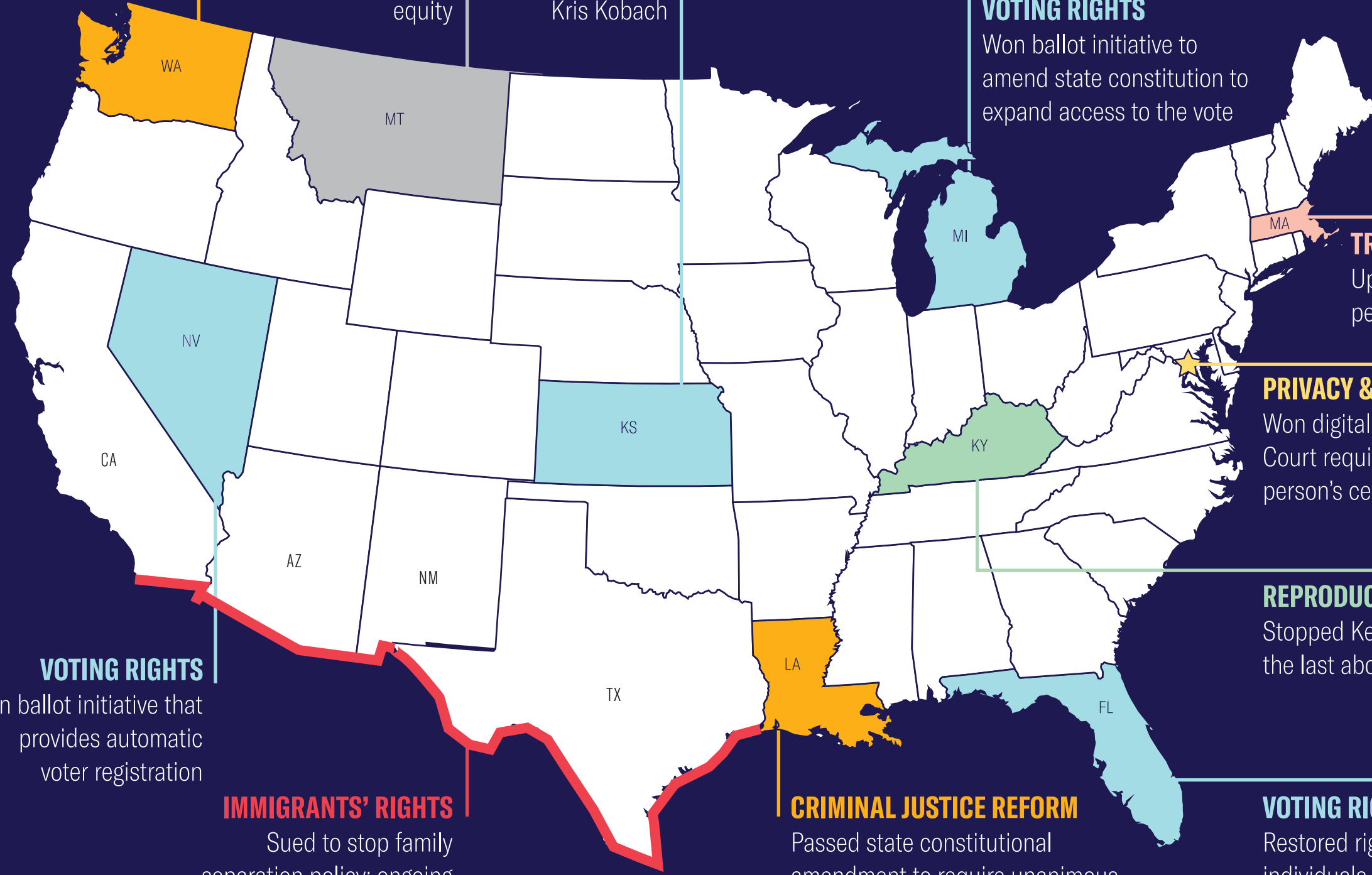
# 2018 Highlights Nationwide

**POLICE REFORM**  
Won ballot initiative that changed law on police use of deadly force

**INDIGENOUS JUSTICE**  
Supported Indigenous communities to advance education equity

**VOTING RIGHTS**  
Won voting rights protections in lawsuit against Kris Kobach

Visit [aclu.org](https://www.aclu.org) for more info on these nationwide victories.



**VOTING RIGHTS**  
Won ballot initiative to amend state constitution to expand access to the vote

**TRANSGENDER RIGHTS**  
Upheld protections for transgender people in a referendum

**PRIVACY & TECHNOLOGY**  
Won digital privacy case in the U.S. Supreme Court requiring a warrant to access a person's cellphone location history

**REPRODUCTIVE FREEDOM**  
Stopped Kentucky from shutting down the last abortion clinic in the state

**VOTING RIGHTS**  
Won ballot initiative that provides automatic voter registration

**IMMIGRANTS' RIGHTS**  
Sued to stop family separation policy; ongoing litigation at the border

**CRIMINAL JUSTICE REFORM**  
Passed state constitutional amendment to require unanimous juries for serious felony offenses

**VOTING RIGHTS**  
Restored right to vote for 1.4 million individuals with felony convictions

Cephus (Uncle Bobby X) Johnson knows the pain of losing a family member to violence. Compounding his grief was the secrecy shrouding the killing of his nephew, Oscar Grant. That's because Oscar, an unarmed Black man, was shot by a police officer.

In 1978, the state enacted a law shielding officers' disciplinary and use-of-force records from the public, denying Californians the right to know about law enforcement officers' abuse of their vast powers. California became the most restrictive state in the nation regarding confidentiality of police records.

Police violence is often targeted against Black and Brown communities. Families like Cephus's pay the price. Lack of transparency about the officers who killed their loved ones hindered them from advocating for change and protecting their communities from abusive police.

But in a major victory, the ACLU of California and our allies succeeded, after 40 years of effort, in passing The Right to Know Act (SB 1421). This new law ensures the public's right to know about egregious police misconduct and serious uses of force. Police departments now must release certain records where officers have killed, shot, or gravely injured someone; committed sexual assault; framed an innocent person, or committed other serious acts of dishonesty.

Passage of SB 1421 was not easy. The ACLU, with a coalition led by families who have lost loved ones to police violence, advocated tirelessly with legislators. Testimony from family members was essential in countering powerful police unions.

On the final day of the 2017-18 legislative session, SB 1421 lacked a few votes to pass in the Assembly. We engaged ACLU members and donors in key districts to contact their legislators. We worked with labor partners and other progressive organizations, and leveraged our strong support from newspapers to pressure wavering lawmakers. In the final minutes of the session, we secured the needed votes.

We are now seeking records under SB 1421 from over 400 law enforcement agencies throughout California, including on behalf of Cephus and many others whose family members died from police violence. But police unions have sued to prevent access. So far, our intervention in those lawsuits has forced many police agencies throughout the state to release records.



“ SB 1421 allows us to have transparency into the kinds of officers working in our communities, and **it is critical in the healing process for families of victims of police violence.**”  
—Cephus (Uncle Bobby X) Johnson

The ACLU fights voter suppression in states like North Carolina and Georgia, where lawmakers erect barriers to voting with that purpose—suppression by design. In California, the ACLU tackles a different problem—suppression by neglect.

For years, California state and county officials ignored federal voting requirements and cut corners in ensuring equal access to the vote for all eligible citizens.

That neglect contributes to California lagging the country in voter registration and participation rates. There are over 5.3 million eligible citizens in California who are not registered to vote.

The National Voter Registration Act is a federal law passed in 1993 that requires states to integrate a voter registration application into DMV applications and renewals so that consumers can seamlessly register to vote. Unfortunately, California never fully implemented the law until the ACLU brought a lawsuit in 2015. That lawsuit led to the state passing an automatic registration bill that year, which was implemented in April 2018, before the primary election.

We all know the story of how a bill becomes a law. But there is a second story: how a law, once passed, becomes reality.

ACLU attorneys led a coalition of stakeholders that took steps to ensure the law was implemented vigorously, including:

- ♦ Advocating for the right balance so that DMV customers who are citizens would easily enroll in voter registration and those who are non-citizens would not inadvertently register to vote against the law.
- ♦ Enlisting language rights and user interface experts to field test DMV forms in multiple languages to ensure that the questions and forms made sense to regular people.
- ♦ Partnering with disability rights organizations to ensure that people with disabilities could use the online and paper forms fully to register or update their registrations.

There were plenty of bumps in the road. But the magnitude of the success of the law is remarkable.

We will continue to press the effective implementation of the law through 2020 and to close voter registration gaps in California.



“ We welcome progress made to date to ensure every eligible Californian has access to registration and voting. Since the program started last year, it has resulted in over 1.2 million new registrations and over 3.2 million updated voter registrations. That’s a win for our democracy.”

—Clarissa Martinez De Castro, Deputy Vice President of UnidosUS, a client in our lawsuits against the DMV

# Catalyst for Change in the Central Valley



Photo by Christien Espinoza

“ I wanted to work for the ACLU because as someone who has lived in the Central Valley for most of his life, it’s been incredibly difficult to come across community organizations and coalitions dedicated to uplifting marginalized communities, such as people of color and low-income people. I felt I could do my part to help out.”

—Bryan Osorio, ACLU Field Fellow

Building the ACLU’s presence in California’s Central Valley has been a priority for several years. The 6.5 million people living in the region face some of the state’s worst civil liberties violations but have the fewest resources to defend their rights.

In 2011, we opened a small Fresno office with two organizers. That office now houses seven staff, including organizers and attorneys working on a range of challenges, including ones acute to the region, like equal access to clean water.

Leading up to the 2018 elections, the ACLU of Northern California (our 501c4 entity) expanded outreach in the Central Valley to engage infrequent voters. Spearheading that effort was a talented group of field fellows, local residents who are activists and community leaders.

One of them is Bryan Osorio, a Delano native who organized in Kings County. In one year, Bryan went from someone who had only heard of the ACLU to attending a transformative national conference to taking on a new leadership role in his own community. Bryan had heard of the ACLU in college but wasn’t involved with the organization. That changed after he participated in the ACLU’s national conference in Washington, D.C., in summer 2018.

The ACLU’s attention to an array of issues—education, voting rights, racial justice, reproductive health—energized him. The recent UC Berkeley graduate recognized that the ACLU concentrates on social justice challenges he wants to address in his career.

Bryan focused his Kings County efforts on educating high school and community college students about the voting process, immigrants’ rights and reproductive rights issues, and the duties of officeholders up for election. He also informed them about the ACLU’s work, with the goal of enlisting them as members and volunteers.

From organizing phone banks to providing voter registration information and poll watching, our field fellows worked tirelessly, traveling back and forth hundreds of miles to visit urban centers in Fresno, Tulare, and Kern counties, as well as isolated rural communities.

The ACLU’s commitment to the Central Valley is long-term. Because of Bryan and our other field fellows, the ACLU can build deeper relationships and do more intentional organizing in the region beyond Fresno. Our goal is to help Central Valley residents build power, advocate for their rights, and hold government accountable.



# HIGHLIGHTS OF ACLU OF NORTHERN CALIFORNIA CENTRAL VALLEY

## Voter Engagement for 2018 Midterm Election



We hired and trained 105 Central Valley residents to speak with voters. These canvassers and our field fellows held **30,000 conversations** with voters on their doorsteps.

320 volunteers sent **215,000 texts** to voters.



Volunteers and field fellows monitored **68 polling places** in three counties.



Our communications team distributed online ads and videos in **English and Spanish**

We sent two mailings to **229,000 households**

Mailings, ads, and videos featured profiles of real people we work with and informed voters about birth control, immigrants' rights, and where and when to vote —

**issues of major concern** to Central Valley residents.



**ACLU Northern California**

**ALL PEOPLE IN THE U.S.—CITIZENS AND NON-CITIZENS ALIKE—HAVE RIGHTS UNDER THE LAW.**

The ACLU stands for keeping families together and ensuring access to affordable, high-quality reproductive healthcare for all people in the Central Valley.

**Will your Congress do the same?**

Now is not the time to be silent. Now is the time to make our voices heard. Now is the time to vote like our rights depend on it.

**ACLU Northern California**

**ACLU Southern California**

No todos los candidatos de Congreso creen que debo tener acceso a servicios de salud que sean económicamente accesibles y de alta calidad, incluyendo anticonceptivos.

**¿Hará lo mismo el Congreso?**

**Es el momento de votar como si nuestros derechos dependieran de ello.**

Si se te ha negado el derecho a votar o si observas mala conducta electoral, llama a uno de esos números de la línea directa o comunícate con la ACLU al [votingrights@aclu.org](mailto:votingrights@aclu.org).  
Español: (866) VE-Y-VOTA (866-839-8682); Inglés: (866) OUR-VOTE (866-687-8683)

**Visita [aclunc.org/vote21](http://aclunc.org/vote21) para más información.**



I've lived in the Central Valley my whole life. When I was eleven, my mother was deported. **I don't want any other kid to ever go through what I went through.**



The ACLU stands for keeping Central Valley families together and ensuring that all families are treated fairly under the law. **Will your Congress do the same?**

**Go to [aclunc.org/vote10](http://aclunc.org/vote10) to learn more about how to vote.**

Now is not the time to be silent. Now is the time to make our voices heard. Now is the time to vote like our rights depend on it.

A small sample of the hundreds of thousands of voter education materials distributed in the Central Valley in the fall of 2018.

In 2018, we continued to fight the federal government's xenophobia and unlawful immigration practices in Northern California. Because our legal counseling line and extensive networks reach throughout Northern California, we can identify particularly egregious legal violations.

One such incident led us to file an administrative claim against Immigration and Customs Enforcement (ICE) on behalf of several immigrant women, including Floricel Liborio Ramos, who were transferred from a detention center in Richmond, California to one in Bakersfield. Trapped in blistering July heat for hours, the women were shackled by their wrists, ankles, and waists in the rear of a small van with no air circulation, windows, water, or food. Some fainted or vomited and thought they were dying during the long journey.

The company that ICE contracted to transport detainees has a history of mistreating immigrants, and ICE has allowed this to happen. The claims against ICE are pending.

We also litigated cases with national impact.

Mony Preap's family fled Cambodia after the Khmer Rouge tortured his mother. Mony has been a legal permanent resident since arriving in the U.S. as an infant in 1981. The federal government arrested Mony years after he was convicted for minor marijuana possession. The government now claims it can detain Mony without a bond hearing and possibly deport him because of that conviction more than 12 years ago.

The ACLU Foundation of Northern California, along with the national ACLU, Asian Americans Advancing Justice—Asian Law Caucus, and Keeker, Van Nest & Peters LLP, represented Mony and other immigrants in *Nielsen v. Preap*. We fought this case all the way to the United States Supreme Court.

The high court, in March 2019, issued a deeply disappointing decision. It accepted the government's argument that a 1996 immigration law requires mandatory detention of individuals facing deportation because of old criminal records. Under this decision, thousands of people will be needlessly incarcerated while their deportation cases slog through an overwhelmed system.



“I thought I would take my last breath in the back of that van. I thought about not seeing my children again, not saying goodbye.”

—Floricel Liborio Ramos, immigrant detainee describing her transfer between ICE detention centers

Photo by Gigi Harney

## The Trump administration escalated attacks on immigrants through cruel policy proposals



- **Perpetrated inhumane family separation policy** Cruelly separated thousands of asylum-seeking children and parents at the U.S.-Mexico border to deter others from seeking refuge in the U.S.
- **Decided to end “temporary protected status” for over 300,000 people** from El Salvador, Nicaragua, Haiti, and Sudan. These immigrants had fled to the U.S. to escape violence and disaster in their native countries.
- **Issued asylum ban proclamation** purporting to bar the entry of all persons entering the U.S. at any place other than an official port of entry.
- **Added citizenship question to the 2020 census**, despite unanimous opposition from experts warning that it will intimidate immigrants and communities of color and will drive down participation. The question could result in an undercount of 6.5 million people.



## The ACLU in California resisted Trump and led the way to protect immigrants

- **Challenged Trump administration policies** in federal court.
- **Exposed data sharing** between local law enforcement and Immigration and Customs Enforcement (ICE).
- **Organized in key counties for implementation of the California Values Act, our “sanctuary state” law**, which prohibits state and local law enforcement agencies from engaging in immigration enforcement.
- Successfully advocated, with our allies, for increased **state funding of \$95 million for free legal services for immigrants.**



Illustration by Robert Liu-Trujillo

“Black students are called the n-word. Mexican students are told to ‘go back to Mexico,’ and white students regularly say, ‘white power’ to students of color.

—Brianna Smith, Visalia Unified School District graduate, describing the climate in Visalia schools

The Central Valley town of Visalia is known for grapes, cotton, and citrus. Among the community’s Black students, though, it’s infamous for racism.

Ask Brianna Smith, who attended Visalia public schools from kindergarten through 12th grade. She endured being called a “monkey” by her classmates and even worse racial slurs. Throughout Brianna’s school years, she and other Black youth experienced a hostile school climate: White students referred to their Black classmates as “slaves” and joked about hanging them from trees. A teacher has displayed the confederate flag in his classroom for years.

For more than a decade, faculty and administrators ignored complaints from Black students and other witnesses to the hostility.

Instead of addressing the root causes of racism on its campuses, the Visalia Unified School District reviewed its dress code after a student, in 2017, wore a confederate flag sweatshirt to school and created a social media post with a photo of a Black person over which was written “flex#whitepower.”

Responding to media and public outrage, the school board banned “hate group” symbols. Working with Black students and allies in Visalia, we successfully convinced the District that the proposed ban infringed on students’ free speech rights, and urged instead that the District take proactive measures to address racism on its campuses. Even after hearing from students directly about racism, the District failed to address the reasons for the hostile school environment. Black students wanted the District to confront the deeper causes and effects of racial hostility that deprive them of equal educational opportunities.

In October 2018, the ACLU Foundation of Northern California filed a discrimination complaint with the federal Department of Education on behalf of Black students in the Visalia Unified School District. In addition to outlining the harassment Black students face, the complaint cites racially disparate detention and suspension rates. The District came under fire in 2010 for disproportionately disciplining Black students. Years later, the District still disciplines Black students more frequently than any other racial group, even though Blacks make up less than two percent of the student population.

Brianna is now thriving in college. We’re working to ensure that future generations of Black children and youth in Visalia will benefit from her and other Black students’ advocacy.

Several years ago, as an elementary and middle school student in Fremont, Sameer Jha equated “gay” with “disgusting” and “weird.” That’s because his classmates used “gay” as an insult, sometimes directed at him.

Sameer’s health curriculum didn’t mention LGBTQ identities, reflecting the rejection of LGBTQ students that Sameer experienced through bullying.

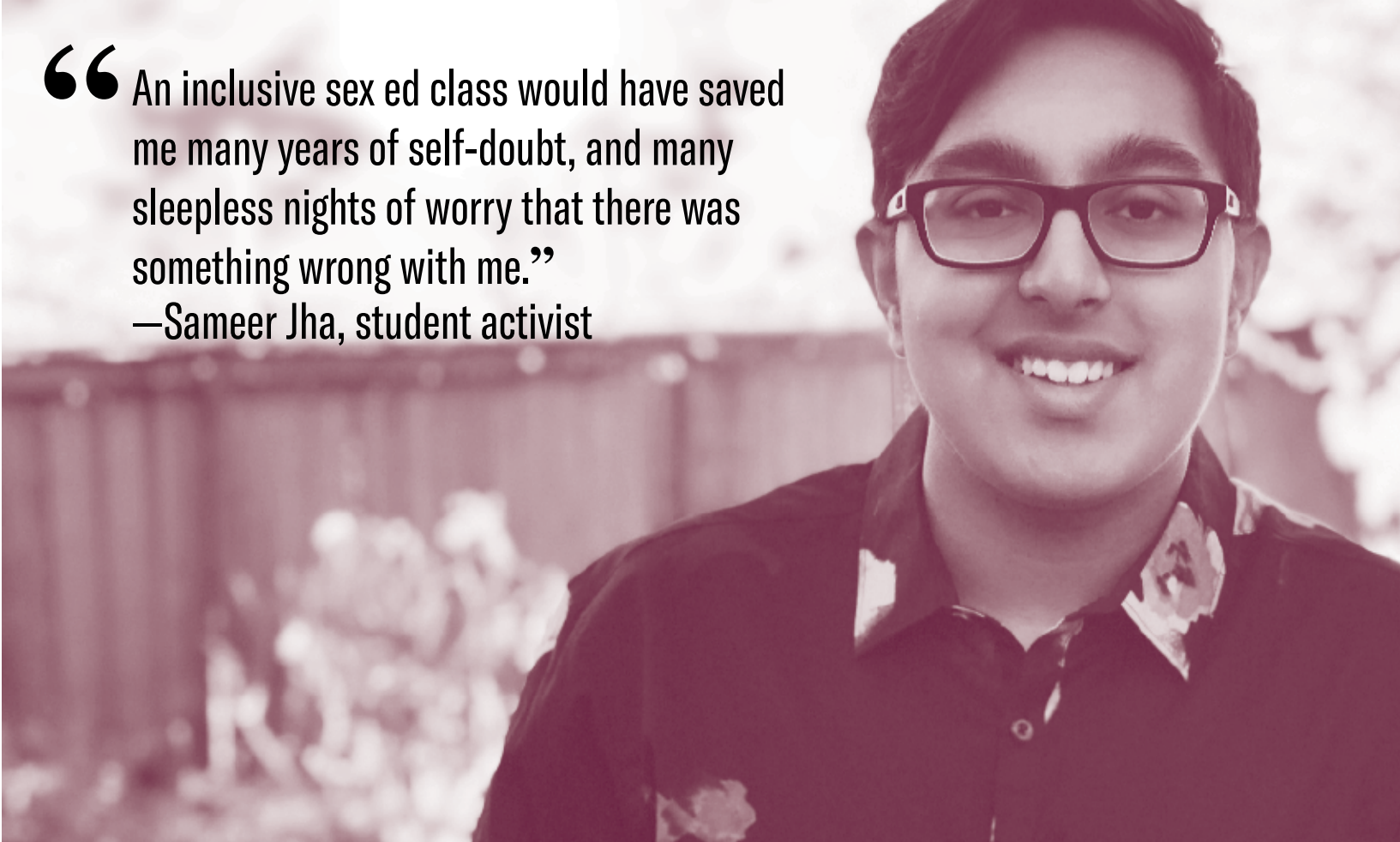
But now, California leads the nation in comprehensive sex education that addresses sexual orientation and gender identity. School districts are implementing the California Healthy Youth Act (CHYA), a 2015 law resulting from the ACLU of Northern California’s pioneering and persistent advocacy over the past 20 years. CHYA requires that all California school districts and charter schools—reaching nearly 7 million students—teach comprehensive, unbiased, medically accurate sex education in middle and high school. Instruction must cover healthy relationships, FDA-approved methods for preventing unintended pregnancy and sexually transmitted infections, sexual orientation, gender identity, and pregnancy—including prenatal care and abortion.

Many schools have adopted the new law, including with our focused support in the Central Valley. But backlash also has been strong, sometimes in unexpected places. We’ve partnered with activists across our region to ensure progress. In Fremont, opponents criticized the district’s CHYA-compliant curriculum because it acknowledged LGBTQ youth, then shifted to say it was “too much, too soon” after activists called out their bias.


The school board adopted CHYA-compliant instruction in the higher grades but suspended sex education in grades 4-6 after the complaints. We helped youth, including Sameer, organize a letter-writing campaign, including a letter signed by over 1,000 Fremont students supporting the proposed curriculum. The board responded by reinstating it.

Our advocacy to maintain California’s leadership in comprehensive sex education is vital, given regression throughout the country during the Trump years—it helps not just California students, but those in other states. Textbooks to be adopted in California next year, after extended efforts by the ACLU Foundation of Northern California and allies to ensure robust content for sex education and LGBTQ inclusivity, will influence the health textbook market nationally.

The fight is far from over. We’ll continue partnering with advocates at all levels to ensure that young people get the sex education they deserve.



“An inclusive sex ed class would have saved me many years of self-doubt, and many sleepless nights of worry that there was something wrong with me.”  
—Sameer Jha, student activist



Dianne Jones, parent of a transgender child, has for years advocated for comprehensive sex education in Fremont. After a group of opponents targeted her in their campaign to stop gender-inclusive sex education in the district, she ran for the school board and won.

Los Angeles Congressional representative Jimmy Gomez hasn't been arrested. But Amazon's face surveillance product, Rekognition, thinks he has.

In July 2018, the ACLU Foundation of Northern California released results of an independently verified test of Rekognition that matched Gomez and 27 other members of Congress with images in a set of publicly available arrest photos. Representatives of color were more likely to be identified incorrectly.

Rep. Gomez wasn't happy. He and Rep. John Lewis, who was also falsely matched, demanded a meeting with Amazon CEO Jeff Bezos about the program, which Amazon has been actively marketing to law enforcement agencies. Rekognition can identify, track, and analyze people in real time and then compare information it collects against databases containing tens of millions of faces.

Representatives Gomez and Lewis are not alone in objecting to face surveillance technologies. We organized a coalition of over 100 racial justice, faith, and civil, human, and immigrants' rights groups to send letters to Microsoft, Amazon, and Google, demanding that the companies not sell face surveillance technology to the government.

Technology companies were quietly developing face recognition programs before the ACLU Foundation of Northern California brought the issue to the national stage, pointing out the dangers of the technology, especially for people of color, political activists, immigrants, and other communities targeted in today's political climate. Through integrated strategies—corporate advocacy; local, state, and federal policy work; and strategic communications—and working closely with the national ACLU and affiliates in Washington and Massachusetts, our work has made an impact: San Francisco introduced a ban on government use of face recognition. Several states have introduced moratoria, and Google has not released a face recognition product, citing ethical concerns.

Choices made by companies and governments about face surveillance and other artificial intelligence technologies will determine whether the next generation will fear being tracked by officials for attending a protest, going to their place of worship, or simply living their lives.

The ACLU of Northern California is at the center of this critical work to ensure that our rights are protected as technology advances.



28 members of Congress incorrectly matched to mugshots

**39%**  
of Amazon's false matches were people of color, even though they make up only 20% of Congress.

“By continuing to sell your face surveillance product to government entities, Amazon is gravely threatening the safety of community members, ignoring the protests of its own workers, and undermining public trust in its business.”

—From a letter a broad coalition of over 100 organizations sent to Amazon CEO Jeff Bezos

For most of his life, 26-year-old Darren Mathieu has lived in Lockwood Gardens, an Oakland Housing Authority (OHA) property populated largely by people of color. He seldom left his apartment, though, because OHA police officers aggressively enforced an “anti-loitering” ordinance. They accosted Darren more than 60 times for standing or sitting in his front yard. Officers demanded Darren’s identification, searching and even handcuffing him.

OHA police officers enforced the ordinance through intimidation, citations, and reported lease violations that jeopardized residents’ ability to remain in public housing.

Over-policing at Lockwood Gardens and other public housing creates an atmosphere of anxiety among residents, who fear constant threats of police stops, meritless citations, and unjust eviction lawsuits.

The ACLU Foundation of Northern California joined other civil rights groups in filing a lawsuit on Darren’s behalf. We charged that the City of Oakland’s decades-old anti-loitering law violated the due process clause of the 14th Amendment of the U.S. Constitution because it fails to define prohibited conduct and gives law enforcement officers unlimited discretion to determine what constitutes “loitering.”

The Oakland City Council moved to repeal the anti-loitering ordinance almost immediately after the lawsuit was filed. Advocates had attempted for years to convince Oakland officials to rescind the law, but our litigation finally prompted Council action.

This case is just one example of over-policing in communities of color. In the fall of 2018, we filed a federal lawsuit against the city of San Francisco, accusing the San Francisco Police Department (SFPD) of targeting Black people during drug stings in the city’s Tenderloin neighborhood. SFPD officers know that people of all races engage in drugs sales in the Tenderloin, yet all 37 people arrested and prosecuted in the stings were Black.

For nearly 20 years, several reports, including ones completed by the federal Department of Justice and the San Francisco District Attorney’s office, have documented alarming racial disparities in the SFPD’s enforcement of the law. Despite this evidence, the SFPD has not implemented adequate reforms and refuses to sufficiently counteract a departmental culture that tolerates racism and fails to adequately discipline officers known to demonstrate racial bias.

# Economic Justice

Being poor should not be a crime. But the City of Sacramento criminalized poverty when it barred panhandling in numerous public areas. The ordinance, which included passive activities like standing peacefully on the sidewalk with a donation cup, impacted Sacramento resident and homeless advocate James “Faygo” Clark.

Faygo survives from the money he receives while sitting on Sacramento sidewalks with his dog. He lays out two paper signs requesting money, with a cup in between them.

Faygo feared that he would be charged with a misdemeanor punishable by a fine of up to \$1,000, six months in jail, or both.

Soliciting donations is a form of speech covered by the First Amendment. The ACLU Foundation of Northern California filed a lawsuit on behalf of Faygo and a homeless rights organization, challenging the Sacramento ordinance as a free speech infringement. In July 2018, a federal judge issued a preliminary injunction barring enforcement of the ordinance.

Criminalizing homelessness takes many other forms. We also filed a lawsuit against the California Department of Transportation (Caltrans) for violating the constitutional rights of unhoused people in ongoing “sweeps” of encampments. The Fourth and 14th Amendments to the Constitution protect everyone from government seizure and destruction of their property, whether they live in mansions or tents. We’re working to ensure that the government respects the rights of all people, regardless of their income.

“It’s hypocritical to say you value free speech and deny free speech of the homeless. Do we not count as citizens? Do we not count as people?”

—From testimony of homeless advocate James “Faygo” Clark before the Sacramento City Council



Citing racial disparities, wrongful convictions, and questioning the morality of the death penalty, Governor Gavin Newsom announced in March 2019 that executions will not take place in California during his tenure.

The 753 inmates on California's death row have a temporary reprieve. But after this governor leaves office, their fates are unclear—will they remain in limbo or will the state execute them?

For more than 40 years, the ACLU Foundation of Northern California has advocated to permanently abolish capital punishment in California. We're deeply committed to eliminating the death penalty because it is an intolerable denial of civil liberties and is inconsistent with the fundamental values of our democratic system. People on death row like Jarvis Masters show why we oppose capital punishment on moral, practical, and constitutional grounds.

Convicted of involvement in the murder of a San Quentin prison guard, Jarvis has been on death row for decades, even though someone else confessed to the crime for which he was charged. While imprisoned, Jarvis has written two acclaimed books. He became a devout Buddhist and has been a forceful advocate for his fellow prisoners.

We're representing Jarvis in a case challenging California's lethal injection regulations. The California Department of Corrections and Rehabilitation (CDCR) has attempted, unsuccessfully, to issue a legally valid execution protocol since 2008. We're also involved in litigation challenging restricted media access to executions, and we fought a case challenging the legislature for abdicating its responsibility to provide CDCR with appropriate guidance and standards for the administration of lethal injection drugs.

Governor Newsom's moratorium will likely affect the posture of these cases. But despite the governor's bold action, the death penalty remains in California. Studies consistently show that racial animus infects the application of capital punishment in our state. Moreover, since 1973, 162 death row inmates have been exonerated nationwide after new evidence proved their innocence. Executing someone is irreversible. The risk of killing an innocent person, or sentencing someone to die because of their race, is simply too great.

California has not executed anyone since 2006. Governor Newsom's decision is an important step, but it is not the endgame. We are doing all we can to convert the moratorium into a permanent end to capital punishment in our state.



“Being on death row, I have a front row seat on what suffering is.

I'm not damaged, not had this place tear me up like I've seen a hundred times.”

—Jarvis Masters,  
Death Row inmate



Above, Jarvis Masters with former ACLU-NC attorney Linda Lye.

At left, Gov. Newsom (center) with former ACLU-NC Death Penalty Project Director Natasha Minsker and Executive Director Abdi Soltani.

District Attorneys are the most powerful decision-makers in the criminal justice system. That powerful insight has been the basis of the ACLU of Northern California's pioneering work on district attorney accountability beginning in 2010. The ACLU-NC has helped focus advocates on the central role these elected officials can play in reducing mass incarceration and racial inequality.

In 2018, 56 of California's 58 DAs were up for election. The ACLU of Northern California, a 501c4 non-profit, carried out a statewide voter education project. As always, we didn't endorse or oppose candidates. A central part of our strategy was to partner with community groups led by formerly incarcerated people. In Contra Costa County, that partner was the Safe Return Project, led by Tamisha Walker, who organizes for prevention, rehabilitation, and reentry.

When the Contra Costa DA resigned in 2017 due to corruption, Walker and a coalition demanded that the Board of Supervisors carry out a public process, with community input, to select a candidate who would institute a fairer justice system, instead of automatically appointing a person from within the DA's office. That process led to the appointment of retired judge Diana Becton, who had expressed her support to reform the DA's office and administer justice fairly and equitably.

Because the appointment was done mid-term, the position was up for election again in 2018. The ACLU of Northern California worked with Safe Return Project and other groups to reach out to low-income voters, African-American voters, and formerly incarcerated voters. And once Becton was elected, the ACLU and community groups began to work with her office to advance criminal justice reforms. An early decision by the DA was to not charge juveniles as adults.

Walker was quoted in the San Francisco Chronicle reflecting on this work, thankful to the Contra Costa County Board of Supervisors for "actually hearing the community and being on the right side of justice this time around." With partners like Tamisha Walker, and a sustained focus on district attorney accountability, we hope California can be on the right side of justice many times around.

“I'm thankful for the Board of Supervisors being on **the right side of justice** this time around.”

—Tamisha Walker





# EDUCATION IN ACTION



We're excited to partner with Heyday Books on their Fighting for Justice series. We donated children's history books to all 1,296 middle schools in California. *Fred Korematsu Speaks Up* tells the history of Japanese Internment through the story of ACLU client Fred Korematsu. *Biddy Mason Speaks Up* brings to light the little known history of a forgotten figure from history whose heroic story fighting for justice should be remembered.



The 2018 ACLU Summer Institute provided more than 1,000 students with an immersive experience in Washington, D.C.

We launched a public education campaign to highlight the 14th Amendment on the 150th anniversary of its ratification, including a video you can view at [www.aclunc.org/powerthe14th](http://www.aclunc.org/powerthe14th). On July 4, 2018, the *New York Times* published an editorial reminding readers that the 13th, 14th, and 15th Amendments together represent "a radical recommitment to our first and highest principles," and the *San Francisco Chronicle* published an op-ed by ACLU-NC Executive Director Abdi Soltani celebrating the 14th Amendment's promise of equal protection.



*The New York Times*  
*San Francisco Chronicle*

#POWERTHE  
14TH

ALL PERSONS BORN OR NATURALIZED IN THE UNITED STATES AND SUBJECT TO THE JURISDICTION THEREOF, ARE CITIZENS OF THE UNITED STATES AND OF THE STATE WHEREIN THEY RESIDE. NO STATE SHALL MAKE OR ENFORCE ANY LAW WHICH SHALL ABRIDGE THE PRIVILEGES OR IMMUNITIES OF CITIZENS OF THE UNITED STATES; NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW; NOR DENY TO ANY PERSON WITHIN ITS JURISDICTION THE EQUAL PROTECTION OF THE LAWS. **150 YEARS OF THE 14TH AMENDMENT**

# Thank You to Our Volunteers

Each year, hundreds of people volunteer their time with the ACLU of Northern California. Here we recognize some of the most dedicated volunteers who spent the most time with us in 2018.

## Civil Liberties Counselors

Olinda Alvarado  
Beth Brittonsmith  
Brizette Castellanos  
Humberto Castorena  
Kelly Chang  
Betsy Dimas  
Justin Fitzsimmons  
Marcela Fonseca  
Cynthia Gomez  
Lynn Halcomb  
Jorge Hernandez  
Ana Castillo James  
Jason Jervis  
Pierre Khoury  
Patti Kouba  
Jerry Lewis  
Joyce McConeghey  
Raana Mohyee  
Adele Sylar  
Ximena Valdarrago

## Chapters

Alameda County Paul Robeson  
Berkeley North East Bay  
Chico  
Marin County  
Mid-Peninsula  
Monterey County  
North Peninsula  
Sacramento Area  
San Francisco  
Santa Clara Valley  
Santa Cruz County  
Shasta-Tehama-Trinity  
Sonoma County  
Tulare County  
Yolo County

## Law and Policy Interns

Nicole Allan  
Olamide "Ola" Abiose  
Tyler Bishop  
Nomi Conway  
Aaliyah Gadsden  
Lucy Garcia  
Rosemary Gomez  
Janna Huang  
Adrian Mixon  
Aseem Mulji  
Catherine Porto  
Monica Ramsy  
Rio Scharf  
Kanwalroop "Roop" Singh  
Curtis Skinner  
Sarah Stephan  
Philip Tacason  
Nadine Talaat

## Development Intern

Melissa Hernandez-Panameno

## **PRO-BONO GENERAL COUNSEL**

Orrick, Herrington & Sutcliffe, LLP

## **COOPERATING LAW FIRMS**

We thank the following law firms who donated services in 2018. Your hard work and commitment are deeply appreciated by the ACLU community.

Arnold & Porter Kaye Scholer  
LLP  
Coblentz Patch Duffy & Bass  
LLP  
Cooley LLP  
Covington & Burling, LLP  
Davis Wright Tremaine LLP  
Durie Tangri, LLP  
Fenwick & West LLP  
Goodwin Procter  
Keker, Van Nest & Peters, LLP  
Latham and Watkins, LLP

Morgan, Lewis & Bockius, LLP  
Morrison and Foerster, LLP  
Munger, Tolles & Olson, LLP  
O'Melveny & Myers, LLP  
Orrick, Herrington & Sutcliffe,  
LLP  
Paul Hastings, LLP  
Pillsbury Winthrop Shaw  
Pittman, LLP  
Reed Smith, LLP  
Remcho Johansen & Purcell  
LLP

Riley Safer Holmes & Cancila,  
LLP  
Rogers Joseph O'Donnell, PC  
Sheppard Mullin  
Simpson Thacher & Bartlett,  
LLP  
Skadden, Arps, Slate,  
Meagher & Flom LLP  
Sullivan & Cromwell, LLP  
Wilmer Cutler Pickering Hale  
and Dorr, LLP

# Our Boards

## **American Civil Liberties Union Foundation of Northern California**

Magan Pritam Ray, Chair  
Farah Brelvi  
China Brotsky  
Veronica Diaz  
Peter Gelblum  
Al Hammond  
Maria Hekker

Kassie Stone  
Shalini Swaroop  
Bharat Trehan  
Beverly Tucker  
Sheila Warren  
Mickey Welsh  
Yomi Wrong



Members of our Union and Foundation boards

## **American Civil Liberties Union of Northern California**

Magan Pritam Ray, Chair  
Betsy Adler  
Allen Asch  
Sunil Baliga  
Anita Brady  
Farah Brelvi  
China Brotsky  
Justin Brown  
Mike Chase  
Veronica Diaz  
Milton Estes

Robert Fuentes  
Dan Geiger  
Peter Gelblum  
Forest Harlan  
Maria Hekker  
Jackie Kennedy  
Colin Lacon  
Meredith Marzuoli  
Karina Montoya  
Matt Murray  
Carla Lopez Perez

Chowning Poppler  
Pedro Ramirez  
Elliot Ruchowitz-Roberts  
Jerry Schwarz  
Shalini Swaroop  
Mark Toney  
Bharat Trehan  
Beverly Tucker  
Kim Warmsley  
Mickey Welsh  
Yomi Wrong

## **PHILANTHROPIC DEVELOPMENT VOLUNTEERS**

In 2018, the members of our boards and these additional volunteers served as ambassadors for the organization, stewarding relationships with ACLU supporters. We are grateful for their commitment to advancing the ACLU mission.

James B. Blume  
Marlene De Lancie  
Dick Grosboll

Marshall Krause  
Howard L. Lewis  
Dennis McNally

Nancy Pemberton  
Alice Schaffer Smith  
Zone Sage

## **STAFF**

For a list of ACLU-NC staff in our four offices, including photos and biographies, please visit [www.aclunc.org/about/staff](http://www.aclunc.org/about/staff).

# Center for Advocacy and Policy

The ACLU of California's Center for Advocacy and Policy (CAP) in Sacramento monitors all state bills, supporting those that advance our rights, fixing those that need amending, and fighting those that jeopardize civil liberties. Beginning in 2014, we significantly expanded the number of staff in this office.

In 2018, we introduced and advanced a large number of criminal justice and law enforcement reforms. The Right to Know Act (SB 1421) is a highlight. This new law requires police departments to release records of officers who have shot or seriously injured someone, committed a sexual assault, or acted dishonestly.

The story of SB 1421 spans both 40 years and 40 minutes. After a state law sealed records in the late 1970s, and subsequent court decisions extended the secrecy, the ACLU worked for four decades to secure the public's right to know about police officers' misconduct. The Black Lives Matter movement, the police shooting of Stephon Clark in Sacramento, and the growing coalition of families who have lost loved ones to police violence created opportunities for the ACLU and other open government advocates and civil rights groups to push for legislation re-opening police records. Even so, it wasn't until the final 40 minutes of the 2017-18 legislative session that SB 1421 received a full state assembly vote.

Those final 40 minutes involved a last rush of advocacy—from ACLU staff, members, and allies calling and sending text messages to lawmakers and their staff.

In the final moments of the legislative session, SB 1421 received the votes necessary to pass.

SB 1421 reminds us to be prepared for legislative marathons that sometimes last decades. But we also may need to sprint to the finish line in the final hours of the legislative session.



# Development and Financial Report

## Putting Your Generosity to Work

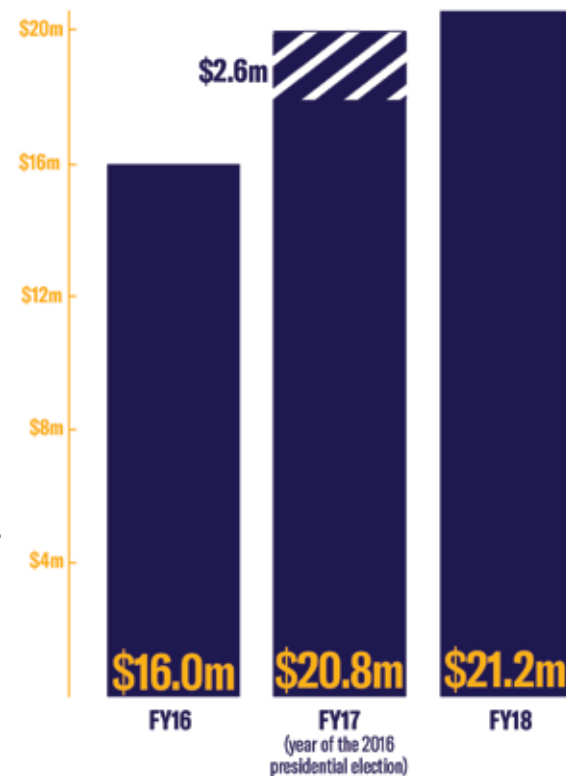
For decades, the ACLU has benefited from the support of a broad base of people dedicated to civil liberties and civil rights. The extraordinary support of our dedicated and longtime members and donors allowed us to be ready to act when Donald Trump was elected president, and to continue resisting all the dangerous rhetoric, policies, and actions that have followed.

Since the November 2016 election, we have significantly increased our staff, opened new offices to cover key areas in California, launched a number of ambitious advocacy campaigns, and grown both the speed and scale of our legal program.

On pages 38-39, we provide you our financial report for the fiscal year that began April 1, 2017 and ended March 31, 2018, the first full fiscal year following the 2016 election. In the preceding pages, we share highlights of our programmatic accomplishments through December 2018. As you can see, the deployment of your contributions continues—and with significant impact.

## ACLU Foundation of Northern California

- ♦ In Fiscal Year 2017, the year of the November 2016 election, our Foundation board approved \$2.6 million\* in additional investments in the legal and public education programs of ACLU affiliates in states where civil liberties are most under assault, yet the need for our work exceeds the local resources. A key example is Texas, which was able to expand its legal capacity in advance of the family separation crisis.
- ♦ In Fiscal Year 2018, we deepened our investment in Inland California, with new offices in Kern County, as well as expansions in our Fresno office.
- ♦ Over the last year, we established a new office in the Sacramento Metro region to expand our legal program in a region with significant civil liberties issues.

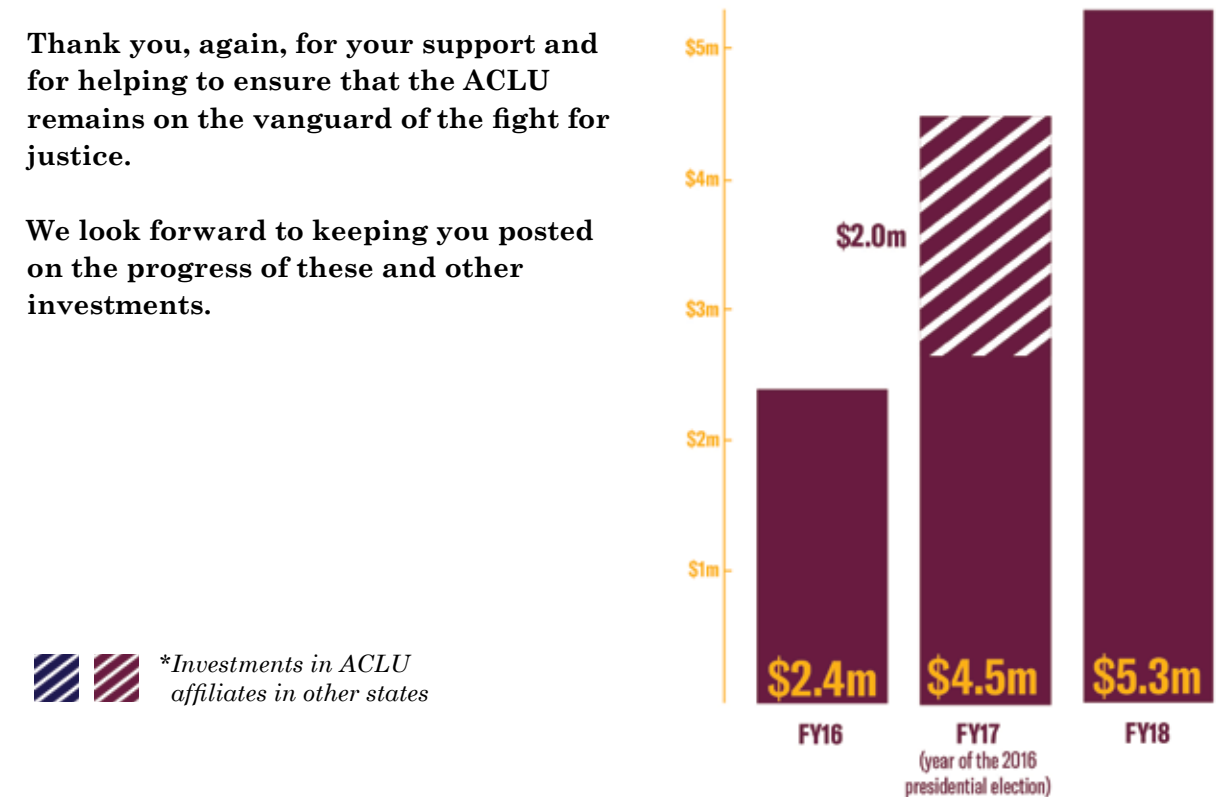


## ACLU of Northern California

- ♦ In Fiscal Year 2017, immediately after the November 2016 election, our Union board approved an unprecedented \$2 million\* contribution from ACLU of Northern California to ACLU affiliates in states where the need and opportunities outweighed the local resources. That investment has really paid off, with transformative election reform victories in places like Florida and Michigan.
- ♦ In Fiscal Year 2018, we launched a statewide public education campaign about the importance of the elected District Attorney. With 56 of 58 DAs up for election, we changed the narrative about the role of the DA from one of advancing tough-on-crime strategies to one that promotes rehabilitation and alternatives, as a step toward ending mass incarceration.
- ♦ Over the last year, we launched a major voter education project in the Central Valley to talk with low-propensity voters about civil liberties issues and the importance of their vote. We had more than 30,000 conversations with voters on their doorsteps in the weeks before the November midterm elections.

**Thank you, again, for your support and for helping to ensure that the ACLU remains on the vanguard of the fight for justice.**

**We look forward to keeping you posted on the progress of these and other investments.**



\*Investments in ACLU affiliates in other states

## About Sources of Income and How We Advance Work in California and Nationwide

The ACLU Foundation of Northern California (Foundation) and the ACLU of Northern California (Union) are separately incorporated nonprofit organizations operating in Northern California. The Foundation conducts litigation and public education programs in support of civil liberties. The Foundation is a 501(c)(3) organization, so contributions to it are tax-deductible to the extent allowed by law. The Union conducts membership outreach and organizing, legislative advocacy, and lobbying. It is supported primarily by membership dues. It is a 501(c)(4) organization, which means that donations to it are not tax-deductible.

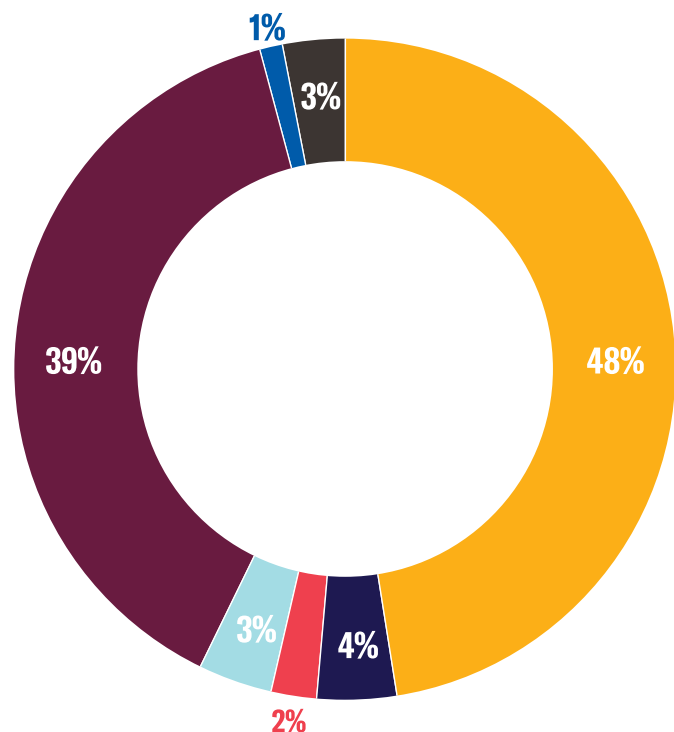
The majority of funding for the Foundation and the Union comes from individuals like you. The organizations' effectiveness and impact depend entirely upon private donations, foundation grants, bequests, and membership dues from individuals who are dedicated to advancing civil liberties for all. Neither the Foundation nor Union receive government funding, except the Foundation may receive court-awarded attorneys' fees from successful cases. The Foundation never charges clients for legal representation.

The national ACLU Foundation and the ACLU Foundation of Northern California share all tax-deductible donations. And the national ACLU and the ACLU of Northern California share all membership dues. A portion of the national share of gifts is allocated to help other ACLU affiliate offices around the country that otherwise would be unable to address the serious threats to civil liberties in their states.

# ACLU FOUNDATION OF NORTHERN CALIFORNIA

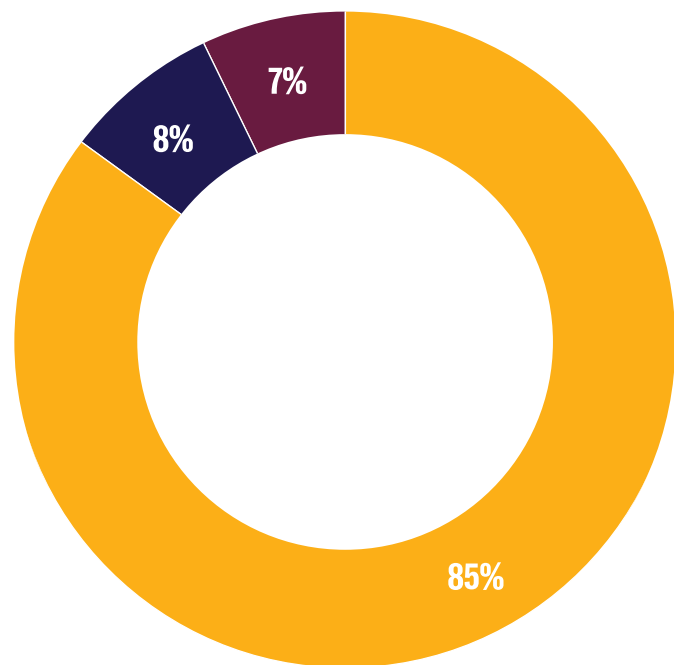
## Income and Expenses 2017-18

APRIL 1, 2017 THROUGH MARCH 31, 2018



### SUPPORT AND REVENUE

Annual and Special Contributions	\$ 12,046,857
Foundation Grants	\$ 924,133
Bequests/Planned Gift Contributions	\$ 608,321
Court Awarded Attorney Fees	\$ 902,642
In-Kind Legal Contributions	\$ 9,800,534
Other Income	\$ 228,699
Investment Income	\$ 749,851
<b>Total</b>	<b>\$ 25,261,037</b>



### EXPENSES

Program Services	\$ 18,108,273
Fundraising	\$ 1,702,354
Management and General	\$ 1,398,001
<b>Total</b>	<b>\$ 21,208,628</b>

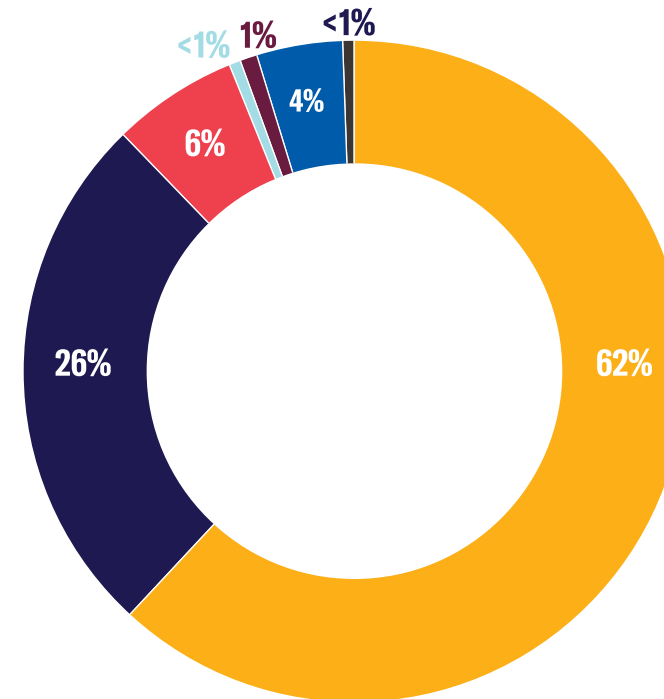
### CONTINUED GROWTH AND INVESTMENT: OUR PLAN THROUGH 2020 AND BEYOND

The ACLU Foundation of Northern California and ACLU of Northern California boards have each adopted a Strategic Framework to guide our growth and investments through 2020 and beyond. With your generous support, we have been able to make a plan for significant expansions in program and capacity, while also providing for sustainability to see long-term litigation and projects through.

# ACLU OF NORTHERN CALIFORNIA

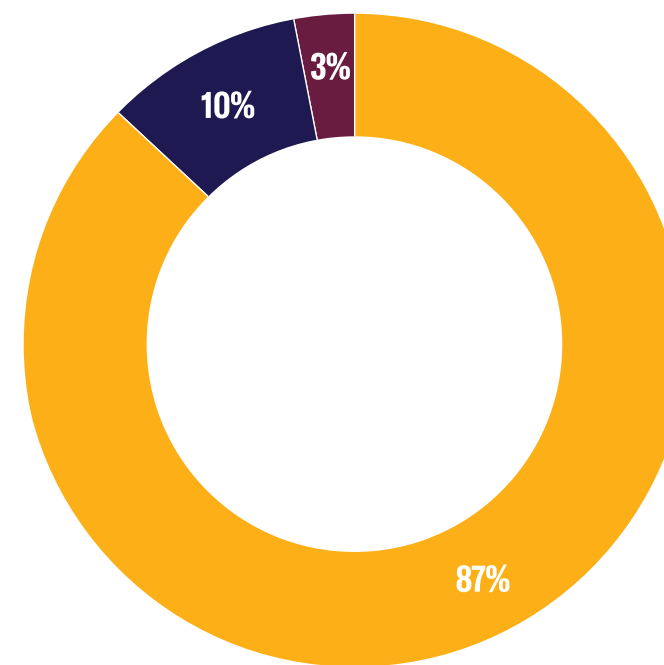
## Income and Expenses 2017-18

APRIL 1, 2017 THROUGH MARCH 31, 2018



### SUPPORT AND REVENUE

Memberships	\$ 5,284,344
Annual and Special Contributions	\$ 2,174,979
Grant from ACLU Foundation of Northern California	\$ 500,000
Grant from National ACLU	\$ 30,000
Bequests/Planned Gift Contributions	\$ 72,058
Reimbursement for Legislative Office	\$ 348,000
Investment Income and Other	\$ 32,935
<b>Total</b>	<b>\$ 8,442,316</b>



### EXPENSES

Program Services	\$ 4,652,818
Fundraising	\$ 552,957
Management and General	\$ 153,952
<b>Total</b>	<b>\$ 5,359,727</b>

The cost of membership acquisition and renewal are covered by the National ACLU.

Source: The charts on pages 38 and 39 are based on Audited Financial Statements, and underlying accounting data provided to the auditor, Leaf & Cole, LLP, for the fiscal year ending March 31, 2018. A complete copy of the FY2017-18 Audited Financial Statements is available at [www.aclunc.org](http://www.aclunc.org) or by writing: ACLU-NC, 39 Drumm Street, San Francisco, CA 94111.

# WAYS OF GIVING

You can support the work of ACLU Foundation of Northern California (Foundation) or the ACLU of Northern California (Union) in any of these ways:

**Cash or credit cards:** The Foundation and Union are pleased to accept your single donation or your recurring monthly or quarterly gift via cash, check, or credit card (Visa, Discover, Mastercard or American Express) at any time. Gifts may be made via mail or online at [www.aclunc.org](http://www.aclunc.org).

**Workplace giving/payroll deduction:** You may choose to designate the ACLU Foundation of Northern California through your workplace giving campaign or via United Way Donor Option.

**Gifts of Stock or Securities:** You may make a gift of appreciated stock, securities, or mutual fund shares to the Foundation or Union. Call the Development Department for information about the easiest ways to make stock gifts.

**Insurance and Retirement Accounts:** You may designate the ACLU Foundation of Northern California or ACLU of Northern California as beneficiary of your life insurance policy, IRA, retirement plan, or pension.

**Bequests:** In your will or revocable living trust, you may designate the ACLU Foundation of Northern California or ACLU of Northern California as beneficiary of part or all of your estate.

**Gift Annuities:** You may use cash or securities to make a gift to the ACLU Foundation of Northern California and receive fixed annual payments (a portion of which can be tax-exempt) for life and a substantial tax deduction.

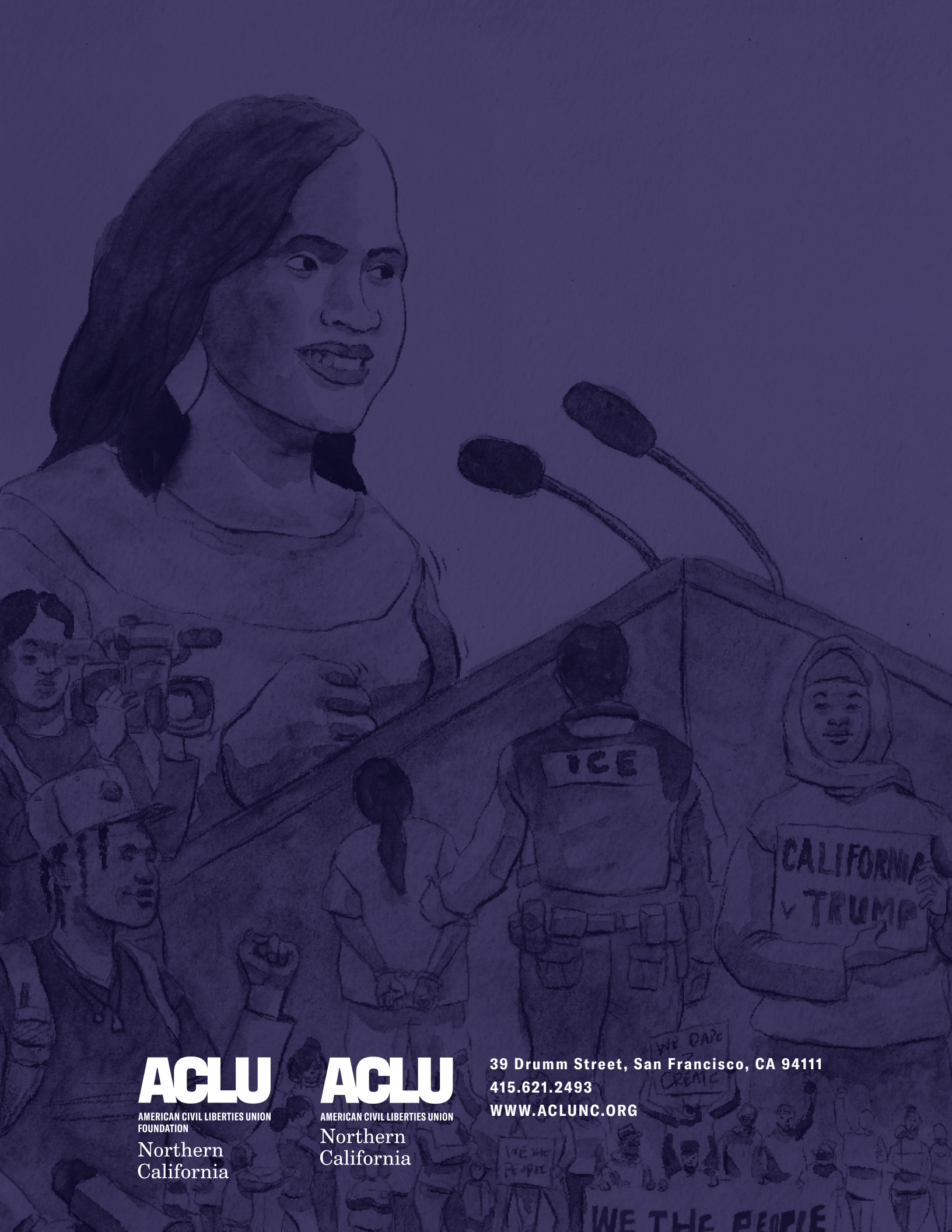
**Charitable Trusts:** You can establish a charitable trust that benefits the ACLU Foundation of Northern California while providing tax advantages and a variety of financial planning options for you and your family.

*For more information on ways to support the ACLU, contact Director of Development Cori Stell at (415) 621-2493 or [cstell@aclunc.org](mailto:cstell@aclunc.org), or for planned giving information, contact our Director of Gift Planning Bill Ambrunn at (415) 621-2493 or [bambrunn@aclunc.org](mailto:bambrunn@aclunc.org).*

# THANK YOU

for your ongoing support,  
which makes the work in  
these pages possible.

# ACLU



**ACLU**

AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION

Northern  
California

**ACLU**

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