

WASHINGTON IN ACTION

FALL 2021



The ACLU works to protect the constitutional rights of all people. With an office in every state, our nationwide network of staff, volunteers, activists, and supporters take on the toughest civil liberties fights because we protect everyone's rights. In Washington, nearly 50 full-time staff work on issues including student rights, reproductive freedom, immigrant rights, criminal legal system reform, voting rights, transgender rights, privacy and technology, religious discrimination, and more.

From Our Executive Director

Michele Storms

Dear ACLU members,

It's hard to believe the year is drawing to a close already. A lot has happened, from a new administration to an ongoing global pandemic and the many challenges and successes we've seen here across Washington state. Through it all, the ACLU of Washington has remained more committed than ever to protecting the civil rights and civil liberties of all who call this state home. Your support has been integral in powering this work.

In October, we held our Annual Celebration, centered around the theme of belonging. John A. Powell, director of the Othering and Belonging Institute at UC Berkeley shared about the concepts of othering and belonging and how we can use them as a blueprint here at the ACLU to continue to rectify broken systems and build new ones that support all people. I am reflecting on all the places and spaces where you belong – at the ballot box, in safe and nurturing classrooms, in a health-supportive community, among allies who listen – and the work we have done to support that, detailed in the pages that follow. We fought, this year and every year, to make sure that you and every person not only feel that they belong but are treated fairly, justly, and equitably. Because we all belong.

The road ahead is a promising one, with welcome changes at the ACLU-WA. I am pleased to share that Antoinette “Tonie” Davis has been selected as our new Deputy Director! Working alongside me, she will help shape the vision of the ACLU-WA and increase the effectiveness of our operations. Tonie has a breadth of human resources and employment law knowledge. She is fiercely committed to our race equity work, and is an expertly skilled, process-oriented individual with superb leadership skills. In addition to her hard skills, Tonie brings incredible heart, compassion, authenticity, and humanity to all she does. She has a profound commitment to supporting the mission and moving the work forward. She does this by pressing pause, asking why, making sure everyone feels seen, and putting people first.

For the past four years, Tonie has served as a Senior Staff Attorney here at the ACLU-WA where she has worked to protect the civil rights and civil liberties of all Washingtonians through legal research and analysis, amicus briefs, litigation, cooperating attorney support, advocacy on behalf of clients, law student supervision, and work on policy issues such as police accountability and the school to prison pipeline. She is on the Board of Directors for CENTS (Consumer Education and Training Services), volunteers for the Home Foreclosure Legal Aid Project, and is a mentor to several lawyers. Her depth of institutional knowledge coupled with her robust experience and commitment to community will help lead us well.

As the weather shifts and seasons change, we are offered a chance for reflection. I, for one, am grounding myself in the steadfast dedication of this community. We don't know all the challenges that lie ahead, but our community of care makes us stronger in the face of them. Thank you for being part of this network. I'm so glad to be doing this work alongside you. Take care of yourselves and one another in this new season. And if you need us, we'll be right here, working to make sure all Washingtonians belong.

Wishing you and yours all the best.

In Solidarity,

A handwritten signature in black ink, appearing to read 'Michele Storms'.

Michele Storms

Fighting for Abortion Access

by Leah Rutman, Health Care and Liberty Counsel, ACLU of Washington



Sergio España, ACLU-MD Director of Engagement and Mobilization, at the Supreme Court during oral arguments in *June Medical Services v. Russo*, the Louisiana abortion ban case, on March 4, 2020.

Today our country faces the most significant threat to abortion access since *Roe v. Wade* was decided in 1973, almost half a century ago. In September, the U.S. Supreme Court refused to block Texas law SB 8, which has now decimated abortion access in the state. While the law continues to be litigated in the courts, many other states across the country are looking to pass similar bills. Also, in December, the Supreme Court will hear *Dobbs v. Jackson Women's Health Organization*, a Mississippi case that has the potential to do away with the constitutional right to abortion.

With the right to choose an abortion on the line and abortion access becoming more and more dependent on one's zip code, states like Washington must be vigilant in upholding the right to choose an abortion and expanding abortion access. This is essential not just for Washingtonians but for the many people around the country who will be forced to travel here to get the basic health care they need. In light of this, the ACLU-WA reflects on some of its past work on abortion and highlights current efforts to protect and expand abortion access in Washington state.

In 1991, the ACLU-WA and allies led a campaign in support of Initiative 120. This initiative established in statute the fundamental right to choose or refuse an abortion in Washington. It also ensured that if the state provided maternity care it had to provide equivalent abortion care. This was a monumental victory and demonstrated Washingtonians' support of a pregnant person's privacy rights.

However, the right to choose an abortion does not guarantee access to it, and by 2013, the ACLU-WA was

aware of many health systems that were not providing abortion care, refusing to provide referrals for abortion, and failing to be transparent about the reproductive health care services they provided. These barriers to abortion access were amplified by the fact that Washington state had become an epicenter of religious-secular health system mergers, which regularly resulted in reductions and prohibitions on abortion care. In some cases, health systems were even refusing to provide services to patients suffering miscarriages. In response, the ACLU and allies got to work to improve abortion access in our state.

2015: Filed a lawsuit against a public hospital district in Washington that was violating the Reproductive Privacy Act (RPA) by providing maternity care but not providing the equivalent abortion care. The ACLU was successful in this case, winning at the Superior Court and ultimately settling the appeal in 2017, once the public hospital district agreed to expand its abortion services. During and following the lawsuit, additional public hospital districts agreed to come into compliance with the RPA, increasing access to abortion in our state.

2018: Advocated with allies to successfully pass the Reproductive Parity Act, which requires state-regulated health insurance plans that cover maternity care services to also cover abortion services.

2019: Achieved a win for transparency by advocating for the passage of a bill that requires hospitals to create and publish their reproductive health policies and fill out a form to provide the public with specific information about the reproductive health care services they provide.

2020: Successfully advocated for the passage of the Protecting Patient Care Act, which ensures doctors and nurses are free to provide patients with medically accurate, comprehensive information and resources about the care they need. This law ensures providers can tell their patients about abortion care and where they can access it.

2021: After many years of advocacy, the ACLU led the effort to successfully pass the Protecting Pregnant Patients Act which ensures health systems cannot prohibit doctors and nurses from providing care to a patient who is miscarrying or experiencing an ectopic pregnancy and whose health or life is at risk.

Building off these successes, the ACLU-WA continues to work to protect and expand abortion access in our state. We are gearing up this year to lead a legislative effort with our allies to ensure health entity mergers cannot continue to decrease community access to abortion and other critical health care services. In close collaboration with our reproductive health partners, we will also work to expand funding and resources for abortion in Washington state to better provide care for those in our state and beyond.

When you look to the history of abortion restrictions in this country, you find strong intersections with racism and sexism, and when laws pass that prohibit abortions, those most harmed are those with the least resources. We have accomplished so much in Washington, but there is much more to be done. During this critical time in our country, the ACLU-WA is determined to continue the fight to protect the right to choose an abortion and expand abortion access.

Visit aclu-wa.org for breaking news as these issues unfold.

Issue Spotlight: Face Surveillance

by Jennifer Lee, Technology and Liberty Project Manager, ACLU of Washington

Face surveillance technology fuels racial injustice and threatens our privacy and civil liberties — even when it operates accurately. It gives governments, companies, and individuals the power to spy on us wherever we go, enabling persistent tracking of our faces at protests, political rallies, places of worship, and more. After all, we cannot leave our faces at home. Face surveillance technology increases police power and exacerbates the already disproportionate surveillance and criminalization of marginalized communities, further entrenching systemic racism and potential deadly encounters with law enforcement.

The technology is rife with racial and gender biases. Multiple studies have found that the technology is up to 100 times more likely to misidentify Black or Asian faces, compared with white faces. Black women, in particular,

are misidentified at significantly higher rates — nearly 38% compared to white men at 0.8%. This technology is even less reliable when identifying transgender individuals and entirely inaccurate when used on non-binary people.

The harms from this invasive technology are particularly clear in the context of policing. Robert Julian-Borchak Williams went to jail for 30 hours after Detroit police arrested him in front of his wife and children. Nijeer Parks was jailed in New Jersey for 10 days and spent more than \$5,000 in legal fees. Michael Oliver lost his job and car while being held in a Detroit jail for three days on a felony larceny charge. These three Black men had done nothing wrong, yet they were arrested and jailed because of unreliable face surveillance software.

To protect communities from discriminatory surveillance and to safeguard privacy and civil liberties, the ACLU-WA has advanced both moratoria and bans on face surveillance technology at state and local levels. This year, King County, Washington's largest county, passed the nation's first multi-city county ban on face surveillance. The ACLU-WA successfully advocated for this milestone as part of the Tech Equity Coalition, a group of organizations and individuals working to make technology accountable to people. King County's ban ensures that county agencies will not deploy this biased, anti-Black surveillance tool in communities that are already over-surveilled and over-policed.

As the use of face surveillance continues to spread, the ACLU-WA is advocating for a statewide face surveillance moratorium that would temporarily prohibit installation and use of face surveillance in places of public accommodation as well as government use of this technology. At a minimum, use of face surveillance technology must be paused for there to be a robust community discussion around the role of this technology in our society. Learn more at aclu-wa.org/surveillance.

GET INVOLVED

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**FALL
INTO
READING**

ACLU of Washington Fall Reading Selections

Featured Book



Just Us: An American Conversation by Claudia Rankine

Just Us disrupts the false comfort of our spaces where neutrality and politeness live on the surface of differing commitments, beliefs, and prejudices. This brilliant arrangement of essays, poems, and images includes the voices and rebuttals of others alongside fact-checked notes and commentary that complements Rankine's own text, complicating notions of authority and who gets the last word.

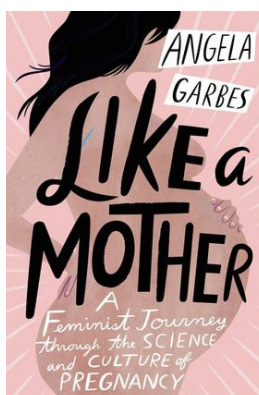
The ACLU of Washington recommends timely works that challenge, inform, educate, and inspire us. Check out OverDrive for free ebooks and audiobooks from your local library or school. Follow Mutual Aid Books Seattle @mutualaidbooks to give or get free books centering Black and Indigenous authors. Consider buying your books from Estelita's Library, a Black and Brown owned community bookstore that also offers a membership model to borrow books. Estelitaslibrary.com. Visit Parable in Tacoma (Black, LGBTQ+, and women owned). @parabletacoma, Parabletacoma.com.

Minor Feelings: An Asian American Reckoning by Cathy Park Hong



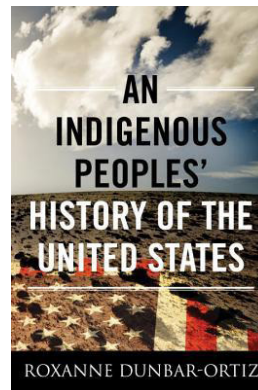
How do we speak honestly about the Asian American condition — if such a thing exists? Cathy Park Hong fearlessly and provocatively confronts this subject, blending memoir, criticism, and history to expose the truth of racialized consciousness in America.

Like A Mother: A Feminist Journey Through the Science and Culture of Pregnancy by Angela Garbes



Local Seattle writer Angela Garbes has created a resource rooted in science and real-life stories. She shares information about the physical and mental health of pregnant people, as well as issuing a call to action to be a more informed and equitable society around the issues of reproductive health and justice, and ongoing care for families after pregnancy.

An Indigenous Peoples' History of the United States by Roxanne Dunbar-Ortiz



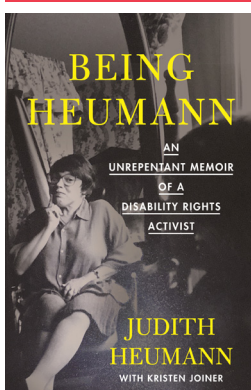
The genocidal program of the U.S. settler-colonial regime has largely been omitted from history. Roxanne Dunbar-Ortiz offers a history of the United States told from the perspective of Indigenous peoples and reveals how Native Americans, for centuries, actively resisted expansion of the U.S. empire.

Conditional Citizens: On Belonging in America by Laila Lalami



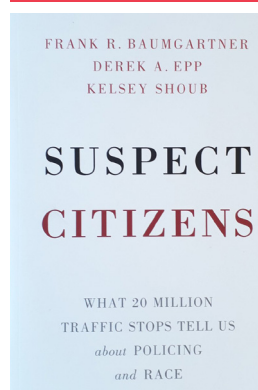
In this illuminating and impassioned book, Pulitzer Prize-finalist Laila Lalami recounts her journey from Moroccan immigrant to U.S. citizen, using it as a starting point for her exploration of the rights, liberties, and protections that are traditionally associated with American citizenship.

Being Heumann: An Unrepentant Memoir of a Disability Rights Activist by Judith Heumann and Kristen Joiner



A story of fighting to belong, and of one woman's activism — from the streets of Brooklyn and San Francisco to inside the halls of Washington — *Being Heumann* recounts Judy Heumann's lifelong battle to achieve respect, acceptance, and inclusion in a world that wasn't built for all of us.

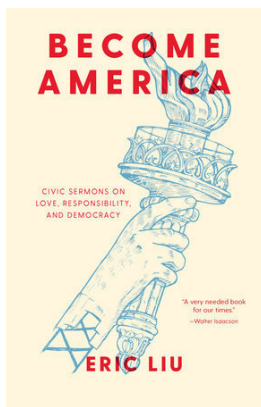
Suspect Citizens: What 20 Million Traffic Stops Tell Us About Policing and Race by Frank R. Baumgartner, Derek A. Epp and Kelsey Shoub



Throughout the war on drugs, police have used traffic stops to search drivers, with large numbers of stops needed before an officer might discover a significant drug shipment. The key in this strategy was that middle-class white Americans were largely exempt from its consequences. Tracking these police practices, *Suspect Citizens* documents the rarity of drug busts and reveals troubling racial disparities.

Become America: Civic Sermons on Love, Responsibility, and Democracy

by Eric Liu



What does it mean to be an engaged American in today's divided political landscape? How do we restore hope in our country? In a collection of "civic sermons," Seattle-based author Eric Liu, a popular advocate for active citizenship, takes on these questions and provides inspiration and solace in a time of dismay over the state of the Union.

The End of Policing

by Alex S. Vitale

The problem is not police training, police diversity, or police methods. The problem is the dramatic and unprecedented expansion and intensity of policing in the last forty years, a fundamental shift in the role of police in society. The problem is policing itself.

Alex S. Vitale

The End of Policing

The End of Policing reveals the tainted origins of modern policing as a tool of social control. Drawing on research from across the world, and covering virtually every area in the increasingly broad range of police work, Alex Vitale demonstrates how law enforcement has come to exacerbate the very problems it is supposed to solve.

Do Better: Spiritual Activism for Fighting and Healing from White Supremacy

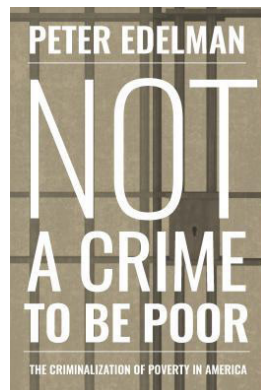
by Rachel Ricketts



As a thought leader, educator, healer, speaker, and writer, Rachel Ricketts hosts intersectional racial justice workshops worldwide. Her revolutionary guide offers mindful, embodied, and practical steps for all humxns to dismantle white supremacy on a personal and collective level.

Not A Crime to Be Poor: The Criminalization of Poverty in America

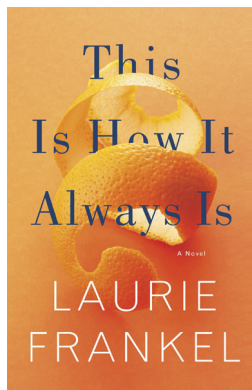
by Peter Edelman



Through money bail systems, laws against behavior that largely affect people experiencing homelessness, and the substitution of prisons and jails for mental hospitals, we have effectively made it a crime to be poor in the United States. Edelman connects the dots between these policies and others that seal whole communities into cycles of poverty.

This Is How it Always Is

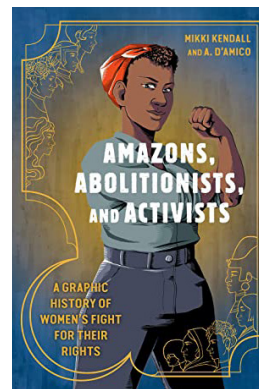
by Laurie Frankel



Claude is five years old, loves peanut butter sandwiches, and wearing dresses, and dreams of being a princess. When he grows up, Claude says, he wants to be a girl. Claude's parents want Claude to be whoever Claude wants to be. They're just not sure they're ready to share that with the world... From Seattle author Laurie Frankel comes a novel about transition, transformation, fairytales, and family.

Amazons, Abolitionists, and Activists: A Graphic History of Women's Fight for Their Rights

by Mikki Kendall, Illustrations by A. D'Amico

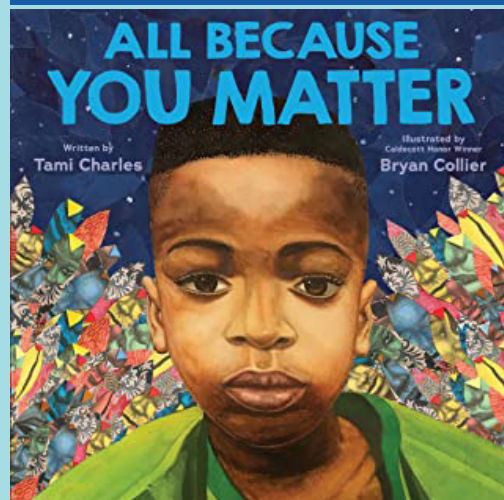


Mikki Kendall, reknowned author of *Hood Feminism*, brings us a fun and fascinating graphic novel covering the key figures and events that have advanced women's rights. Examining where we've been, where we are, and where we're going, it is an indispensable resource for people of all genders interested in the fight for a more liberated future.

Featured Books for Kids

All Because You Matter

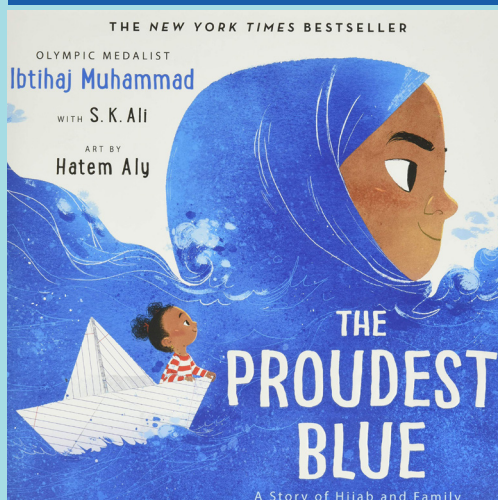
by Tami Charles
Illustrations by Bryan Collier



In this endearing picture book, tender watercolor portraits and lyrical verse underline an important message: "You, dear child, matter." *All Because You Matter* is a love letter to Black and Brown children everywhere: reminding them how much they matter, that they have always mattered, and they always will.

The Proudest Blue: A Story of Hijab and Family

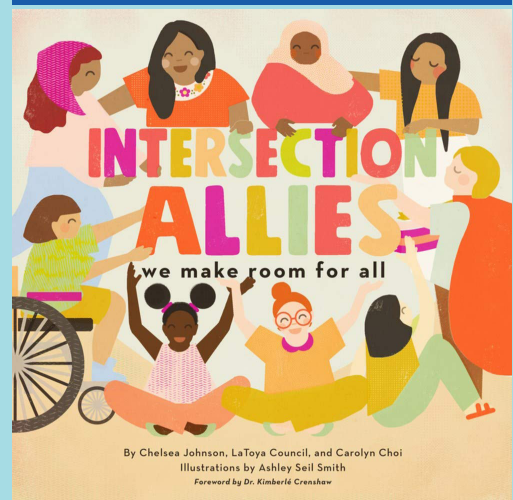
by Ibtihaj Muhammad with S.K. Ali
Illustrations by Hatem Aly



Paired with Hatem Aly's beautiful, whimsical art, Olympic medalist Ibtihaj Muhammad and Morris Award finalist S.K. Ali bring readers an uplifting, universal story of new experiences, the unbreakable bond between siblings, and of being proud of who you are.

IntersectionAllies: We Make Room for All

by Chelsea Johnson, LaToya Council and Carolyn Choi, Illustrations by Ashley Seil Smith, foreword by Kimberlé Crenshaw



IntersectionAllies is a gleeful entry into intersectional feminism. The nine interconnected characters proudly describe themselves and their backgrounds, involving topics that range from a physical disability to language brokering, offering an opportunity to take pride in a personal story and connect to collective struggle for justice.

Legislative Preview

The Washington state Legislature works on a biennium (two-year long) cycle. Each year, the legislative session begins the second Monday of January. In odd years, the session is longer (105 days) and involves passage of the state budget. The Legislature is now headed into the second, “short” session (60 days) of the 2021-2022 biennium. This is the session in which the ACLU-WA focuses on completing unfinished business and starting new conversations. In 2022, the organization will continue to focus on how the pandemics of COVID-19 and police violence have brought into sharp focus the need for bold, transformative leadership in Olympia – elected officials who are willing to tackle the deeply rooted racism that prevents our public health and public safety systems from delivering justice, equity, and liberty to all.

The ACLU-WA Spring newsletter covered the groundbreaking police accountability legislation advanced in partnership with the impacted family-led Washington Coalition for Police Accountability. Two unresolved issues are a Washington state solution to qualified immunity (HB 1202) and statewide standards for investigating and imposing discipline for police misconduct.

ACLU-WA advocates will also continue to make the case that immigration status-based denial of healthcare is unjust and discriminatory. The ACLU-WA will monitor the increasing attacks on reproductive freedom that disproportionately impact communities of color.

The 2021 session marked the third time the ACLU-WA helped defeat an industry-backed “data privacy” bill that prioritized profits over people’s control of their personal information. In 2022, the organization will support passage of the People’s Privacy Act.

Finally, the Washington Supreme Court struck down our state’s unconstitutional drug possession law in February. The ACLU-WA hoped the Legislature would seize the opportunity to abandon the War on Drugs strategy of using criminalization to block certain people from enjoying their civil liberties and rights through the social, economic, and political disenfranchisement caused by criminal records. Instead, the Legislature created new criminal penalties. The time to end the racist impacts of drug law enforcement is long overdue. The ACLU-WA is planning a 2022 statewide ballot initiative to decriminalize personal drug possession and use, and to invest cannabis excise tax revenues into recovery and prevention strategies that reduce harm instead of compounding it. Please visit CommitToChangeWA.org to learn more.

ACT NOW

ADVANCE JUSTICE AND EQUITY

aclu-wa.org/actnow

Stay informed about current issues and campaigns, upcoming events, and how you can get more involved in the fight to protect and expand civil liberties.

PEOPLE POWER

JOIN OR START A PEOPLE POWER GROUP

aclu-wa.org/people-power

People Power brings local grassroots activists together and provides a blueprint for local-level campaigns.

LOBBY WEEK

JANUARY 17-21, 2022

aclu-wa.org/events

Mark your calendar and check for updates.

CLIENT AND LEGAL UPDATES

Indigenous Peoples Belong

The City of Tacoma unlawfully concealed records sought by Lisa Earl, related to the fatal police shooting of her pregnant and unarmed daughter, a member of the Puyallup Tribe of Indians. In response, the ACLU-WA filed an amicus brief in the Court of Appeals, working with Bree R. Black Horse and Rob Roy Smith of Kilpatrick Townsend & Stockton, Jaime Cuevas, Jr., and in partnership with the Yakama Nation, Chief Seattle Club, Fred T. Korematsu Center, Seattle University Center for Indian Law and Policy, Gonzaga University Civil and Human Rights Advocacy Clinic, and

Legal Voice. The brief asserts the importance of holding law enforcement agencies accountable under the Public Records Act to combat the insidious legacy of racism in policing practices, particularly in deadly use-of-force incidents involving Native Americans.



Chalk art at Selah City Hall on June 30, 2020. (Evan Abell/Yakima City Herald)

Community Voices Belong

In June, a federal court blocked the city of Selah from enforcing multiple provisions of its municipal code after city officials confiscated and destroyed signs and other messages displayed in support of race equity, the Black Lives Matter movement, and police reform. In *Selah Alliance for Equality (SAFE), et al v. City of Selah*, after the court found that SAFE would likely be able to prove that the provisions are unconstitutional and violate free speech, the City of Selah incorporated the ACLU-WA's revisions to its code, which was passed by City Council. "Selah residents, like all Americans, deserve the right to express their free speech, even if elected officials disagree with the message," said Kalah James of SAFE. The ACLU-WA teamed with Joseph P. Cutler, Jacob Taber, Cara Wallace, Carolyn Gilbert, Reina Almon-Griffin, Jane E. Carmody, and Roxanne Degens of Perkins Coie LLP.



Student Emzayia Fezell (KXLY)

Black Students Belong

Last spring, Brandi Fezell's 14-year-old twin daughters, Emzayia and Zyeshauwne, were embarrassed and angry after their social studies class was asked to pick and clean cotton. As two of the three Black students in class, they felt singled out during a lesson which referenced slavery and whipping slaves for failing to properly clean cotton. Brandi shared, "My daughters, and every student in that school, should be able to go to class knowing that they will learn in a safe and nurturing environment. They should also know that their school district will take complaints of racial discrimination and inequity seriously."

Following a formal complaint from Brandi and the ACLU-WA, the Spokane School District concluded that the lesson negatively impacted the students and that Assistant Principal Taylor Skidmore had failed to initiate a formal investigation. However, the district's report did not include adequate plans to address its findings and safely return the students to class. According to ACLU-WA Youth Policy Counsel Kendrick Washington II, "This represents a continuation of the mishandling of this complaint and questions whether the school district has learned anything about how racially insensitive lessons and practices impact students and families." Kendrick is continuing advocacy in Spokane to assure every student is respected.



Clients Curt Freed and Robert Ingersoll (ACLU-WA)

LGBTQ+ People Belong

A Richland flower shop refused to arrange flowers for Robert Ingersoll and Curt Freed’s 2013 wedding simply because they are a same-sex couple. This year, the Supreme Court denied review of *Arlene’s Flowers v. Washington*, letting stand the Washington Supreme Court’s unanimous ruling in 2017 that the Constitution does not grant a license to discriminate against LGBTQ+ people. Robert Ingersoll said, “After Curt and I were turned away from our local flower shop, we canceled the plans for our dream wedding because we were afraid it would happen again. We had a small ceremony at home instead. We hope this decision sends a message to other LGBTQ+ people that no one should have to experience the hurt that we did.”



Client Danielle Pierce (Steve Ringman/The Seattle Times)

Drivers Unable to Pay Fees Belong

Last October, the ACLU-WA filed a lawsuit on behalf of individuals who have had their

driver’s licenses suspended because they were unable to pay fines and fees for non-criminal moving violations. Following a judge’s order in *Pierce et al. v. DOL*, an estimated 100,000 Washingtonians will have their driver’s licenses reinstated. Unfortunately, Gov. Jay Inslee signed legislation continuing to allow for debt-based license suspensions. The new law is set to go into effect in January 2023. In the meantime, the ACLU-WA will continue to work toward a permanent solution to end this system that punishes people for driving while poor. The ACLU-WA partnered with Donald Scaramastra of Miller Nash LLP; Eryn Karpinski Hoerster and Kelly Mennemeier of Foster Garvey PC; and Hathaway Burden of Summit Law Group PLLC.

Indigent People Belong

Last October, the ACLU-WA filed a lawsuit on behalf of Eddie Lemmon, a 56-year-old veteran who lives in Tacoma. He was convicted in October 2010. His sentencing included legal financial obligations (LFOs) – court-ordered fees, fines, and other expenses. Eddie was still incarcerated months later when Pierce County referred his LFOs to a private collection agency, where his original debt has more than doubled. More than 10 years later, Eddie has still not been able to pay off his debt. He is not alone. Pierce County routinely refers these debts to private agencies and imposes additional charges without holding a meaningful ability-to-pay hearing or inquiring if nonpayment was willful.

The ACLU-WA and Toby Marshall, Eric Nusser, and Sarah Smith with the Terrell Marshall Law Group filed *Lemmon v. Pierce County* to stop Pierce County from referring LFOs to private agencies without meaningfully assessing a person’s ability to pay. The suit also seeks to prohibit Pierce County from forcing indigent people to pay

charges and interest assessed from having their LFO accounts referred to a private collection agency.



Photo from HuyCares.org's Facebook page

Indigenous Practices Belong

Led by attorney Crystal Pardue in partnership with Indigenous civil rights lawyer Gabe Galanda, the ACLU-WA successfully advocated to restore access to Inipi (sweat lodge) and other traditional religious ceremonies for Indigenous inmates in Washington prisons. This follows months of COVID-19 restrictions that had been disproportionately applied to Native American ceremonies, in contrast to other religious worship activities that were allowed to continue.

People Experiencing Housing Instability Belong

The ACLU-WA successfully claimed that a proposed amendment to the Charter of the City of Seattle was an illegal use of a local ballot initiative and violated state laws that mandate how local governments make and carry out plans for addressing homelessness. Charter Amendment 29 (CA-29) qualified for the November ballot after a political campaign primarily funded by commercial real estate and corporate businesses calling itself “Compassion Seattle” submitted enough signatures. A Court of Appeals decision left in place a judge’s order to remove CA-29 from the ballot. “[This] ruling ensures all of us can focus on real solutions... in a coordinated, inclusive, and effective way,”

said Alison Eisinger, Executive Director of the Seattle/King County Coalition on Homelessness, a plaintiff with the ACLU-WA and the Transit Riders Union. Plaintiffs were represented by Knoll Lowney and Claire Tonry of Smith & Lowney, PLLC.



Client Justin Weatherall (VDB Photos/Shutterstock; ACLU)

Non-binary People Belong

On behalf of Justin Weatherall, a non-binary flight attendant based in Seattle, the ACLU and the ACLU-WA called on Alaska Airlines to end their gender-based flight attendant uniform policy, which violates Washington state law prohibiting companies from treating employees differently based on their sex or gender-related “appearance, behavior, or expression.” The policy comprehensively regulates every aspect of a flight attendant’s appearance as part of either the “male” or “female” uniform, including which pants and cardigans may be worn, if hair must be up or down, how many earrings are allowed, whether makeup or just concealer is allowed, and if employees may roll up their sleeves.

Justin, an Alaska Airlines employee for seven years, says, “I don’t want to be forced into a binary uniform that excludes me and leads to me being misgendered at work... [Alaska] professes to create a welcoming environment for all employees. It’s time to change this antiquated uniform policy, both in order to make good on this commitment and to end the discrimination I face along with many other employees.”



Client Dr. Ming Lin (Dean Rutz/The Seattle Times)

Whistleblowers Belong

Last fall's newsletter reported on the ACLU-WA suit on behalf of Dr. Ming Lin, a physician who was fired from his position of more than 17 years after exposing inadequate COVID-19-related safety procedures at St. Joseph's Medical Center in Bellingham. Dr. Lin spoke with management at the hospital about protocols regarding the safety of patients and staff members. When they did not take his concerns seriously, he shared them on social media and with the press. The hospital expressed displeasure with his posts and fired him. The lawsuit demands the reinstatement of Dr. Lin and sends a message that hospitals must put public health before public relations. The trial court has now twice denied defense motions to throw out the case.

WE ALL BELONG: Celebrating with the ACLU-WA

Beyond honoring this year's awardees, our recent Annual Celebration brought inspiration from John A. Powell, Michele Storms, Sonya Renee Taylor, Tomo Nakayama, and The Black Tones. Watch it at aclu-wa.org/celebrate.

ACLU-WA BILL OF RIGHTS AWARD WINNERS



WILLIAM O. DOUGLAS
AWARD

**FRED
DIAMONDSTONE**

Fred has been a stalwart advocate for the rights of prisoners for more than four decades. Two of his cases, *Hammer v. King County* (1989) and *Herrera v. Pierce County* (1995), involved federal class action challenges to jail conditions, including medical care, population control, violence and prisoner safety, and physical conditions. Both resulted in substantial immediate relief, along with complex settlement agreements requiring decades of monitoring and enforcement. His persistence and attention to detail were critical to achieving sustained success on behalf of thousands of prisoners, and he accomplished all of this as a solo law practitioner.



YOUTH ACTIVIST
AWARD

**IVY
PETE**

A member of the Pyramid Lake Paiute Nation, Ivy is a senior at Spokane's North Central High School. Ivy helped author and successfully advocate for a law prohibiting the inappropriate use of Indigenous names, symbols, and images as public school mascots. She is a part-time youth organizer for the Peace and Justice League of Spokane (PJALS), among many other advocacy and leadership roles.

KATHLEEN TAYLOR CIVIL LIBERTARIAN AWARDS

The murder of George Floyd ignited an urgent conversation about the role of policing, and this year's awardees advocated fiercely.



LEGAL TEAM FOR BLACK LIVES MATTER V.
CITY OF SEATTLE

**ROBERT S. CHANG
AND DAVID A. PEREZ**

Seattle's large and sustained protests were often met by excessive and unconstitutional use of force by the Seattle Police Department (SPD). David and Robert, with the ACLU-WA, filed an emergency lawsuit to stop the most egregious police practices. They established that the use of chemical agents and projectiles, when not necessary to prevent specific, imminent threats, is likely unconstitutional and obtained an injunction. As police continued to use prohibited tactics, they went back to court and obtained an order holding SPD in contempt for multiple violations of the injunction.



FAMILIES IMPACTED BY POLICE VIOLENCE

Since Washington voters passed I-940 to increase police accountability just over two years ago, police in our state have killed more than 100 people. The families of more than 23 victims formed the Washington Coalition for Police Accountability (WCPA) to center the voices and strategies of impacted families. WCPA was a powerful force at the state Legislature. Although reforms will not bring back their loved ones and mostly will not help bring accountability for their deaths since the laws are not retroactive, these families are committed to changing police culture so that other families will not have to suffer as they have. Lawmakers listened. WCPA passed four of their five priority policing bills, three of which the ACLU-WA helped support. In January, they will head back to Olympia with renewed commitment.

ARTIST SPOTLIGHT: EMMA NOYES



*Emma Noyes signs a portrait of ACLU-WA
Executive Director Michele Storms in Spokane.*

Emma Noyes (Sinixt band of the Confederated Tribes of the Colville Reservation) is an artist, researcher, and educator living and working in Spokane. Last fall, Spokane's Scablands Books published her award-winning book, *Baby Speaks Salish*. Dan Nailen of *The Inlander* described her work as, "an interesting lens into community, a parent-child relationship, and the trauma associated with language."

"In our communities, language was physically beaten out of children," Emma shared with Dan. "Children were removed from their families and placed in boarding schools, or attended day schools, [where they] were fed a steady diet of shame around their language and their identity as Native people. And we see those detrimental effects today in both educational outcomes and health outcomes in Native communities."

"I can't describe the feeling [of] being able to speak these [Salish] words aloud," Emma continued. "Being able to start to say some of these words was really remarkable."

This year, Emma created illustrations for the ACLU-WA. She mastered the impossible job of conveying the concept of "belonging" through ink and paper. Her illustrations guided the branding of our Annual Celebration. Be on the lookout for this year's Annual Report, which includes a poster designed by Emma.




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A red-tinted background image showing a close-up of a person's hand holding a clenched fist, symbolizing solidarity and protest.

= Systemic Equality

ADDRESSING AMERICA'S LEGACY OF RACISM AND SYSTEMIC DISCRIMINATION

Problems created through systemic inequality need systemic solutions. The ACLU-WA has launched Systemic Equality WA to complement the national ACLU's Systemic Equality campaign — a racial justice agenda aimed at addressing the nation's long history of systemic inequality, discrimination and racism through advocacy, legal action, and legislative work.

LEARN MORE
aclu-wa.org/systemic-equality

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