

Reflecting on the 10-year anniversary of the Voting Rights Restoration Act & what's happening today



Of the hundreds of inquiries the ACLU-WA receives each month, some of the easiest and most gratifying questions to answer come from people who have been convicted of felonies and now wish to re-engage in society and exercise their right to vote. Fortunately, for most of these folks our answer is easy: all they need to do is register.

Thanks to the Voting Rights Restoration (VRR) law, which passed in 2009, anyone convicted of a felony in Washington is automatically eligible to vote upon completion of incarceration and Department of Corrections community custody. Those with convictions in federal or out-of-state courts are automatically eligible to vote upon the completion of incarceration. Juvenile convictions do not cause loss of voting rights. Passage of the law ensured that over 160,000 Washingtonians became eligible to register to vote.

Before passage of the VRR, people disenfranchised by felonies had to navigate a daunting maze of obscure legal procedures to regain their rights. While helping several hundred Washingtonians with this process, we at the ACLU-WA discovered that very few government officials understood it, and potential voters were regularly misled and given incorrect information by elections officials, court clerks, and even attorneys and judges. Some were never even told they had lost their voting rights; some were wrongly told that disenfranchisement was permanent and irrevocable; some were told, incorrectly, that they had to pay hundreds of

dollars and file a new case just to restore their rights. The most burdensome element of the restoration law prior to 2009 was the requirement that persons with adult felony convictions completely satisfy all legal financial obligations (LFOs) before asking the court to restore their voting rights. This created a “modern day poll tax” in which the ability to restore one’s rights depended on economic status. Moreover, because of steep racial disparities in the criminal justice system and distribution of wealth, the law disproportionately blocked access to the ballot for people of color.

While many states continue to wrestle with reforming onerous felon disenfranchisement laws, Washingtonians are celebrating the 10-year anniversary of a signature law that radically reformed our state’s process for restoring voting rights for citizens with felony convictions. This is a cause for celebration, but it’s not enough. The ACLU periodically undertakes significant outreach efforts to government agencies and stakeholder groups to share information about the law, and you can help.

If you or someone you know have questions about your eligibility to vote, a simple quiz on our website may provide the answer : www.aclu-wa.org/vote. You can also download several “know your rights” publications on the law on the ACLU-WA website. Finally, if you are eligible to register you can do so through the Washington Secretary of State’s website, www.sos.wa.gov, or at most government offices, libraries, schools, and driver’s license offices.

From Our Executive Director

Dear ACLU supporter,

Thank you for your commitment to the fight for justice, equity and fairness. Your support and activism make Washington and the entire country a better place and that is why I am so pleased to introduce myself to you as the ACLU of Washington's new Executive Director.

I believe in the promises of the Constitution, though I also believe they are still too far from being realized for too many people. At this moment in time, the values that so many of us hold dear are at risk.

This is personally meaningful to me because my ancestors were human beings held in bondage for the profit of institutions that considered them not to be whole humans. The highest court in the land deemed my people to be only three-fifths of a person.

Despite how far we have come, African American people in the US are still discriminated against, shot and killed with impunity by police and remain in a generational struggle to have our lives matter.

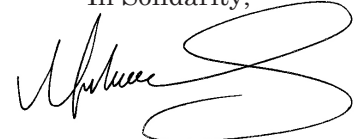
The story of my ancestors is not the only story of legally or institutionally sanctioned inhumanity in the United States. Native Americans were killed and cheated out of their lands. Chinese immigrants experienced hatred, abuse and legal exclusion. Japanese Americans were incarcerated and continue to experience generational pain and trauma. Immigrants from Mexico and other countries endure false characterization as criminals, while Muslims are branded wholesale as terrorists.

It is not enough for us to shake our heads in dismay. I am proud that the ACLU of Washington has engaged in advocacy on many of these issues. Now more than ever, the ACLU must continue to protect and remain steadfast in our commitment to advance equity and liberty in the face of efforts to erode the rule of law and target communities experiencing vulnerability.

This fight is a community effort and I am grateful to have built deep relationships working for and with allied organizations and activists throughout Washington, including Columbia Legal Services, The University of Washington Law School, the Northwest Justice Project, One America, and others. I look forward to collaborating with activists and allied organizations across the state and throughout the country because when we work together, we can achieve great things.

Under the guidance of Kathleen Taylor, the ACLU of Washington grew into a powerful force for justice. She retires leaving a strong organization well-poised to take on today's threats to civil rights and civil liberties. I am grateful for the two years I served as her deputy director. I look forward to leading the ACLU-WA and to partnering with you to make Washington and the United States live up to their promises. We have a lot of work to do; I am excited about what we will accomplish together.

In Solidarity,



Michele Storms

Michele Storms, Executive Director

Photo courtesy & credit: Quinn Russell Brown



OUT AND ABOUT

WHERE WE'VE BEEN & WHERE WE'RE GOING

We are inspired by the people across Washington state who are eager to fight the injustices of the current administration. Whether it's the separation of families, disenfranchisement, or anti-LGBTQ policies, activists throughout the state and around the country have answered the call. We are here to support you in the fight.

We've been hosting our community learning event, Flights & Rights, in Seattle for the past two years to keep our supporters energized and informed. In 2018, we brought the event to audiences across Washington with events in Spokane, Tacoma, and the Tri-Cities. We talked about mental health, immigrant rights, tech and privacy, and more – and met incredible allies and supporters along the way!

Join us for Flights & Rights and for marches, rallies, and events organized by our allies.

UPCOMING EVENTS

FLIGHTS & RIGHTS (KEXP-Seattle)

Last Tuesday of the Month-**Free**

Flights & Rights is a bi-monthly community series featuring important civil rights issues and great beer in the KEXP Studio Gathering Space! Must be 21+ and RSVP to attend.

May 28, 2019: 6:00p.m.-8:00p.m.

July 30, 2019 6:00p.m.-8:00p.m.

Sept. 24, 2019 6:00p.m.-8:00p.m.

We're taking Flights & Rights on the road!

Look out for us in these cities in 2019:

Vancouver, Spokane, Tri-Cities, Bellingham

SEATTLE PRIDE PARADE-ACLU Contingent

Sunday - June 30, 2019

For 45 years, Seattle Pride has brought together allies, supporters, activists and community members to celebrate the LGBTQIA+ community. Pride is both a call to action and a celebration; we celebrate the progress that has been made, and recognize the on-going work that remains in the fight for equity and justice.

March with ACLU staff and supporters through downtown Seattle. More information and registration at aclu-wa.org/events

TRANS PRIDE SEATTLE

Friday - June 28, 2019

Trans Pride Seattle is organized by Gender Justice League in association with local organizations who support the Seattle-area trans and gender non-conforming community. Trans Pride Seattle is open to everyone who believes that trans and gender diverse people deserve to live lives free from violence, discrimination, stigmatization, poverty, hatred, rejection, medical abuse and neglect, and mental pathologization.

March with ACLU staff and supporters through Capitol Hill to Cal Anderson park and visit the ACLU sponsored table! More information and registration at aclu-wa.org/events



VOLUNTEER SPOTLIGHT: Linda Huckaby

We work in the courts, the legislatures, and our communities to protect civil rights for everyone, and we couldn't do it without the contributions of our volunteers. This volunteer spotlight honors Linda Huckaby, who gives so much of her time and talent to the ACLU. Linda is a regular volunteer for monthly events and community outreach, and is often the first to respond to requests!

Why did you choose to volunteer at the ACLU?

I moved to Seattle in 2016, and we all know what happened that year. Of the places I looked at to volunteer with, I felt that the ACLU would have a greater impact on more people, on the community and the nation as whole.

Throughout my life, a person's basic rights have always been paramount. I'm a 7th generation American, my ancestors fought for this country's independence and for their own freedom of religion. The 1st Amendment to me is vital for a free society. The work the ACLU has done to maintain and defend the basic rights of freedom of speech, religion and assembly is what first brought it to my attention when I was in middle school. Long before this last presidential election, I saw that the rights of so many segments of our society were being trampled on and I am so grateful the ACLU was there for them. Choosing the ACLU was easy. Their values align with mine and they are fighting for the same things my ancestors did.

What do you love most about volunteering with the ACLU?

Through the ACLU, I've been able to table at some wonderfully diverse events. Pride Days are so much fun and have a wonderful energy. Flights & Rights feels like a gathering of friends; everyone is so pleased to be there and to learn about what is going on in Washington.

My favorite events are those that involve young kids and immigrants. At Gender Odyssey, the smiles that the attending LGBTQ+ youth had when they discovered they were protected by our Constitution regardless of their age was heartwarming. At the opening of "An American Dream", a young girl and her dad had the cutest conversation about learning her rights after I gave her a copy of the Bill of Rights and Student Rights pocket guide (He had her read the Bill of Rights and ask me questions about what it meant). At the Umoja Family Fest, I appreciated being able to assure South African immigrants that they didn't have to be citizens to be protected. At all the events I've volunteered at, people are always happy to see the ACLU present. That reaffirms my belief the ACLU is so very needed and appreciated.

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Photo courtesy: Linda Huckaby

CLIENT AND LEGAL UPDATES

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The ACLU takes on cases to change systems that impact people, particularly the most vulnerable people among us. Here is a look at some of the ACLU's cases in Washington this year.

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Left to right: Pax Enstad, Do Hoon Kim, Christal Fields

ENSTAD SETTLEMENT

January 2019

PeaceHealth, a Catholic healthcare organization, agreed to a settlement in Enstad v. PeaceHealth. Pax Enstad is a young man who is transgender, meaning that the sex assigned to him at birth was female and he has a male gender identity. When Pax's doctor prescribed a mastectomy and chest reconstruction, the Enstad family was eager to get Pax the treatment he needed. Although his mother had worked at PeaceHealth for over twenty years and the Enstad family was covered by their medical benefits plan, PeaceHealth would not cover the surgery, citing a lack of coverage for "transgender services." We sued for discrimination and hope this settlement will alert other health plan providers that discrimination is simply illegal.

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KIM VS. U.S.

November 2018

Do Hoon Kim was born in South Korea and grew up in the Los Angeles area. He enlisted in the Army in 2014 under the Military Accessions Vital to the National Interest (MAVNI) program, which serves to recruit non-citizens with skills critical to the needs of the U.S. military. The government is required to expedite the processing of naturalization applications for MAVNI enlistees, however under the Trump Administration there have been long and unreasonable delays. After Specialist Kim waited over 500 days with no movement on his application, we sued, and 25 days later, he was naturalized and allowed to continue serving his country.

DEATH PENALTY

October 2018

The Washington Supreme Court overturned the state's unfair death penalty this fall. In its decision in *State v. Gregory*, the court found the death penalty to be unconstitutional in that its application is arbitrary and discriminatory, especially with regard to race. Black defendants in Washington are more than four times as likely to be sentenced to death as white defendants. ACLU-WA worked for more than a decade to abolish the death penalty in Washington, including filing a brief in this case. We thank the attorneys who worked so hard to see this through, including Lila Silverstein of the Washington Appellate Project, Neil Fox, ACLU Deputy Legal Director Jeffery Robinson, and the dozens of people and organizations that joined the ACLU amicus brief. Now it is time for our legislators to repeal the death penalty once and for all.

FIELDS V. DEPARTMENT OF EARLY LEARNING

February 2019

The Washington Supreme Court ruled that an applicant for a child care license must have a fair chance to show their qualifications and cannot be categorically denied a license based on a decades-old criminal conviction. Plaintiff Christal Fields was banned for life from working in childcare based on a 30-year old attempted robbery conviction, but she recognized the injustice of the ban and challenged it, leading the Court to agree she must be given a hearing to make a case for why she should receive her license. It benefits all of society when people with past conviction records can enter professions that enable them to support their families and contribute to their communities.



HUELGA

**Dolores Huerta
championed the
rights of farm
workers and
women. Now
Washington has a
day to honor her.**

April 10 is Dolores Huerta Day in the state of Washington, thanks to legislation passed this month to commemorate the birth of the 88-year-old civil rights and labor leader and recognize her contributions.

Ms. Huerta worked alongside Cesar Chavez to fight abuse and discrimination against farm workers and women. She coined the phrase, “Sí, se puede,” and together with Chavez in 1962 launched the National Farm Workers Association, which preceded the United Farm Workers of America.

A teacher, Ms. Huerta saw how children of farm workers were harmed by poverty. Spurred by the injustices she observed, she sought to bring change to her community, organizing for improved pay and living and working conditions for farm workers, including disability insurance.

“Dolores Huerta worked diligently to not only be a voice for underrepresented farm workers, but also a voice for women to gain the courage to step into roles of leadership,” said Rep. Lillian Ortiz-Self, D-Mukilteo, prime sponsor of House Bill 1906, which received support and testimony from the Washington State Labor Council, Central Washington University and the ACLU-WA.

Washington is the second state in the nation, after California, to recognize Ms. Huerta’s efforts to advance the rights of farm workers and empower women.



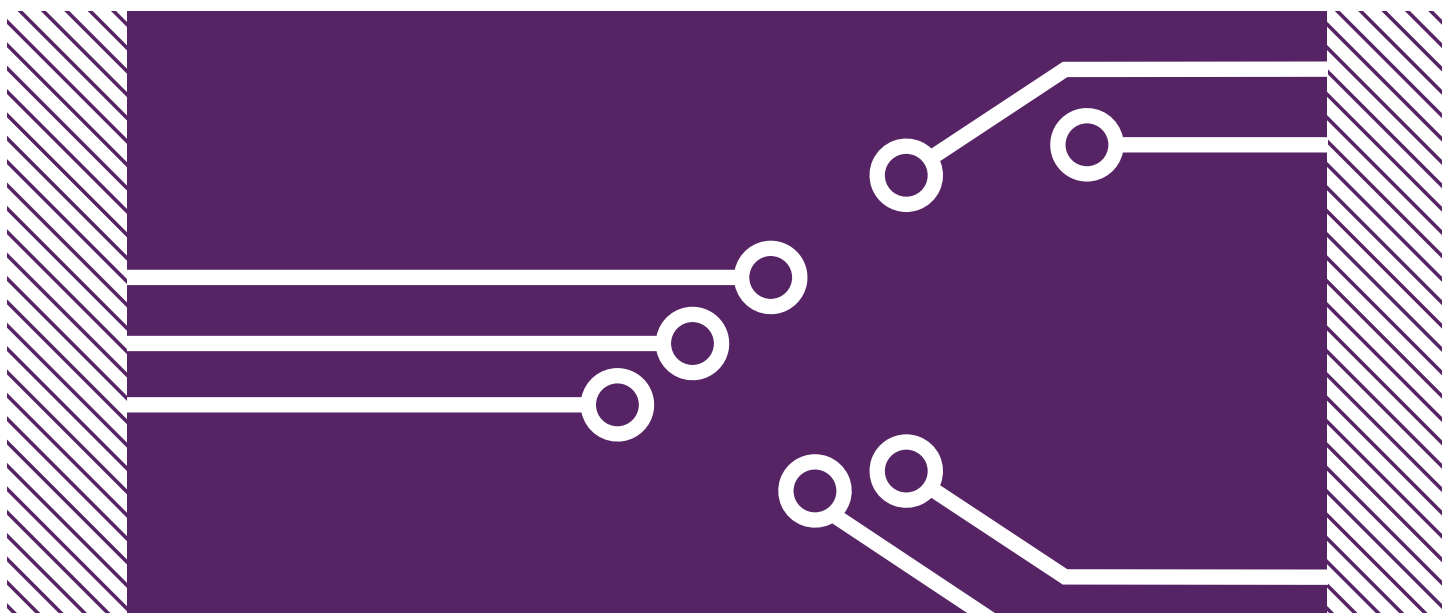
FACE SURVEILLANCE

Face surveillance, also known as facial recognition technology, gives the government unprecedented power to automatically identify, locate, and track people based on images of their faces. It is being widely adopted by many agencies in Washington, but without safeguards, and without consideration for what constitutes acceptable and off-limits uses of this technology. From public disclosure requests, we have found that face surveillance in some form is in use by at least 11 Washington agencies and 33 agencies have made requests to use another agency's technology. This is concerning for two major reasons.

First, facial recognition technology has a racial bias problem. It has been shown to be far more inaccurate at identifying people with darker skin tones. Multiple expert studies have found facial recognition technology to be less accurate at identifying women, youth, trans and gender non-conforming people, and people of color. Last year, the ACLU found that Amazon's facial recognition technology falsely matched 28 members of Congress with mugshots. A disproportionate number of those false matches were people of color. Given our already present racial disparities in policing, unregulated facial recognition technology has immense potential for abuse in the hands of law enforcement.

Second, even if facial recognition technology were completely unbiased and accurate, its use can chill the exercise of constitutionally protected rights. People can choose not to drive their car or not to bring their cell phones to a political protest, but they cannot leave their faces at home. The use of facial recognition technology without a warrant or suspicion of criminal activity—as really happened in Washington County near Portland—can leave communities hesitant to engage in constitutionally protected free speech, such as attending protests, going to places of worship, or just going about their daily lives without being watched by the government.

Existing laws place no limits on the use of facial recognition technology, which is often deployed without public knowledge. The expanding and unchecked use of face surveillance by the government raises grave civil rights and civil liberties concerns. The ACLU is committed to protecting people's ability to exercise their constitutionally protected rights without fear of being surveilled by inaccurate and racially-biased facial recognition technology.



ADVANCING JUSTICE IN THE LEGISLATURE

The ACLU of Washington welcomed a new Legislative Director, Eric González Alfaro, and Olympia welcomed 29 new lawmakers in the 2019 Washington legislative session. This session lasts 105 days, during which time thousands of bills are introduced. Throughout, ACLU-WA's legislative and policy teams work to track and review bills that could affect civil liberties and join allies to advance measures that extend justice and equality. Here are just a few of the bills on our 2019 legislature agenda. Look for our legislative session report coming to our website this spring.

KEEP WASHINGTON WORKING

HB 1815 & SB 5497

Nearly one million Washingtonians – one in every seven people in this state – are immigrants, and they are an integral part of our communities and workforce. However, the federal government has made deportation a priority, increasing enforcement of civil immigration law by 40 percent.

This year we are working with allies from across the state to pass the Keep Washington Working Act to protect the privacy and civil rights of Washington residents by prohibiting local law enforcement from questioning individuals about immigration status, notifying ICE that a noncitizen is in custody, and detaining someone for civil immigration enforcement.

A COMMONSENSE APPROACH TO RESPONSIBLE TEEN COMMUNICATION

HB 1742

According to numerous studies, at least 20 percent of teens use their phones to share explicit images of themselves, usually with someone they are dating. Under Washington law, teenagers who send or receive sexually explicit messages can be charged with distribution or possession of child pornography – class B felony offenses that carry the penalty of sex offender registration.

This bill invests in building evidence-based education and prevention, limits criminal penalties for youth who engage in consensual sharing of explicit images, and maintains protections against harassment, voyeurism, and other related malicious acts. Our child pornography laws should protect youth, not unintentionally saddle teens with criminal records and lifelong barriers to housing, employment, and education.

NEW HOPE ACT

HB 1041

Everyone deserves a second chance. However, criminal records continue to punish people long after they've served their sentences, and due to racial disparities in arrests and convictions, people of color are disproportionately impacted by barriers that follow contact with the criminal system. While Washington has long enabled people to clear convictions from their record by "vacating" them after they've gone years without re-offending, the process is limited and complex. The New Hope Act reduces barriers and helps people re-enter society by improving the process for certifying that a sentence is completed and allowing multiple convictions to be vacated. In March, the New Hope Act enjoyed a bipartisan victory when it passed unanimously out of the state House of Representatives.

TECH FAIRNESS & FACIAL RECOGNITION

HB 1654 & HB 1655

This year, Washington lawmakers introduced two pioneering bills, one that places a moratorium on government use of facial recognition technology (HB 1654) and another that establishes minimum standards of fairness, transparency, and accountability in government procurement and use of automated decision systems (HB 1655). Facial recognition technology has been proven to be racially biased and inaccurate, and its widespread use by the government chills First Amendment Rights. Automated decision-making systems, are computers used to replace human discretion in making critical decisions like whether someone gets a job, where they can live, what they pay for health care, and how their community is policed — often with a disproportionate impact on people of color, members of non-dominant religions, and political dissidents. Both facial recognition technologies and automated decision systems are being rapidly deployed across Washington state without clear limits to protect privacy and fight bias. These bills, the first of their kind in the country, place commonsense safeguards on these powerful technologies.



DISSENT IS
PATRIOTIC

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PATRIOTIC

MAKE YOUR VOICE HEARD



Research your legislator:
www.leg.wa.gov/DistrictFinder/



Call or write your legislator
about bills you care about



Write a letter to the editor



Schedule in-person meetings
with lawmakers



Sign up for People Power:
www.peoplepower.org

ACT
NOW

Get Involved

Supporters all over Washington make the ACLU's work possible. Here are a few ways you can continue the fight!

SPEAK OUT!

Your voice can make a difference when justice and equity are on the line: aclu-wa.org/eactivist

VOLUNTEER!

Represent the ACLU at events in your community.
aclu-wa.org/volunteers

ORGANIZE!

Join the ACLU's grassroots movement to fight for justice and equity in your community.
aclu-wa.org/people-power

JOIN! RENEW! DONATE!

Your contribution in Washington is shared with the national ACLU network to support civil liberties nationwide. aclu-wa.org/donate

MEET UP!

Attend ACLU and ally events around Washington.
aclu-wa.org/meetup

LEARN & SHARE!

Follow ACLU-WA for the latest news and information.



ACLU PEOPLE
POWER

Learn about People Power groups
in your area, or start your own!
aclu-wa.org/people-power



AMERICAN CIVIL LIBERTIES UNION

Washington

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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, more than 40 full-time staff work on issues including student rights, reproductive freedom, immigrant rights, criminal justice reform, voting rights, transgender rights, privacy and technology, religious discrimination, and more.



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