

AMERICAN CIVIL LIBERTIES UNION of UTAH

annual REPORT



2011-2012

BIGGER STRONGER BETTER

TO MEET UTAH'S CHALLENGES... NOW AND IN THE FUTURE.



Karen McCreary

Karen McCreary
Executive Director

I am proud to be issuing this annual report to our members, supporters, community partners and friends. Looking back on the past year, I am very grateful that our support from donors like you has enabled the ACLU to grow to meet the very real and serious challenges in Utah. I am convinced that the obstacles we face as a state demand an ACLU presence that is high-profile, well-organized, both measured and aggressive, and backed by vital community support.

I am honored to be entering my sixth year of service as the Executive Director of your ACLU of Utah. I feel a great responsibility to keep the ACLU of Utah in the best shape possible. I am committed to strategically growing the organization's influence while also keeping its books balanced, working with our dedicated Board of Directors to recruit new leadership and partners, and ensuring that my hard-working staff is well supported and properly celebrated at every turn.

As a membership organization, the ACLU belongs to many, many people in our state. We work for your rights, and we rely on your support to be successful.

When the Legislature convenes in January, we want to be at the Capitol acting as your watchdog for civil liberties. When unconstitutional bills are signed into law, we want to be ready to file suit if necessary.

When public high school students are unfairly treated because of their skin color, or told that they can't form a particular club (whether it's a Bible Club or a Gay-Straight Alliance), we want to be ready to respond.

When the ACLU observes a nationwide trend that requires coordinated action - for example, the scanning of license plates by law enforcement agencies, or collecting cell phone GPS tracking data - we want to be ready to take part in strategic responses with our ACLU colleagues around the country.

To be the ACLU of Utah you deserve, to meet Utah's challenges now and in the future, we need your continued financial and moral support. I hope you will remain our partner in civil liberties progress in the year ahead.



in this REPORT

ORGANIZATIONAL INFORMATION

Thanks to our committed donors, the ACLU of Utah has experienced amazing growth over the past two years, which has allowed us to grow our influence and effectiveness statewide, and across many issue areas. However, our mission remains the same: to protect all of the individual rights guaranteed by the Constitution and the Bill of Rights, for all Utahns, anywhere in the state. This section gives an overview of our organization and the resources that enable us to pursue this mission. Those resources include our staff, board members and legal panel members who truly are the driving motor of the organization, as well as our financial resources (and related expenditures).

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CORE STRATEGIES

Our organization has three primary strategies for achieving our mission. Which strategy we choose to pursue at a particular time, to address any given issue, depends on many factors: the urgency of the issue; the availability of resources; the climate in the courts, at the Capitol, and in the offices of local policymakers statewide. The past two years have seen a sizeable investment in expanding our legal program, as well as enhancing our presence and influence at the Legislature.

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PRIORITY AREAS

We are ready to respond to any urgent civil liberties issue. The scope our mission is vast and we consider all civil liberties of equal importance. Nevertheless, to be as effective as possible, given our limited time and resources, the ACLU of Utah focuses proactively on select areas as necessary. Our strategic priorities are informed by staff experience and expertise, input from our Board of Directors and Legal Panel, and colored by our many community partners and supporters.

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At right: Board President Robert Wood (on right) presents the Torch of Freedom Lifetime Achievement Award to ACLU of Utah Founding Member Stephen P. Smoot during the 2011 Bill of Rights Celebration. We were sorry to bid farewell to Mr. Smoot in 2012; he passed away in May.



STAFF

Executive Director

KAREN MCCREARY

Legal Director

JOHN MEJIA

* Interim Legal Director

JOE COHN

Legislative & Policy Counsel

MARINA LOWE

Development Director

ANNA BROWER

Public Policy Advocate

ESPERANZA GRANADOS

Staff Attorney

LEAH FARRELL

Office Manager

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LORI NIXON

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Vicki Burns

Toni Byrd

Ann Clark

Dara Cohen

Falcom Commichaux

Seth Commichaux

Amanda Conner

Angela DeVolld

Jessica Elliot-Barlow

Kathleen Euston

Glen Forster

Julia Goldman

Max Green

Shukri Harbi

Judy Hoidal

Yoon Hee Hong

Annika Hoidal

Julia Houser

Katie Houser

Nicky Kelly

Justin Knell

Lynda Lee

Joel Morris

Amanda Nelson

Mike Nixon

Mark Nixon

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Corey Riley

Ben Rush

Adam Sachs

Angie Stefaniak

Samantha Suarez

Emily Sundquist

Herta Teitelbaum

Dana Wilson

Robin Wilks-Dunn

FINANCIAL INFORMATION

FISCAL YEAR 2012 (April 1, 2011 - March 31, 2012)

The ACLU of Utah has grown significantly since 2007. That year, our organization was represented by a staff of just four teammates: Executive Director Karen McCreary, Staff Attorney Marina Lowe, Development Director Anna Brower, and Office Manager Reinard Knutsen. That core team is still with the ACLU of Utah, though in 2010 Marina Lowe transitioned to the role of Legislative and Policy Counsel. But we have significantly expanded our team to

include Legal Director John Mejia, Staff Attorney Leah Farrell, Policy Advocate Esperanza Granados, and Bookkeeper Lori Nixon.

With this growth in our staff, we have been able to grow our programs, services and influence accordingly. Our docket of legal projects has swelled with several significant lawsuits, our presence and influence at the State Capitol is greater than ever, and our public education efforts

have spread across the state to touch thousands of Utahns.

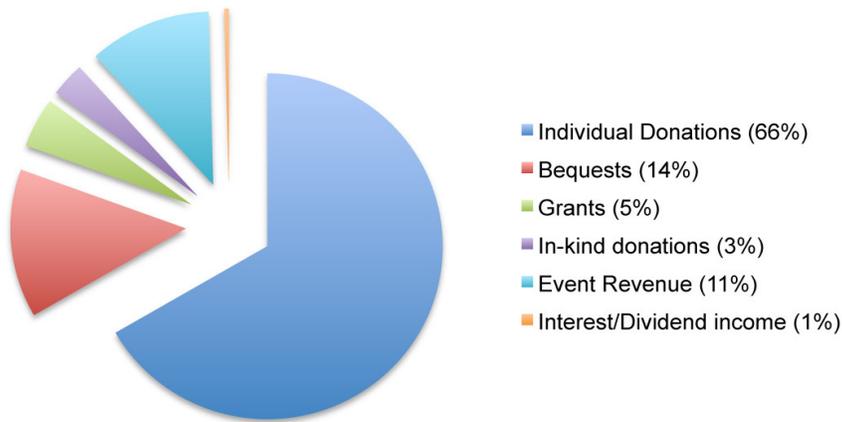
Of course, our budget has had to grow, as well, to allow us to meet the many challenges facing our state. It is clear that Utah needs a strong, effective, responsive and proactive ACLU presence, and we are proud to be filling that need!

The truth is that we simply could not be successful without our donors, members and supporters. The work described in this Annual Report includes many resource-intensive activities, and we must ensure that the ACLU is in a financial position to carry them out. To ensure that we are in that position of strength and stability, we need your continued financial support.

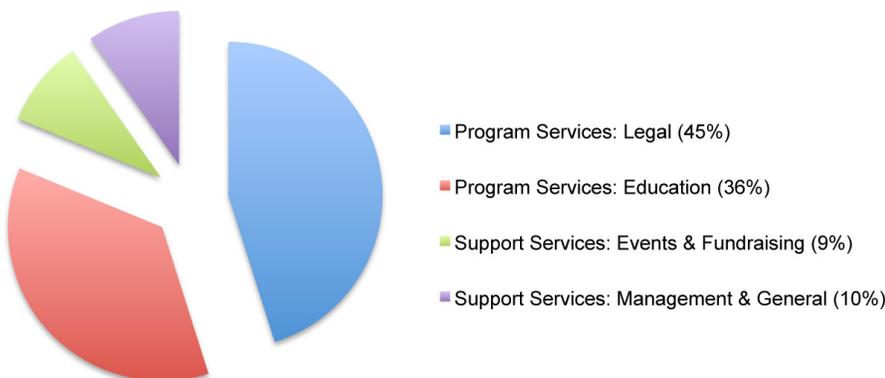
The ACLU of Utah receives little grant support from private foundations, and no financial support from any government entity. Our work is funded almost entirely by donations from individual donors like you. Some of our donors give a little every month; many give tens of thousands of dollars over their lifetime. An increasing number of our supporters give to the ACLU through their estate plans, ensuring that they leave a charitable legacy of liberty, justice and equality for all.

For more information about the fundraising and financial activities of the ACLU of Utah, contact us at (801) 521-9862 or aclu@cluutah.org.

INCOME (FY12 total: \$864,723)



EXPENSES (FY12 total: \$790,823)



CORE STRATEGY:

LEGAL ADVOCACY



Above: Board member and cooperating attorney David Reymann discusses the ACLU of Utah's objection to Ogden's "gang injunction," an overreaching law enforcement tactic we continue to oppose through legal advocacy.

Opposite page, top: ACLU attorneys and plaintiffs make statements outside the federal courthouse on February 17, the day a key hearing on HB 497 was held.

The ACLU of Utah expanded the scope of its legal program aggressively in the past two years. Thanks to the work of former legal director Darcy Goddard (January 2010 – August 2011) and interim Legal Director Joe Cohn (September 2011 – February 2012), the stage was well set for current Legal Director John Mejia, and for the rest of our legal team, Staff Attorney Leah Farrell and Public Policy Advocate Esperanza Granados.

This expansion allows us to address a broader range of issues, build our docket of actively litigated cases, and pursue additional legal advocacy (see sidebar). Our legal work in the past year included:

- **The successful conclusion of our long-running legal challenge to Utah's Internet decency statute, *Florence v. Shurtleff*.**

Initiated in 2005 and amended in 2011, the lawsuit asked the court to overturn as unconstitutional HB 260, "Amendments Related to Pornographic and Harmful Materials," the 2005 State Legislature's attempt to restrict information on the Internet that might be considered "harmful to minors." The ACLU and its legal partners argued that such a broad, vague statute would impact negatively such benign and decidedly decent websites as those of Utah artists, Utah booksellers, non-profit organizations seeking to educate the public about breast cancer and

sexually-transmitted diseases, and support sites for LGBT youth. Seven years after our initial filings, the court agreed and granted a permanent injunction narrowing the scope of the law's enforcement.

- **Our response to the treatment of a lesbian high school student in Sevier County, who was barred from attending a school dance with her girlfriend.**



After receiving her complaint in the fall, we respected the young woman's wish to remain out of the spotlight. Rather than take legal action, we turned the painful incident into a learning opportunity for administrators statewide by sending information to every school superintendent about their obligation to treat and protect all students' equally. We also requested that each district confirm that its policies regarding school events allow for the inclusion of LGBT students and the dates of their choice. We were pleased to be contacted by at least one district, requesting that we visit and offer a training to their staff about the rights of students to be treated equally regardless of sexual orientation or gender identity.

CURRENT LEGAL DOCKET



UTAH COALITION OF LA RAZA V. HERBERT

(2011 to present)

Our legal challenge to Utah’s “Show Me Your Papers” anti-immigrant law, modeled on Arizona’s SB1070, has demanded a great deal of time, energy, attention and resources. As one of the first challenges to such a state law, it placed the ACLU of Utah and its partners squarely in the national spotlight. Following the Supreme Court’s mixed ruling on Arizona’s law in June, we are preparing for a long and multi-faceted response that will include a concerted public education campaign and additional legal proceedings.

UROZA V. SALT LAKE COUNTY *(2011 to present)*

Enrique Uroza is a young Weber State College student who, after being charged with a crime, was detained for nearly 40 days in Salt Lake County jail - even after his family posted bail and after a judge ordered that the bail be honored. The County claimed it was holding Enrique until ICE arrived to investigate his immigration status. We have challenged this unconstitutional policy and practice of indefinitely detaining people in these circumstances.

iMATTER V. UTAH DEPARTMENT OF TRANSPORTATION *(2010 to present)*

iMatter Utah is a group of youth activists committed to educating the public about climate change and other pressing social issues. Thwarted in their attempts to obtain official permission to march down historically-meaningful thoroughfares in Salt Lake City and other cities, iMatter is challenging UDOT’s prohibitive insurance requirements for public demonstrations.



JOHN MEJIA

LEGAL DIRECTOR

February 2012 to present

John, who grew up in Utah, graduated from Brown University and the University of Chicago Law School. He’s been an AmeriCorps volunteer, worked for Utah Legal Services, worked as a litigation attorney for a private firm, and clerked for two federal court judges. It is with this diverse legal experience, and his very sharp legal mind, that John has come to our office, ready to work on the civil liberties issues about which he is passionate.



LEAH FARRELL

STAFF ATTORNEY

August 2011 to present

Leah is fresh from the University of Texas School of Law in Austin, where she was a staff editor for the Texas International Law Journal; participated in the Human Rights, Domestic Violence, and Community Development Clinics; and was on the board of several public interest student groups. After living back East and down South, with many global adventures thrown in for good measure, Leah’s happy to be back in her hometown, protecting the civil liberties of her fellow Utahns.

CORE STRATEGY:

LEGISLATIVE & POLICY ADVOCACY



Above: Legislative & Policy Counsel Marina Lowe - with her indispensable and ever-present iPad - gives a report to ACLU donors from the steps of the state Capitol, highlighting the pressing civil liberties issues before state lawmakers.

ACLU of Utah supporters are typically delighted to discover that their organization has a policy attorney on the front lines at the State Capitol for the duration of the Legislative Session - a time of year when some of our members can hardly stand to read the newspapers!

Legislative & Policy Counsel Marina Lowe works with state lawmakers and local elected officials year-round to identify problematic policy trends and legislation that negatively impacts Utahns' civil liberties - meeting state senators and representatives in their districts across the state, testifying in committee meetings throughout the Session, working to adopt statutes that enhance and protect civil liberties, and providing valuable legal information about the constitutionality of proposed laws to lawmakers, other lobbyists and community leaders.

The 2012 Legislative Session certainly had its share of painful civil liberties losses - some of which

garnered negative attention for our state by national and international media outlets. For example, Utah adopted a 72-hour waiting period for abortions, a requirement that welfare beneficiaries be tested for drug use; and a law allowing for the force-feeding and hydration of prisoners (including those engaged in political protests).

Regardless of the setbacks, there were many key wins, as well (see sidebar). The importance of having a full-time representative at the Capitol during the session can't be overstated; many threatening - or simply ridiculous - proposals quietly died behind the scenes, thanks in part to pressure from the ACLU and other expert advocacy groups.

The ACLU of Utah is particularly grateful, as well, for the support of a Civil Liberties Law Clinic at the University of Utah's SJ Quinney College of Law, run by Professor Emily Chiang (and co-taught by Marina Lowe). Students in the clinic worked closely with the ACLU of Utah to research legislation and prepare information to share with lawmakers.

KEY 2012 LEGISLATIVE VICTORIES

SEX ED IGNORANCE: DENIED

In the face of an inspiring outpouring of outrage from Utahns across the state, Gov. Herbert was forced to veto HB363, a bill that aimed to roll back sex education in Utah public schools (already anemic in many areas, thanks in part to vague and restrictive laws on the books in Utah).

ENCOURAGING TRENDS OF PRIVACY PROTECTION

Utah lawmakers put a smile on the faces of ACLU of Utah staff members with a resolution to restrict the TSA's use of body-scanners.

RAYS OF HOPE FOR PARTICIPATORY DEMOCRACY

Lawmakers gave their collective "okay" to two studies on Utah voting trends and practices: Rep. Rebecca Chavez-Houck's request that the state study the use of on-line petitions, and Rep. Steve Eliason's bill to study voting by mail. Utahns also dodged a serious legislative bullet, in the form of a "voter purge" bill, which underwent innoculating changes thanks to our efforts.

DUE PROCESS GETS ITS DAY

Lawmakers passed a bill that gives certain low-level sex offenders the chance to petition for removal from the sex offender registry. The legislature also issued a call to Congress to repeal the National Defense Authorization Act (which allowed for the detention - without charge - of U.S. citizens, even on American soil).



Bottom: *Governor Gary Herbert delivers his 2012 State of the Union address. Though small in terms of population, Utah plays an important role in several national legislative trends, including those related to immigration, reproductive freedom and voting rights.*

Top: *ACLU of Utah volunteers put together a mailing for the 2012 Bill of Rights Celebration, which focused on issues of participatory democracy and voting rights - both ongoing areas of focus in our legislative work.*

CORE STRATEGY:

PUBLIC EDUCATION



ESPERANZA GRANADOS

PUBLIC POLICY ADVOCATE

August 2010 to present

Esperanza is an immigration attorney who began working with the ACLU of Utah in 2010, giving "Know Your Rights" trainings to immigrants and their advocates. Her community connections, bilingualism and knowledge of immigration issues made her an invaluable addition. When we filed our lawsuit against HB 497 in May 2011, Esperanza came on board full time, playing a lead role in both legal and public education efforts related to the lawsuit.

Not all civil liberties issues can be solved with a lawsuit or new legislation. In many cases, instead of these strategies - and often in addition to them - public education efforts prove to be the most successful response to the complaints that come to our office.

- **A prime example is our immigrants' rights work. In addition to our legal challenge to HB 497, and our work at the Legislature to prevent additional anti-immigrant laws from being enacted, we provide an incredible amount of public education to a variety of groups.**

Our staff members have given dozens of "Know Your Rights" trainings all over Utah to immigrants and their advocates for more than four years - since the introduction of SB81, a complicated omnibus immigration law passed in 2008.

With each new policy or law - from additional requirements for drivers' licenses to Utah's Arizona-style immigration enforcement law - we update our trainings to address concerns within the immigrant community and also among our own ACLU supporters.

- **With an eye to the future, we work to empower young people with information about their civil liberties, and with encouragement to**

- develop themselves as civil liberties activists in their schools and communities.**

To that end, we provide material to public school students about their rights to form clubs such as Gay-Straight Alliances, and about their right, in general, to express themselves at school.

We also award three scholarships each year to high school seniors who distinguish themselves through leadership, civil liberties activism and academic excellence - as well as by overcoming significant personal obstacles to become advocates for their own rights and the rights of other people.

- **Each year, we work with community partners to present engaging educational opportunities for the general public to learn about civil liberties and the ACLU's work.**

We bring distinguished ACLU staff - experts in their respective areas - to discuss the most current and provocative ACLU cases. In cooperation with other organizations, we host screenings of thought-provoking films and panel discussions dealing with civil liberties issues, providing the public with an opportunity to explore complex and challenging ideas.

EDUCATIONAL EMPOWERMENT

KNOW YOUR RIGHTS!

ACLU of Utah staff offer a variety of “Know Your Rights” trainings, empowering Utahns with sound, neutral information about their rights in a variety of contexts. In fact, the ACLU of Utah has come to be seen as the “go-to” resource for “Know Your Rights” trainings statewide. We have provided training to public high school students and administrators on the rights of public high school students to form Gay-Straight Alliances. We also regularly give trainings on the rights of citizens and non-citizens alike when encountering law enforcement, and the rights of activists to publicly protest and demonstrate against their government.

LEGAL OBSERVERS

To help protect Utahns rights to free speech and assembly, we provide content-neutral legal observation of public protests and demonstrations when requested by community members and activists. Our staff regularly serve as legal observers themselves; for example, staff members were present during the shutdown of the Occupy SLC encampment, to observe and record interactions between protestors and law enforcement. We also train volunteer legal observers, and mobilize them for potentially disruptive public protests; for example, we trained a roomful of community members to act as legal observers during demonstrations against the lobby group ALEC during the summer of 2012.

CITIZEN LOBBYING KNOW-HOW

Each January before the Legislature convenes, we offer a Lobby Night, where we present basic information on how citizens can participate in the legislative process, as well as an overview of civil liberties issues we expect to see during the Session. We sometimes are called upon to present information on how recently-enacted state legislation and federal policies may affect Utahns’ rights.



Top: Daniel Mach, Director of the national ACLU’s Program on the Freedom of Religion and Belief, speaks to a gathering of the Salt Lake Rotary. Mr. Mach also gave the annual Civil Liberties Forum lecture at Weber State University and had a small-group dialogue with local religious leaders and church representatives.

Bottom: ACLU of Utah Board President Robert Wood (far right), joins the audience of the 2012 Bill of Rights Celebration in applauding the efforts of our Youth Activist Scholarship Award winners (from left): Lincoln Parkin, Patricio Panuncio and Gabe Glissmeyer.

PRIORITY AREA:

RACIAL JUSTICE

Though approximately 80% of Utah's population is Caucasian - compared to about 63.4% on average for the nation - the issue of racial justice is as pressing here as anywhere.

The ACLU of Utah adopted racial justice as a strategic priority issue several years ago, in the face of overwhelming evidence that Utah's people of color were subjected to disproportionate negative impacts from law enforcement actions, failures of the criminal justice system, discriminatory policies and practices in public education, and increasingly aggressive legislative proposals related to undocumented immigrants.

• **Of particular concern is the intersection of policies, practices and biases that lead to a disproportionate number of young people of color in the public school system who are targeted for discipline and directed into the criminal justice system. Our representation of Kaleb Winston is just one example that helps to shed light on the "school-to-prison" (see sidebar), and how such treatment impacts young people.**

Despite being a well-behaved honors student, Kaleb was identified as a possible gang member and vandal by police officers in his public high school. During a "gang sweep," officers singled out Kaleb, and - without either of his parents present - accused him of "tagging," using as evidence Kaleb's interest in art and his use of a backpack decorated with a graffiti-like design. The experience discouraged Kaleb, who is mixed-race, and infuriated his parents. The ACLU of Utah has taken up his case.

• **Ogden's so-called "Gang Injunction" and the "Good Landlord" programs adopted by many municipalities are other examples of policies that can result in racial profiling and unequal treatment.**

A judge recently ruled that the gang injunction could be used permanently by Weber County law enforcement, but the ACLU plans to challenge this ruling. The ACLU of Utah is committed to educating local officials about the unintended consequences of such actions, particularly on low-income people and communities of color.



Above: Former Ogden Chief of Police Jon Greiner defends the use of Ogden's so-called "gang injunction" to curb crime. The ACLU of Utah is particularly concerned about how such sweeping law enforcement actions can encourage racial profiling and discriminatory treatment of certain ethnic and racial groups in the community.

Opposite page, top: Student Kaleb Winston displays the backpack - which came from Walmart with pre-printed graffiti-style graphics - that gang police at his high school argued was proof Kaleb was guilty of vandalism at the school.



LONG-TERM REFORM INITIATIVES

INDIGENT DEFENSE REFORM

The ACLU of Utah remains committed to long-term reform of the state's Constitutionally-inadequate system of public defense. Utah is one of only two states lacking statewide funding or oversight for legal defense of the indigent. Each county is left to fend for itself, leading to huge gaps in resources, quality and protections for accused individuals.

Last fall, we issued "Failing Gideon," an official report on Utah's indigent defense system, reflecting several years of research conducted in partnership with the University of Utah's S.J. Quinney College of Law (specifically, the students in a civil rights clinic led by Professor Emily Chiang, a former ACLU racial justice litigator). The report brought renewed attention to the situation, which has seen no improvement since the ACLU of Utah began studying the issue in 2008.

SCHOOL-TO-PRISON PIPELINE

We are increasingly concerned with the treatment of minority students in Utah public schools' disciplinary systems. Students of color are far more likely than white students to be punished through the criminal justice system, rather than being dealt with through in-school disciplinary channels. Discriminatory treatment restricts educational opportunities for students of color, and feeds a disproportionate number of minority youth into the criminal justice system.

The ACLU calls this trend the "school-to-prison pipeline," and has launched efforts to interrupt the pattern in many states. The ACLU of Utah is working with students, education experts, community leaders and parents to identify problematic policies, including so-called "gang sweeps" in racially-diverse high schools, that need to be challenged and changed. Professor Chiang's legal clinic at S.J. Quinney College of Law has assisted with these efforts, as well.



PRIORITY AREA: IMMIGRANTS' RIGHTS



Above: Anti-HB497 protestors demonstrate outside the Federal Courthouse on Feb. 17 as the ACLU, National Immigration Law Center and others argued for a permanent injunction against enforcement of the law.

Opposite page, top: ACLU of Utah Legal Director John Mejia (in gray shirt) welcomes members of *Estamos Unidos*, a traveling public education and organizing group that passed through Utah in May.

The group, sponsored by the ACLU, is collecting signatures for a petition asking President Obama to keep states like Arizona and Utah from interfering with federal immigration enforcement.

Opposite page, bottom: Enrique Uroza is a Weber State student who was detained for nearly 40 days after he was granted - and his family posted - bail. The ACLU of Utah currently is litigating his case against both Salt Lake County and officials from ICE.

Immigrants' rights have been a high priority for the ACLU of Utah since 2008. That was the year when the Utah legislature passed SB81, an omnibus immigration enforcement bill that was based on a similar law passed in Oklahoma (which was immediately challenged by the ACLU). Just three years later, Utah adopted HB497, an even more draconian anti-immigrant bill, this time modeled on Arizona's SB1070 also immediately challenged by the ACLU, in partnership with the National Immigration Law Center.

Each of these pieces of legislation created rifts in Utah communities, caused fear and uncertainty among immigrants, worried U.S. citizens who feared being harassed just for looking like undocumented immigrants, and demanded an enormous mobilization of public education, legislative and legal resources by the ACLU of Utah.

• **Since 2008, the ACLU of Utah has been the go-to resource for community organizations seeking clarity on the implications of these laws and other anti-immigrant policies.**

Advocates who work with undocumented and documented immigrants on a regular basis needed the legal expertise of the ACLU to ensure that their clients had the most correct, up-to-date information on which provisions of which laws were actually in effect at any given time.

• **We have also been on call at the State Capitol, as various anti-immigrant proposals roll out of committees - such as those to rescind driver privilege cards, and to create unworkable "guest worker" programs that dangle the hope of legal status in front of immigrants.**

Thanks to our nationwide network of affiliates - many of whom are fighting similar laws - as well as access to legal and policy experts in the national ACLU office, we are consistently the best-positioned organization to lobby for immigrants' rights at the Capitol.

Additionally, we play a key role in the Enriching Utah Coalition, in an effort to lend more numerous and diverse voices to the fight against anti-immigrant measures in the state.



CIVIL LIBERTIES & IMMIGRATION: CRITICAL RIGHTS AT STAKE

HB 497: RACIAL PROFILING & LAW ENFORCEMENT BURDENS

Laws like HB 497 and Arizona's SB1070 obligate law enforcement officers to check the immigration status of people they suspect to be undocumented. It is difficult to imagine what would be more likely to invite an officer's suspicion more than a person's skin color, spoken language or even accent.

With such profiling, legally present individuals and U.S. citizens will be targeted for harassment, inconvenience and humiliation. Laws that result in one particular racial group being singled out for questioning and detention by police violate the Fourteenth Amendment's guarantee of equal treatment and protection under the law.

UROZA: ILLEGAL DETENTION & DUE PROCESS

Enrique Uroza was detained for nearly 40 days - after posting bail - under a jail policy that allowed prisoners to be held indefinitely for ICE, which might wish to review the prisoner's legal status. This policy subjects individuals to unlawful detention, thereby depriving them of their personal liberty without due process of law.

"No matter who you are, your right to be free from indefinite detention without bail or process is firmly enshrined in our Constitution, and that right is a hallmark of our free society," says Legal Director John Mejia. Everyone's liberty is at stake in holding people accountable for these policies and practices."

PRIORITY AREA:

1st amendment



Above: An Occupy protestor submits to law enforcement demands to leave Pioneer Park, several weeks into the Occupy SLC demonstration; ACLU of Utah staff was present during the removal of the encampment, and on-call for weeks before and after.

Bottom: Members of iMatter Utah did march down State Street, though without a proper parade permit, they were relegated to the sidewalks. We are continuing our lawsuit to ensure that they have more access to the historical thoroughfare in the future.

The ACLU remains on the frontlines of First Amendment issues, from religious liberty to free speech. There are usually many public protestors on those frontlines, too, and the past year was no exception. In addition to our involvement in protecting safe and free political expression during the Occupy protests, we also represented iMatter Utah, a group of youth political activists.

- **Members of iMatter Utah turned to us for help when prohibitive fees and requirements threatened a planned march down Salt Lake's State Street. Our on-going lawsuit against the Utah Department of Transportation seeks to create exemptions from restrictive requirements for groups without financial resources.**

The right to free speech and to communicate your message is meaningless, of course, if nobody else is allowed the opportunity to hear

what you have to say, for example, by reading your book or hearing your protest chants.

- **Government restrictions on information always catch the ACLU's attention, which is why we became involved when Davis County School District removed "In My Mothers' House," an illustrated children's book, from its school library shelves.**

The book positively portrays a family headed by a lesbian couple, with adopted children of different racial backgrounds. Community partners in Weber and Davis Counties – in particular the Ogden OUTreach LGBT Youth Center – asked the ACLU of Utah to remind Davis County School District officials that biased exclusion of library materials has been repeatedly held as unconstitutional. We've been engaged in conversations with the school district since.





Top: Community members and officials in Davis County discuss the removal of "In Our Mothers' House," an LGBT-affirmative children's book, from a school library.

Bottom: National ACLU Deputy Legal Director Jameel Jaffer talks about civil liberties and national security at the University of Utah.

PROJECTS & ISSUES

OCCUPY SLC & OGDEN

The ACLU of Utah played a critical background role in protecting First Amendment rights of demonstrators taking part in the Occupy Movement in late 2011. We set up a 24-hour "Free Speech Hotline," and assembled a list of volunteer pro bono attorneys for protestors who were arrested. We also helped facilitate communication between demonstrators and law enforcement when police shut down the Occupy SLC encampment in Pioneer Park.

Center, where he addressed how unconstitutional tactics meant to fight terrorism have, unfortunately, demonized observant Muslims and patriotic Arabs throughout the nation.

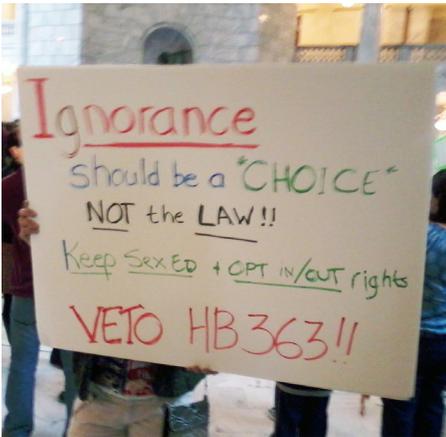
ISLAMOPHOBIA & RELIGIOUS PROFILING

ACLU Deputy Legal Director Jameel Jaffer, a lead attorney in the ACLU's National Security Project, visited Salt Lake in October 2011 to discuss the enduring legacies of the so-called "War on Terror." Mr. Jaffer's public education outreach included a community discussion at the Khadeeja Islamic

MINORITY RELIGIOUS EXPERIENCE IN AMERICA

The ACLU of Utah participated in the 2012 Salt Lake City Sunstone Symposium, a gathering of Mormon academics and intellectuals, with numerous educational offerings about the important role that Mormons and other minority religions have played in shaping religious liberty in the United States. Our staff participated in discussions about the role of policymakers' personal values and beliefs in the creation of law and policy, and about the extent to which religion in America is, indeed, under attack, as often alleged by pundits and activists.

PRIORITY AREA: REPRODUCTIVE FREEDOM



Above: Citizens statewide sent a loud, clear message to Governor Gary Herbert and state lawmakers: stop trying to control public school sex education offerings!

Opposite, Top: Legislative & Policy Counsel Marina Lowe discusses Utah's controversial new 72-hour waiting period for abortions; the law drew media attention from all over the country.

Opposite, Bottom: Angry women and their allies rallied at the State Capitol to protest what was seen by many nationwide as a "War on Women," characterized by attacks on access to reproductive health and a lack of support for equal pay.

The 2012 Legislative season may well be remembered as the year of the "War on Women," as legislative and policy attacks on women's access to health and reproductive services seemed to proliferate at the federal level and quickly roll down to the state level.

- The ACLU of Utah took an aggressive stance against such legislative attacks at the Capitol, which was no small task. We saw just about every iteration of trending reproductive restrictions, from a Personhood Amendment (thankfully withdrawn) to a new, onerous waiting period for abortion.

We worked closely with our partners - most notably, Planned Parenthood and Equality Utah - to ensure that our legal expertise on the civil liberties implications of these proposed laws were heard in committees, read in lawmakers' offices (whether they will admit to it or not!), and shared widely through the media.

Certainly, there were some disappointments. The waiting period, for example, survived the session and was signed into law by Governor Herbert. But there were victories, too. A proposal to defund Planned

Parenthood, modeled after similar legislation seen nationwide by our ACLU colleagues in other states, was withdrawn before it received a hearing, as was the aforementioned "Personhood Amendment" (see sidebar, opposite page).



- A proposal to further restrict the sex education available in public schools (and to even make it optional for school districts to include sex ed in their curriculum) passed out of the Legislature, but an outpouring of public outrage forced the Governor to veto the bill.

The defeat of HB 363 provided a thrilling and empowering footnote to the 2012 Legislative session. The success of the public's mobilization against the bill garnered national attention; Marina Lowe, our Legislative & Policy Counsel, was invited to Washington, D.C. to discuss Utah's experience with other advocacy groups.



NATIONAL TRENDS

PERSONHOOD AMENDMENTS

The so-called “Personhood movement” seeks to define life as beginning at conception, thereby granting full rights to citizens before they are even born - primarily by adding a “Personhood Amendment” to state constitutions. Efforts to get such an amendment on the ballot for popular vote have been attempted (and failed) in Colorado and Mississippi; six other states were targets in 2012. Utah state senator Aaron Osmond (R-District 10) signaled his intent to offer such a proposal during the 2012 Legislative Session, but withdrew that proposal after researching the ramifications and public perception of such legislation.

LONGER WAITING PERIODS FOR LEGAL ABORTIONS

Utah now has the dubious distinction of having the country’s longest waiting period to obtain an abortion - 72 hours (South Dakota’s 72-hour waiting period is being challenged in court by the ACLU and is not in effect). This reflects a nationwide trend that chips away at women’s right to obtain an abortion; such laws include imposing and extending waiting periods, mandating counseling, and requiring parental permission or notification.

TARGETING HEALTH CARE PROVIDERS & CLINICS

Utah lawmakers have followed the lead of the national Congress and other state legislatures by proposing laws to defund Planned Parenthood, a critical community health partner throughout the country, and to create cumbersome and unnecessary licensing requirements for health clinics regardless of whether they offer abortions. Fortunately, the “Defund Planned Parenthood” bill presented during Utah’s 2012 session was withdrawn.



PRIORITY AREA: PRIVACY & TECHNOLOGY



Above: A peek at what law enforcement might see when using new license plate-scanning technology. The federal government asked Utah lawmakers for their permission to use such technology on Utah state highways.

Opposite, Top: U.S. Senator Orrin Hatch argued several years ago for drug testing of welfare benefit recipients. Though the proposal failed at the federal level, similar requirements have been passed by state legislatures - including in Utah.

Opposite, Bottom: A site map of the National Security Agency "spy center" at Camp Williams in Bluffdale, Utah. Federal government officials have not been forthcoming with details about activities that will be undertaken at the center.

Privacy includes a diverse group of rights, including the right to be free from unreasonable government surveillance, the right to medical and data privacy, and the right to be free from invasive bodily searches.

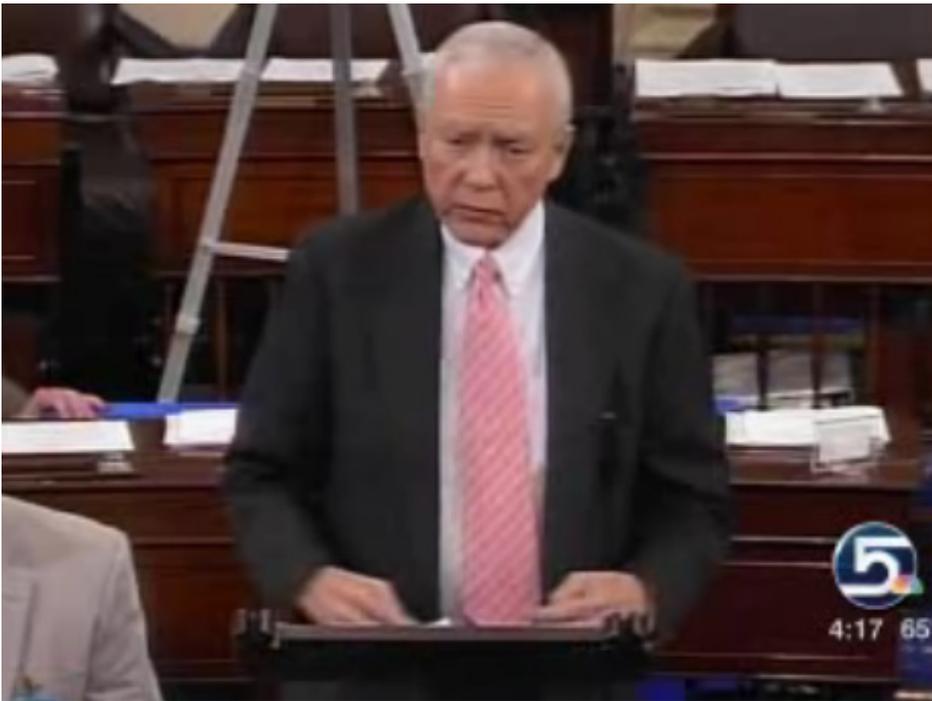
The ACLU of Utah adopted "Privacy and Technology" as a strategic priority in response to an alarming rise in the use of new, quickly-advancing technologies by law enforcement and government social service agencies. Surveillance blimps, gene patents, license plate scanners, GPS tracking via cell phones - these are threats to personal privacy that the founders of our nation could never have imagined.

We have become an important and informed voice on such issues - whether those issues are Utah-specific, or part of a national effort or trend. For example, the ACLU of Utah has long opposed the adoption of a national ID card and the storage of citizens' personal information in a shared federal database, and also participated in a nationwide Freedom of Information Act request for information on cell phone data tracking. Both of these campaigns

were undertaken in partnership with the national ACLU and multiple state-level affiliates.

Utah-specific issues have also demanded our attention and involvement. State and local law enforcement have proved to be early adopters of technology that may prove to be useful in keeping communities safe, but about which not enough is yet known (see sidebar). The ACLU of Utah plays a critical role in reminding law enforcement and the general public that just because we CAN do something, does not mean we SHOULD do that thing - particularly when the tools are new and unproven, and rules to prevent those tools from invading privacy are not yet established.

Our state has also jumped on the drug-testing bandwagon, with new legislation requiring welfare recipients to submit to drug-testing to be eligible for support. Fortunately, Utah's drug-testing requirement slightly improves upon the original adopted in Florida; in our state, those who fail drug tests are able to receive drug treatment.



STATEWIDE ACTION

AS SEEN IN OGDEN

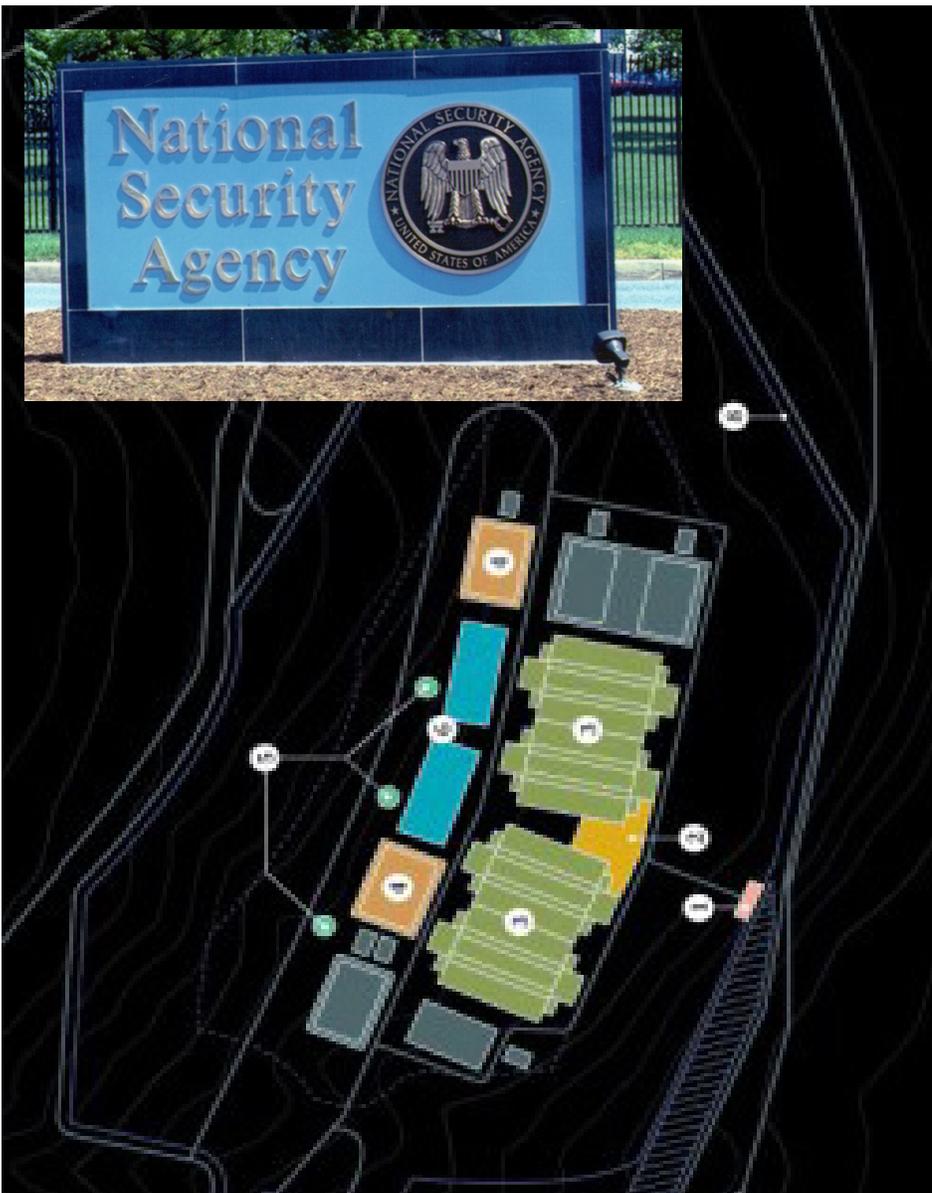
Several innovative and potentially troubling law enforcement proposals have emerged out of Weber County in the past couple of years. News that Ogden was considering use of an unmanned surveillance blimp was picked up by Reuters and made headlines around the country. Clearing hurdles with the Federal Aviation Administration, however, proved daunting. Those challenges, coupled with a general public unease about the surveillance tool, have kept the blimp grounded so far.

SCANNING IN SOUTHERN UTAH

When the Drug Enforcement Agency approached Utah legislators for their blessing to use fixed license plate scanners on stretches of Utah highways, the ACLU was called upon to testify about the problems presented by such an approach. We highlighted the “unwarranted search” aspect of the proposal, and shared our concerns regarding the storage of information in a national database. Though the DEA quietly backed away from their request, we are not satisfied. We recently participated in a coordinated nationwide ACLU effort to uncover information about where such license plate scanners are already in use, and about the use, and protection, of data so far collected.

UNFOLDING IN BLUFFDALE

In 2009, the National Security Agency announced construction of a \$1.5 billion spy complex in Bluffdale. What we didn't learn - and have yet to discover - is precisely what the federal government will be doing there. In fact, the NSA only responded to local media inquiries after Wired magazine published an in-depth expose on the project. When it did issue a statement, the NSA didn't say much: “What it will be is a state-of-the-art facility designed to support the intelligence community's efforts to further strengthen and protect the nation.”





HOW TO LEARN MORE

WWW.ACLUUTAH.ORG

The ACLU of Utah website is a treasure trove of information about current projects, upcoming events, past cases, and much more.

We post up-to-date information on high-profile legal challenges, and we include the text of rulings and decisions, as well. The website archives information about legal projects going back to the mid-1990s

Visitors to the site can find links to current media stories about on-going projects, as well as links to background information and related ACLU cases posted on the national ACLU's website.

Be sure to check our website after major ACLU of Utah events, too, as we try to share plenty of photos and videos with our guests when appropriate!

ON FACEBOOK

We recognize that plenty of ACLU supporters rely on social media to keep up-to-speed on important civil liberties issues and developments. This is especially true among our rural members, as well as for our younger ACLU friends.

The ACLU of Utah was an early adopter of social media tools, and Facebook plays a key role in our efforts to update civil libertarians statewide about quickly-moving legislative developments, and complicated legal challenges.

Facebook users who want to know what the ACLU of Utah can join the 5,200+ people who have already "liked" our official Facebook page at www.facebook.com/aclu.utah

@ACLUUTAH ON TWITTER

Facebook not fast enough for you? Particularly for our "political junkie" friends, we recommend following the ACLU of Utah on Twitter @acluutah.

Our Twitter communication is particularly active during the Legislative Session. Legislative & Policy Counsel Marina Lowe is on the Hill every day during the Session, so expect to hear about important committee hearings, floor votes, opportunities to contact legislators, and more.

Following the ACLU of Utah on Twitter, you will also hear about prize giveaways, breaking news stories on our legal work, and reminders about upcoming events.

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Top: ACLU of Utah members and supporters catch up at the annual Bill of Rights Celebration in May 2012. The special guest speaker was Professor Spencer Overton, an expert and advocate in the area of voting rights.

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