



2012
Utah State Legislature

ACLU of Utah Legislative Priorities



THE ACLU OF UTAH,

chartered in 1958, operates through public education, legal advocacy, litigation, and lobbying at both the state and local levels to ensure the constitutional rights and freedoms of everyone living in or visiting Utah.

Our work is based on those principals outlined in the Bill of Rights, and we work to defend all the individual liberties enumerated therein. Currently, our resources are focused on the following strategic priority areas:

- ▶ **PARTICIPATORY DEMOCRACY & TRANSPARENT GOVERNMENT**
- ▶ **RACIAL JUSTICE / EQUAL TREATMENT & PROTECTION**
- ▶ **IMMIGRANTS' RIGHTS**
- ▶ **RELIGIOUS LIBERTY & FREEDOM OF BELIEF**
- ▶ **PRIVACY & TECHNOLOGY**

In addition, we continue our commitment to **CRIMINAL JUSTICE REFORM**, protection of the First Amendment, and standing up for **REPRODUCTIVE FREEDOM**.

The decisions made by local, state, and federal lawmakers have a lasting impact on our communities. As new laws are created and others repealed and rewritten, the ACLU of Utah works to ensure that these changes strengthen, rather than compromise, our constitutional rights.





Immigrants' Rights

The Constitution has long defended the rights of immigrants, who founded and built this nation. Along with the ideals of equality, fairness and social tolerance, immigration has helped to lay the foundation of this country's political, economic and cultural strength – from colonial days to present.

Regardless of one's views on U.S. immigration policy, the fundamental civil liberty protections of the Bill of Rights and the U.S. Constitution protect every person in this country – including non-citizens. Only the federal government has the authority to regulate and enforce immigration law. Any proposals that undermine this authority are counter to the rule of law.

The state of Utah can and should continue to provide opportunities to individuals in our state, so that these individuals can contribute to the overall wellbeing of Utah.

2012 PUBLIC POLICY PRIORITIES

► **RETAIN** in-state tuition for all eligible Utah residents.

► **OPPOSE** legislation that enables the state of Utah to regulate immigration, either in the form of guest worker or enforcement, Arizona-style legislation.

Religious Liberty & Freedom of Belief

2012 PUBLIC POLICY PRIORITIES

► **OPPOSE** legislation that provides government-funded vouchers for use in parochial schools.

► **OPPOSE** legislation that stigmatizes Muslim-Americans and the practice of Islam by pointedly banning the use and/or reference to Sharia law by Utah courts.

► **OPPOSE** legislation that would allow for discrimination in the name of religious liberty.

The First Amendment to the United States Constitution guarantees that all are free to follow and practice their faith – or no faith at all – without governmental influence or interference.

This promise of religious freedom means that government shall neither prefer religion over non-religion nor favor particular faiths over others. At the same time, the equally important and related constitutional right to exercise and express religious beliefs and individual conscience must be safeguarded.



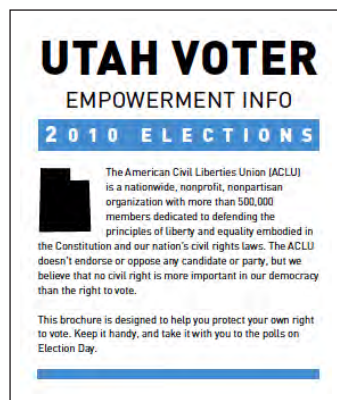
Participatory Democracy & Transparent Government



The right to vote and to have one's vote counted accurately and equally is a fundamental right in our democracy, and the ACLU of Utah works to ensure that voters understand and exercise their rights.

Informed consent is equally critical to a successful democracy, and as citizens, we must know what our government is doing and how it makes the policy decisions that affect our lives. The ACLU of Utah works to keep state and local government agencies open and accountable to the people they represent.

▼ **Voter Empowerment:** *In 2010, the ACLU of Utah participated in a nationwide "Know Your Rights" Voter Empowerment effort. Check with our office this fall to get updated information for the 2012 election.*



2012 PUBLIC POLICY PRIORITIES

► **SUPPORT** legislative efforts to allow public access to legislative caucus meetings.

► **OPPOSE** legislation that unconstitutionally or unnecessarily encumbers the right to vote, including efforts to improperly purge voters from voting rolls.

► **OPPOSE** legislative efforts to restrict state open records and open meetings laws.

Reproductive Freedom

Everyone has the right to make informed decisions free from government interference about whether and when to become a parent. This includes the right to safe and legal abortion and access to scientifically accurate information about sexuality, sexually transmitted diseases (STDs), contraception, and preventive health care.

2012 PUBLIC POLICY PRIORITIES

- ▶ **OPPOSE** legislative efforts to defund women's health organizations such as Planned Parenthood



LOOKING BACK... FOR INSPIRATION

- ▶ In the ACLU's early years, we defended birth control pioneers, including winning a reversal of Mary Ware Dennett's 1929 conviction for sending sex education information in the mail.
- ▶ In 1965, we filed a friend-of-the-court brief contributing to the landmark U.S. Supreme Court ruling in *Griswold v. Connecticut*, striking down a state ban on contraceptives even for married couples.
- ▶ In 1971, we argued *U.S. v. Vuitch*, the very first abortion case before the U.S. Supreme Court, and succeeded in loosening the stranglehold of abortion restrictions, laying the groundwork for *Roe v. Wade*.
- ▶ In the 1980s and 1990s, we successfully overturned many state funding bans prohibiting the use of Medicaid to cover abortions.
- ▶ In 1992, we won *Planned Parenthood of Southeastern Pennsylvania v. Casey*, securing a U.S. Supreme Court ruling upholding the right to abortion, and striking down laws prohibiting wives from getting abortions unless they told their husbands first.
- ▶ Since 2005, the ACLU has helped to block more than 350 bills restricting access to abortion from becoming law. And with affiliates and allies, we have taken to the streets to protect reproductive freedom—for example, twice canvassing South Dakota to defeat abortion bans.



Equal Treatment & Equal Protection

The ACLU of Utah works to ensure that constitutional protections are granted to everyone regardless of considerations such as race, ethnicity, sex, age, disability, religious affiliation, sexual orientation, gender identity, or citizenship status. Nevertheless, discrimination and inequality remain ongoing and pervasive problems in the United States and in Utah.

Policies and practices at the federal, state and local level continue to disproportionately burden the most vulnerable groups in society: racial and ethnic minorities, immigrants and noncitizens, low-wage workers, women, children and the accused.

We continue to strive toward the creation of a society in which all Utahns enjoy the constitutional rights of equality, privacy and personal autonomy, freedom of expression and association and freedom from discrimination.

2012 PUBLIC POLICY PRIORITIES

- **SUPPORT** legislation to ban discrimination in housing and employment on the basis of sexual orientation and gender identity.
- **OPPOSE** legislation to ban equal opportunity programs in public education and employment

Privacy & Technology

Technology provides unprecedented access to information, links people around the world, and gives voice to those who might not otherwise be heard. However, if deployed without adequate protections for privacy and free speech, it can become a tool that tramples constitutional rights. From protecting privacy and free speech on the Internet to pushing back against censorship and government surveillance, the ACLU of Utah works to safeguard civil liberties as society harnesses the benefits of new technology.

2012 PUBLIC POLICY PRIORITIES

► **OPPOSE** legislation to allow the state to implement the federal Real ID Act, which would create a national identity card.



STANDING STRONG... ACROSS THE NATION

► Following the 2005 revelation that the National Security Agency was eavesdropping on Americans without a warrant, the ACLU won a lawsuit challenging the program. When that ruling was overturned, we filed a lawsuit, still ongoing, against the 2008 amendments to FISA, which expanded the NSA powers and immunized phone companies for their participation.

► In *Policing Free Speech: Police Surveillance and Obstruction of First Amendment-Protected Activity*, a 2010 ACLU report shows that political surveillance and harassment by law enforcement agencies are on the rise.

► On behalf of Pascal Abidor, an Islamic Studies Ph.D. student, the ACLU is challenging a Department of Homeland Security policy that permits border agents to search travelers' laptops, cameras, and cell phones and to copy the contents or keep the devices—all without reasonable suspicion. We filed a similar lawsuit on behalf of David House, whose laptop was searched solely because of his support for Bradley Manning, the soldier who disclosed information to Wikileaks.

► A 2011 ACLU report, *Drastic Measures Required*, illustrates the vast and systemic use of secrecy, including secret agencies, secret committees in Congress, a secret court and even secret laws, to shield government activities from public scrutiny.

Criminal Justice Reform



The ACLU of Utah works to ensure that criminal suspects, defendants, offenders, as well as incarcerated individuals are afforded their constitutional rights, including due process of the law and the right to be free from cruel and unusual punishment.

▼ **Smart Reform Is Possible:** *The ACLU's much-heralded 2011 report on overincarceration provides states with a menu of reforms to safely and economically reduce their prison populations. To obtain a free copy, contact the ACLU of Utah at (801) 521-9862 or aclu@acluutah.org.*

SMART REFORM IS POSSIBLE
States Reducing Incarceration Rates and Costs
While Protecting Communities



2012 PUBLIC POLICY PRIORITIES

► **SUPPORT** legislation to allow certain categories of sex offenders to petition courts to be removed from the sex offender registry.

► **SUPPORT** legislation that provides guidance to jails and prisons regarding an inmate's right to engage in a hunger strike.

► **OPPOSE** legislation that would require welfare beneficiaries to submit to suspicion-less drug tests.

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