

Executive Letter

In Utah and across the country, a growing number of people are worried about civil rights and civil liberties, and they have expressed their concerns by joining the ACLU. Since September 11, 2001, the ACLU of Utah has more than doubled its membership; there are now several thousand Utahns who are either card-carrying ACLU members or who have generously made a financial contribution toward our work to defend fundamental freedoms.



Dani Eyer (left) and Sue Marquardt

It is not hard to see what motivates all these people to help the ACLU protect equality and a fair process for everyone. We live in a post-9/11 era in which too many are willing to trade basic

fairness and liberty for an illusion of security. At the ACLU, we continue to maintain that we as a people can be both safe *and* free.

Four and a half years after 9/11, we continue to witness unprecedented usurpation of power by the nation's executive branch: the random detention of people who have not been charged with a crime nor provided with either legal representation or a meaningful hearing; unilateral decisions by the President and his advisors to engage in warrantless domestic spying, circumventing long established procedures to protect our Fourth Amendment rights; and the tacit approval of the use of torture, whether or not information gained is reliable. This administration's actions add up to a disturbing trend to sweep aside the constitutional checks and balances that are at the heart of our democracy.

Locally, the ACLU of Utah works hard to defend and advocate for freedom and fairness within that delicate balance between the government's interest in maintaining order and individual rights. This year, we have worked on issues involving free speech on the Internet and on the streets, police practices, students' rights, safe prisons and jails, reproductive freedom, privacy, religious freedom, voting rights, and much else.

Civil rights and liberties need defending over and over again, and we are grateful for the support of Utahns and the now over 500,000 ACLU members across the nation who understand that the ACLU is an important piece of the democratic puzzle.

Sue Marquardt
Board President

Dani Eyer
Executive Director

Financial Report

As a private organization, the ACLU of Utah receives no government funding and never charges its clients for legal representation. Our existence depends entirely upon private donations, foundation grants, court-awarded legal fees from successful cases, and membership dues from Utahns who are dedicated to preserving fundamental civil liberties.

The American Civil Liberties Union of Utah is comprised of two separate corporate entities: the ACLU of Utah Union and the ACLU of Utah Foundation. For information about the differences between these two entities, please see www.acluutah.org/unionfoundation.htm or call (801) 521-9862. The following are the unaudited financial reports for the ACLU of Utah Union and the ACLU of Utah Foundation for April 1, 2005 through March 31, 2006. For a complete audited financial report, please contact Dani Eyer at (801) 521-9862.

ACLU of Utah Foundation

Revenue

Individual Contributions	\$84,488
Grants	\$140,000
Investment	\$8,889
National ACLU Contributions/Sharing	\$140,163
TOTAL	\$373,540

Expenses

Program Services	\$218,538
Management/Operations	\$87,028
Fundraising/Membership	\$36,204
Transfer to Reserve Account	\$31,770
TOTAL	\$373,540

ACLU of Utah Union

Revenue

Membership Dues	\$39,316
Public Contributions	\$1,131
Investment Earnings	\$1,440
TOTAL	\$41,887

Expenses

Program Services	\$26,540
Management/Operations	\$10,642
Fundraising/Membership	\$4,705
TOTAL	\$41,887

Contact Information

355 North 300 West
Salt Lake City, UT 84103
Phone: (801) 521-9862
Fax: (801) 532-2850
aclu@acluutah.org
www.acluutah.org

Special Thanks

To XMission for their generous donation of Internet services



INTERNET SPEECH

Merkey v. Yahoo SCOX VICTORY

In August, the ACLU of Utah and the Electronic Frontier Foundation (EFF) filed a friend-of-the-court brief in support of the First Amendment right to speak anonymously on issues of public concern. Utah plaintiff Jeffrey Merkey had requested from the U.S. District Court an expedited process for serving subpoenas to unmask anonymous critics who participated in an online discussion about a court case in which the Utah-based technology company, SCO Group, Inc., is suing IBM. The ACLU of Utah and the EFF argued that before an anonymous online speaker is exposed, litigants must show that the poster's identity is central to their claims, that those claims are viable, and that the litigant can acquire the information in no other manner. The court agreed and required that Merkey submit additional information showing his good faith efforts to contact the defendants and the viability of his claims. Instead, Merkey declined to submit the requested information and dismissed the anonymous Yahoo message board defendants from the case.

The King's English v. Shurtleff

In June, the ACLU of Utah, along with cooperating attorneys from Howery LLP, the Center for Democracy and Technology, and the Media Coalition, filed a federal lawsuit challenging the constitutionality of a law passed during the 2005 session of the Utah State Legislature. Meant to restrict children's access to harmful material on the Internet—speech that is unlawful to intentionally distribute to minors yet is lawful for adults to access—the law instead unconstitutionally limits the free speech rights of Internet content providers, may negatively impact Internet users who have no wish to restrict the sites to which they have access, acts as a prior restraint on Internet service providers' speech, and violates the Commerce Clause of the United States Constitution. The lawsuit was filed on behalf of: the American Booksellers Foundation for Free Expression; the ACLU of Utah; the Association of American Publishers, Inc.; the Comic Book Legal Defense Fund; Computer Solutions International, Inc; the Freedom to Read Foundation; Utah artist Nathan Florence; The King's English Bookshop; W. Andrew McCullough; Mountain Wireless Group, Inc.; the National Association of Recording Merchandisers; the Publishers Marketing Association; Sam Weller's Bookstore; the Sexual Health Network, Inc.; and the Utah Progressive Network.

STATUS: In November, the Utah Attorney General's Office agreed not to enforce suspect provisions of the law during the course of the litigation. The matter is currently in U.S. District Court.

POLICE PRACTICES

Uprock v. Tracy

In September, the ACLU Drug Law Reform Project joined in a lawsuit that had already been filed by Salt Lake City civil rights attorney Brian Barnard challenging the constitutionality of a police raid of an electronic music concert. Last August, Utah County law enforcement

officers, accompanied by police dogs, automatic weapons, and a helicopter, raided and shut down an outdoor electronic music concert at a private ranch in Spanish Fork Canyon. Police did not have warrants to enter the property or to search concertgoers, and the Utah County Sheriff authorized and implemented the raid based largely on the presumption that the concert would continue beyond the twelve hours for which the promoters had secured the necessary permits. The raid, however, occurred only a few hours into the concert. The complaint charged law enforcement with widespread violations of the First Amendment, due process, and Fourth Amendment rights of the concert promoters and venue owners.

STATUS: In April 2006, plaintiffs filed a motion to dismiss the case without prejudice, reserving their right to refile the case in the future.

SLCPD Policy on Tasers

In June, the ACLU of Utah was invited to provide input on proposed changes to the Salt Lake City Police Department's (SLCPD) policy regarding the use of Tasers, the electronic stun guns that are increasingly being used by law enforcement agencies around the country. Because there has been an increasing number of Taser-related deaths and there are few, if any, independent medical studies regarding the effects of Tasers, we recommended that the weapons only be used in situations where deadly force would otherwise be authorized or where there is an imminent threat to human life. We also recommended that the SLCPD adopt strict reporting requirements and accountability measures regarding Taser use, and that the SLCPD Civilian Review Board conduct periodic reviews of the agency's Taser use and overall use of force statistics to assure that Tasers are being used only in justifiable situations. While the final policy falls short of our recommendations, it is better than the majority of Taser policies nationwide.

Walker v. City of Orem

Since 2004, the ACLU of Utah has worked with the law firm of Strindberg Scholnick & Chamness on a case against the Orem City Police Department, the Pleasant Grove Police Department, and the Utah County Sheriff's Department. In 1998, law enforcement officers from those agencies shot David Walker and then unconstitutionally detained his family for questioning while he was dying in a hospital. The federal lawsuit is on behalf of the Walker family, who could not see David before he died, and it charges the law enforcement agencies with excessive force and unlawful detention.

STATUS: In May, we filed a brief with the Tenth Circuit Court of Appeals arguing that the Utah County defendants violated clearly established law surrounding the Fourth Amendment's prohibition on illegal searches and seizures when they detained the Walker family. The Tenth Circuit is currently considering this issue, as well as an appeal of the U.S. District Court's denial of motions to dismiss by two of the defendants.

“Knock-and-Talk” Searches
VICTORY

In January 2005, we received complaints from several long-term motel residents who had been the targets of a “knock-and-talk” operation conducted by the Davis Metro Narcotics Strike Force. Late one evening, law enforcement officers from the Strike Force visited six Davis County motels, where they knocked on doors and questioned the confused residents about suspected criminal activity. Although the police did not have warrants, some residents understandably felt intimidated into answering the officers’ questions and consenting to a search. In an effort to learn more about the operation, in April, the ACLU of Utah submitted a request for information under Utah’s public records law. In his response to our request, the Strike Force commander acknowledged that this was the first “knock-and-talk” for his agency, that the operation had limited success in identifying criminal activity, and that the Strike Force would therefore discontinue these types of searches at hotels or motels. “Knock-and-talk” searches demonstrate the importance of knowing our rights and responsibilities with law enforcement; when a uniformed police officer shows up at a home without a warrant, even the most dedicated civil libertarian may have trouble asserting her right to close the door.

EQUALITY

Norman v. Anderson

In September, Salt Lake City Mayor Rocky Anderson signed an executive order to extend health and other employment benefits to city employees’ same-sex and heterosexual domestic partners. Less than a week later, the governing body of the agency that administers health insurance for

state and local government employees filed a petition with the state court requesting clarification about whether Utah law prohibits Salt Lake City from offering health insurance benefits to domestic partners. Specifically, the Utah State Retirement Board

cited Utah’s constitutional amendment prohibiting the government from giving same-sex relationships the “same or substantially equivalent legal effect” as marriage, as well as Utah’s Marriage Recognition Policy, which states that Utah will not recognize any law that creates benefits for unmarried couples that are “substantially equivalent” to marriage. In November, the ACLU of Utah, the national ACLU, Salt Lake City Police Department employee Dianna Goodliffe, and the local branch of the American Federation of State, County and Municipal Employees filed a friend-of-the-court brief in support of Salt Lake City’s executive order. In our brief, we argue that there is nothing in Utah’s statutory or constitutional law that prohibits Salt Lake City from offering domestic partner benefits, that health

insurance is not “substantially equivalent” to marriage, and that there are strong public policy arguments in favor of making such benefits available.

STATUS: In February, the Salt Lake City Council voted to replace Mayor Anderson’s benefits plan with one that allows unmarried city employees to sign up “adult designees” for health insurance. In addition to domestic partners, such designees could be relatives or roommates. The specific legal questions regarding Mayor Anderson’s plan are now moot; however, the Utah State Retirement Board amended its complaint to address the Council’s plan. The matter is currently in Third District Court.

Etsitty v. Utah Transit Authority

In October, the ACLU of Utah filed a friend-of-the-court brief with the Tenth Circuit Court of Appeals on behalf of Krystal Etsitty, a former Utah Transit Authority bus driver who was fired after several months on the job. Her termination came shortly after she revealed to her employers that she is a transsexual. Her employers had received no complaints about her, yet they informed her that she was being fired because they could not determine which restroom she should use while on the job. Etsitty, who identifies and lives as a woman, has legally changed her name from Michael to Krystal and has changed her Utah driver’s license designation from male to female. UTA told her that she would be eligible for rehire only after undergoing sex reassignment surgery. Etsitty, represented by the law firm of Strindberg Scholnick & Chamness, argued in U.S. District Court that she was protected by Title VII of the 1964 Civil Rights Act, which prohibits employment discrimination based on sex, including nonconformity to sex stereotypes. Unfortunately, last June, the District Court granted summary judgment to UTA, holding that transsexuals are not protected by Title VII, and that even if Title VII did apply, UTA’s decision was not based on Etsitty’s lack of conformity to sex stereotypes. Etsitty then asked the Tenth Circuit Court of Appeals to reverse the District Court’s decision. The ACLU of Utah was joined by the ACLU Lesbian and Gay Rights Project, Lambda Legal Defense and Education Fund, and the National Center for Lesbian Rights.

STATUS: The case is under consideration by the Tenth Circuit Court of Appeals.

STUDENT RIGHTS

Dress Code for Formal Dances
VICTORY

In December, a Uintah High School senior contacted us because she was concerned about a new school dress code that required female students to wear skirts or dresses to formal and semi-formal dances. Earlier in the school year, she had been turned away from her homecoming dance because she arrived in a three-piece suit. Although she had worn the same suit to the previous year’s prom without incident or disruption, school employees informed her that she would not be allowed into the dance unless she changed into a dress, which she refused to do. Advocating on the student’s behalf, we informed school administrators that public schools may not legally mandate different dress codes for male and female students based on outdated



Dianna Goodliffe (left) with ACLU of Utah
Legal Director Margaret Plane

notions of how boys and girls are supposed to dress. Just in time for the Unitah High School Winter Formal Dance, the school district sent a “letter of compliance” stating that it “will not in the future use traditional gender dress as a dress code for extra-curricular activities, especially formal or semi formal dances.”

Same-Sex Prom Dates
VICTORY

For many students, as important as selecting what to wear to a school dance is deciding whom to bring as a date. For the first time ever, last spring, a same-sex couple attended the Provo High School prom. Shane Montemayor, a Provo High School senior, and his male friend were cheered when they promenaded with co-ed couples at the annual prom. The couple’s attendance was particularly meaningful because just two years earlier, Provo High School administrators had asked a female student and her girlfriend to leave the prom. Montemayor contacted the ACLU of Utah several weeks before the event, and we provided him with information about his rights and contacted the Provo High School principal on his behalf to receive assurances that he and his date would be allowed to attend the dance. In an effort to help future students, we also created the resource, “The Right of Same-Sex Student Couples to Participate in their High School Dances, Proms, and Promenades,” which is available online.

Expressive T-Shirt
VICTORY

In September, we were contacted by a distraught Southern Utah high school student who was concerned about her First Amendment rights at school. School administrators had recently removed Ashley Cruise from her classroom



Ashley Cruise

to demand that she change her t-shirt. The t-shirt in question depicted two cartoon females, like those used to indicate women’s restrooms, standing side-by-side. According to Cruise, the administrators told her her shirt violated the school dress code because it “displayed pride

in her sexual orientation.” The t-shirt contained no words, sexual innuendo, or otherwise vulgar content. Fearing expulsion, Cruise changed her shirt and finished out the school day. After hearing from Cruise, we contacted the high school on her behalf to receive assurances that, in the future, students would not be asked to change out of similar apparel.

PRISON & JAILS

Regan v. County of Salt Lake

In 2004, Salt Lake County asked the U.S. District Court to terminate a consent decree restricting the circumstances under which the Salt Lake County Jail can conduct strip-

searches. The consent decree was the result of a 1982 ACLU of Utah case on behalf of an out-of-state reporter whose Fourth Amendment rights were violated when Salt Lake County law enforcement strip-searched her after pulling her over for a traffic violation. Last year, the ACLU of Utah and cooperating attorney Robert Anderson opposed the County’s motion and requested that the court appoint an expert to review jail procedures and complaints.

FREE EXPRESSION

Utah Gospel Mission v. Salt Lake City Corporation

The long battle over Salt Lake City’s Main Street Plaza ended last October when the Tenth Circuit Court of Appeals dismissed all of our claims, ruling that the Main Street Plaza is no longer a public forum and that the City’s decision to sell the easement to the Church of Jesus Christ of Latter-day Saints did not violate the Establishment Clause. Unfortunately for Salt Lake City residents, this decision means the loss of a central public forum of the type that was once held in high esteem by our country’s founders who valued, rather than stifled, diverse viewpoints.

Sandy City v. Big Bob’s Floor Covering

Last June, the ACLU of Utah was contacted by Kody Sorenson, a Sandy City business owner who had recently been charged with violating that city’s sign ordinance. To express his support for the United States, Sorenson flies ten American flags on the roof of his business, Big Bob’s Floor Covering; Sandy City, however, allows only one flag to be displayed at a business and it prohibits displaying the American flag for marketing purposes. Concerned that the ordinance violates free speech rights, we arranged for a cooperating attorney at the Salt Lake City law firm of Skordas Caston & Hyde to assist Sorenson with his criminal charges. In March, Skordas Caston & Hyde negotiated a mutually agreed upon stay of the criminal charges until the constitutionality of the ordinance is determined.

STATUS: Negotiations between Sandy City and Sorenson are ongoing.

Gay-Positive Messages on License Plates
VICTORY

Last July, the Utah State Tax Commission ruled that it would approve three personalized license plates with gay-positive messages. The ruling was a first for the Commission, which, until then, had never approved a personalized plate containing the word “gay.” The decision was the result of the persistence of Utah resident Elizabeth Solomon, who, in December 2004, applied for three personalized license plates with the following messages: “GAY WE GO,” “GAYS ROK,” and “GAY RYTS.” After the Tax Commission approved the “GAY WE GO” plate but denied the other plates, Solomon contacted the ACLU of Utah, and we represented her in appealing their decision. Now, personalized plates with gay-positive messages are clearly permissible, so long as the requested plates do not violate any statutory or regulatory restrictions. The Commission’s ruling received national attention, and *Out Magazine* named Solomon one its top straight allies in its list of 100 newsmakers for 2005.

UTAH STATE LEGISLATIVE ISSUES



The following are highlights from the ACLU of Utah 2006 Legislative Report. A complete report is available online at www.acluutah.org/06legrep.htm.

The Teaching of Evolution in Public Schools

Last spring, State Senator Chris Butters gave Utahns a heads-up that during the 2006 General Session of the Utah State Legislature he would propose a bill regulating the teaching of evolution in public schools. In response, we created a resource for teachers, students, and others entitled “The Teaching of Creationism, Intelligent Design, and Divine Design in Public Schools” (available online at www.acluutah.org/divinedesign.htm). On the second day of the session, Senator Butters introduced SB 96, “Instruction and Policy Related to the Origins of Life.” The bill would have directed the Utah State Board of Education to require that instruction on “any theory regarding the origins of life” (i.e. evolution) must stress that “not all scientists agree on which theory is correct.” The bill also would have prohibited the Board from endorsing any one scientific theory. Although the bill did not require the teaching of an alternative, non-scientific, religious theory, such as Intelligent Design, testimony from legislators and others made clear the religious motivations for the bill. The ACLU of Utah sent letters to the Senate and House opposing the bill. SB 96 was amended and substituted multiple times before the House of Representatives voted it down the last week of the session.

Reproductive Rights

Lawmakers passed HB 85 S1, “Abortion by a Minor – Parental Notification and Consent,” which requires, except in very limited circumstances, that minors both notify and receive consent from their parents or guardians before obtaining an abortion. The bill ignores the rationale of myriad court decisions, which requires that minors have the opportunity to bypass parental involvement provisions, usually by establishing in court either that parental involvement is not in their best interests or that they are sufficiently mature to decide whether or not to continue a pregnancy. The ACLU of Utah testified in opposition to HB 85, which passed the last day of the session.

Legislators did not pass HB 222, “Unborn Child Pain Prevention Act,” which would have required physicians to give women seeking abortions state-produced brochures containing the medically questionable information that fetuses feel pain. And, as in past years, legislators did not approve a prescription parity bill. SB 42, “Prohibiting Health Insurance Discrimination,” would have required health insurance policies and health maintenance organization contracts to provide coverage for prescriptive contraceptives.

Lesbian and Gay Families

A trio of bills attempted to restrict lesbian and gay couples from receiving the same benefits and protections for their families as straight couples. Lawmakers passed HB 148

S1, “Parent and Child Amendments,” which defined *in loco parentis* as the legal recognition of a voluntary delegation of parental authority to a non-parent or guardian. HB 148 stated that *in loco parentis* may not be legally recognized contrary to the expressed desires of a child’s legal parent or guardian, and it prohibited courts from using *in loco parentis* to grant parent-time, visitation, or custody rights. The sponsor’s objective was to prohibit non-biological parents in same-sex relationships from obtaining visitation or custody rights of the children they’ve raised if those relationships end and the biological parents no longer want them to be a part of their children’s lives. The bill’s consequences, however, were much further reaching than its anti-gay intent, in that it could have adversely affected the court’s ability to determine a child’s best interest. Because of HB 148’s widespread ramifications, Governor Jon Huntsman vetoed the bill.

If passed, HB 327, “Public Employer Benefit Plans,” may have caused problems for Salt Lake City’s proposal to provide domestic partner benefits for its employees. HB 327 would have restricted the definition of “dependent” to an employee’s spouse, child, or stepchild; allowed for the extension of benefit plans to non-dependents only through an action by a legislative body, such as a city council; and prohibited cities from putting any public funds toward benefit plans for non-dependents. The bill failed. And finally, legislators did not approve HB 304, “Voiding Transactions against Public Policy,” which seemed to be an attempt to ban contracts between same-sex couples about such things as property, medical power of attorney, and child custody.

Access to Courts

HB 100 S1, “Environmental Litigation Bond,” was drafted in response to the Sierra Club’s successful legal challenge to the Legacy Highway. The bill required that before initiating “environmental litigation,” all entities registered to do business in Utah, including nonprofit organizations, post a bond with the Division of Corporations and Commercial Code covering all possible costs and damages associated with the delay of a new permit or approval of a project. The bond, which could have been for millions of dollars, would have effectively made it impossible for environmental groups to exercise their First Amendment right to seek judicial review of government actions. Despite a six-page letter from the Office of Legislative Research and General Counsel outlining several of the state and federal constitutional problems inherent in the bill, legislators passed HB 100. Two days after the session ended, the ACLU of Utah sent a letter to Governor Jon Huntsman asking him to veto the bill, which he did three weeks later. HB 259 S2, “Division of Air Quality – Bond for Stay of an Order,” and HB 335 S2, “Radiation Control Act – Bond Requirements,” both by the sponsor of HB 100, would have allowed the Air Quality Board and the Radiation Control Board to require a person to post a bond before filing a motion for a stay of an order by either board. Neither bill was approved.

Student Clubs

SB 97, “Student Club Amendments,” was a much-publicized attempt to ban Gay Straight Alliances in public

high schools, while still allowing other non-curricular student clubs to meet. The bill's most troubling provision expanded the definition of "involve human sexuality"—one of the non-curricular club topics already prohibited by Utah law—to include "promoting or encouraging self-labeling by students in terms of sexual orientation" and "disclosing attitudes or personal conduct of students or members of their families regarding sexual orientation, attitudes, or belief." The ACLU of Utah testified that this provision was so broad that it would prohibit protected speech, and it therefore violated both the federal Equal Access Act and students' First Amendment rights. Those lines were later removed from both SB 97 and from a parallel bill run in the House, HB 393, "Public Education Club Amendments." Both bills included additional provisions that were troubling from a public policy standpoint, such as a requirement that students receive parental permission before joining curricular and non-curricular clubs, and a prohibition on the use of public funds for non-curricular clubs. Both bills failed.

Material Harmful to Minors

HB 257 S1, "Material Harmful to Minors Amendments," sought to add depictions of "inappropriate violence" in interactive video games to the definition of "material harmful to minors" (written or visual expression that is lawful for adults to have but is illegal to intentionally distribute to children). The ACLU of Utah testified that material depicting violence does not fall within the legal definition of obscenity for either minors or adults, and therefore cannot be added to a material harmful to minors statute; that restricting material based on depictions of violence is a content-based regulation of speech that violates the First Amendment; and that courts have recently struck down similar restrictions on video games. Although HB 257 made it through the House, the Senate chose not to consider it.

ISSUES IN THE UNITED STATES CONGRESS

Real ID

In January, we contacted Governor Jon Huntsman and state legislative leaders to express our concerns regarding the implementation of the federal Real ID Act and to urge them to support a state resolution calling on Congress to amend the law. Among other things, the Act imposes federal regulations on the design, issuance, and management of state driver's licenses, and it therefore must be implemented at the state level. The ACLU opposes Real ID, in part because we believe it is a *de facto* national identification card that has the potential to pose serious privacy concerns. In our letter to Huntsman and others, we cited new documents revealing the high costs for Utah's implementation of the Real ID Act. Congress passed the Act without any hearings or real consideration for its consequences, and Utah, like other states, will be forced to bear its costs.

Post-9/11 Civil Liberties

In September, the ACLU of Utah participated in a meeting at Senator Orrin Hatch's office to request an independent commission to investigate all allegations of torture and

ill treatment in U.S. detention centers around the world. Participants included Senator Hatch's foreign policy advisor and the regional director of Amnesty International USA, who organized the meeting. Also in September, we contacted Utah Congressman Rob Bishop to urge him to support the reforms included in the Senate version of the USA PATRIOT Act reauthorization bill and to reject the House version, which made many of the expiring provisions of the Act permanent without including necessary checks and balances. In 2001, only one Senator opposed the PATRIOT Act, but this year, ten Senators opposed the reauthorization and fifty-two filibustered the bill before it passed. Bishop was the only member of Utah's congressional delegation to vote against the Act's reauthorization. Unfortunately, the final compromise reauthorization bill that was passed by Congress in March still fails to adequately protect privacy and due process rights.

Flag Burning Amendment

Fifteen years ago, the U.S. Supreme Court banned laws criminalizing flag burning and other forms of political protest involving the United States flag. Since that decision, Utah Senator Orrin Hatch and others have lobbied for a constitutional amendment that provides an exception to the First Amendment's guarantees of free speech and expression by prohibiting the "physical desecration" of the flag. Last year, the House of Representatives passed House Joint Resolution 10, which would have allowed Congress to outlaw flag desecration. The focus then shifted to the Senate, which seemed the closest it's ever been to passing such an amendment. An important opponent to this movement has been Utah Senator Bob Bennett, who has stated that he wants to avoid "the dangerous precedent of unnecessarily amending the Constitution." In April, we contacted him to commend him for opposing the flag amendment and to encourage him to remain strong in his opposition. Although the Senate did not consider the House resolution, the issue is far from over; a new flag amendment will be introduced in June, and the Senate may be a mere one vote away from amending our Constitution to restrict our freedoms.

Voting Rights Act

For the last forty years, the Voting Rights Act (VRA) has guaranteed millions of Americans an equal opportunity to participate in the political process through voting. One of the most successful civil rights laws enacted by Congress, the VRA abolished literacy and other tests that had been used to deny blacks and other minorities the right to vote. The genius of the act was not simply that it outlawed discrimination at the ballot box, but that it also gave voters new tools to ensure fundamental fairness in the voting process. In 2007, some of these important mechanisms will expire unless Congress votes to renew them. The ACLU has been at the forefront of the effort to renew and strengthen the VRA, and last July, the ACLU co-sponsored a conference in Washington, D.C. on the particulars of the Act and its renewal. The ACLU of Utah Legal Director attended the conference and, while there, met with Utah Congressman Chris Cannon, who has indicated that he supports renewing the expiring provisions of the VRA.

PUBLIC EDUCATION

The best protection against government abuse is a citizenry that has a thorough knowledge of its constitutional rights. It is for this reason that our public education and outreach efforts are at least as important as our work in the courts and the Utah State Legislature. Last fiscal year, the ACLU of Utah had a strong public presence.

- Throughout the year, ACLU of Utah staff gave over two-dozen presentations to a variety of audiences, including students at Utah Valley State College, Salt Lake Community College, the S.J. Quinney College of Law, the University of Utah, Snow College, Brigham Young University, and the J. Reuben Clark Law School; lawyers from the Utah State Bar Constitutional Law Section; librarians and staff attending the Salt Lake City Library's Great Issues Forum; delegates from Ukraine, Korea, and Bangladesh; members of the Jewish Family Services Russian Club; and attendees of Planned Parenthood's First Annual Liberty Luncheon.
- In October, the ACLU of Utah and the Utah State Bar Constitutional Law Section sponsored an attorney workshop with Yale Law Professor Akhil Reed Amar, a noted expert in constitutional law.
- In July, the *Salt Lake Tribune* published an ACLU of Utah opinion piece on the delicate balance between the interests of open government and personal privacy.
- The ACLU of Utah staffed informational booths at community events, including the 9th and 9th Street Festival, KRCL Day in the Park, the Avenues Street Fair, Human Rights Day at the Leonardo Center, and Gay Pride.
- The ACLU of Utah granted hundreds of press interviews on a variety of issues, met with newspaper editorial boards, and appeared as a feature guest on several radio shows.
- The ACLU of Utah developed resources on issues of public concern, including "The Teaching of Creationism, Intelligent Design, and Divine Design in Public Schools," "The Right of Same-Sex Student Couples to Participate in their High School Dances, Proms, and Promenades," and "What to Do If You Are a Victim of Police Misconduct in Utah."
- The ACLU of Utah continued to maintain, develop, and improve its Web site, www.acluutah.org, and monthly email newsletter. Last fiscal year, the Web site received over 150,000 visits.
- ACLU of Utah staff and volunteers reviewed, tracked, and responded to almost 800 written complaints of civil liberties violations.
- Every month, the ACLU of Utah attended the Department of Corrections' (DOC) monthly Focus and mini-Focus meetings that take place between prison officials and representatives from inmate advocacy groups, such as the Disability Law Center and the Prisoner Information Network (PIN). The meetings offer advocates a chance to discuss DOC policies and practices, and to provide input to the DOC about specific problems they've identified.
- The ACLU of Utah also worked closely with and provided some financial support for PIN, a nonprofit volunteer-run organization that advocates on behalf of inmates, former inmates, and their families.
- ACLU of Utah staff toured the Utah State Prison's facilities in both Gunnison and Draper.
- Last November, the ACLU of Utah sponsored a visit from Alvin Bronstein, the former director of the ACLU Prison Project and one of the nation's leading advocates for the legal rights of people in prison and jail. During his time in Salt Lake City, Bronstein testified at a Utah State Legislature interim committee against private prisons; spoke on "Prison Litigation: Past, Present, and Future" at the S.J. Quinney College of Law; was a guest lecturer for a law enforcement class at Weber State University and a sociology class at the University of Utah; and granted radio interviews on KUER's *Radio West* and KCPW.
- Last June, the ACLU of Utah began working with a volunteer who deals solely with prison and jail intake.
- The ACLU of Utah developed new resources for prison and jail inmates on a variety of issues, such as the Utah State Prison grievance procedure; medical, dental, and mental health care; environmental conditions at correctional facilities; discrimination; access to law libraries and the courts; and protection from inmate assault and excessive force (see www.acluutah.org/prison.htm). These resources were a featured link on our national Web site.

REPRODUCTIVE FREEDOM

Thanks to a grant from the ACLU Reproductive Freedom Project, the ACLU of Utah founded the Utah Sexual Assault Safety Project in 2004. Last year, the project surveyed forty-two Utah hospitals on the availability of emergency contraception and STD prophylactic treatments for victims of sexual assault who had sought care at these hospitals' emergency rooms. The survey found that only 60 percent of sexual assault victims received appropriate and consistent services on-site; that patients treated by a SANE nurse (a registered nurse who has advanced education and clinical preparation in forensic examination of sexual assault victims) are more likely to receive emergency contraception than other victims; and that most hospitals provide STD medication to sexual assault victims. Last September, we distributed the final survey results (available online at www.acluutah.org/ecreport.pdf) to hospital administrators.

PRISON & JAILS

Written complaints from people in prison or jail account for over half of the ACLU of Utah's total intake. Because there are so many people in correctional facilities who need legal assistance, we made prison and jails a priority issue last fiscal year.



355 North 300 West
Salt Lake City, UT 84103

Non-Profit
Organization
U.S. POSTAGE
PAID
Permit No. 2578

People and Partners

Staff

Dani Eyer, Executive Director
Carol Gnade, Development Director
Reinard Knutsen,
Office Manager/Intake Coordinator
Stephanie Peterson, Project
Coordinator/Field Organizer
Margaret Plane, Legal Director
Cori Sutherland, Communications
Director

Board of Directors

Sue Marquardt, President
Karen Denton, Vice President
Robert Wood, Treasurer
Laurie Wood, Secretary
Lincoln Hobbs, Legal Panel Director
Jill Sheinberg, National
Board Representative
Tim Chambless, At-Large Executive
Committee Member

Jennifer Allred, Peggy Battin,
Christine Contestable, Roberto
Culas, Beverly Dalley, Emma Gross,
Marc Hoenig, Jason Lewis, Lee
Martinez, Andrew McCullough, Tarek
Nosseir, Jennifer Schwartz, and
David Tundermann

Interns

Philip Austin, Nathan Burke,
Anastacia Niedrich, Jennifer Ranson,
Jeremy Syz, and Marianne Tassone

Legal Panel

Erika Birch, Dianna Cannon,
Stephen Clark, Russell Hathaway,
Linda Jones, Laura Kessler, Derek
Langton, Cathy Roberts, Trystan
Smith, Karen Stam, and Mary
Woodhead

Coalition Partners

Amnesty International
Department of Corrections Focus
Disability Law Center
Equality Utah
GLBT Community Center of Utah
National Center for Science Education
National Legal Sanctuary
Planned Parenthood of Utah
Prisoner Information Network
Rocky Mountain Innocence Center
Salt Lake Public Defenders
Utah Association of
Criminal Defense
Lawyers
Utah Humanities Council
Utah Progressive Network
Utah Sexual Assault
Safety Project
Utah State Bar
Constitutional Law
Section
Western Prison Project
Women Lawyers of Utah

Legal Clerks

Derek Long, Monica Maio, and
Cobin Soelberg

Cooperating Attorneys

Robert Anderson, Brian Barnard,
Wesley Felix, Evelyn Furse, Robert
Peterson, Zachary Weyher, Skordas
Caston & Hyde, and Strindberg
Scholnick & Chamness

ACLU Drug Law Reform Project,
ACLU Lesbian and Gay Rights
Project, The Center for Democracy
and Technology, Electronic Frontier
Foundation, Lambda Legal Defense
and Education Fund, The Media
Coalition, and National Center for
Lesbian Rights



ACLU of Utah staff