



# Annual Report

APRIL 1, 2008 - MARCH 31, 2009

The American Civil Liberties Union of Utah was chartered, as an affiliate of the national ACLU in 1958 to work on constitutional issues that are pertinent to those living in this state.

#### **ACLU of Utah Staff** *(During FY09)*

Karen McCreary, Executive Director  
Marina Baginsky Lowe, Staff Attorney  
Anna Brower, Development Director  
Reinard Knutsen, Office Manager  
William Carlson and Barbara Szweda, Public Policy Advocate

#### **Board of Directors**

Jennifer Allred, Tim Chambliss,  
Rebecca Chavez Houck,  
Beverly Dalley, Debra S. Daniels,  
Erika George, Lincoln Hobbs,  
Marc Hoenig, Iqbal Hossain,  
Bonnie McBride Huntsman,  
Sue Marquardt, Andy McCullough,  
Tarek Nosseir, Liz Paige,  
Jill Sheinberg, Zain Siddiqui,  
Richard Van Wagoner, Robert Wood,  
Doug Wortham

#### **Legal Panel**

Jensie Anderson, Stephen Clark,  
Roberto Culas, Linda Jones,  
Laura Kessler, Tom Mitchell,  
Cathy Roberts, Emily Smith,  
Trystan Smith, Karen Stam,  
Mary Woodhead

#### **Interns and Volunteers**

Helen Arblaster, Jascha Clark,  
Matthew Gasperetti, Danielle Hawkes,  
Darren Jackson, Sally Purcell,  
Joan Reid, Ricky Shelton, Herta Teitelbaum,  
Zain Siddiqui

#### **Contact Information**

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

#### **Find us on-line at:**

**[www.acluutah.org](http://www.acluutah.org)**

This Annual Report covers the combined work of the ACLU of Utah and the ACLU of Utah Foundation through the 2008 - 2009 fiscal year. It only contains a small sample of highlights of our work in five strategic priority areas: Participatory Democracy, Racial Justice, Immigrant Rights, Privacy and Technology, and Religious Liberties/Freedom of Belief.

## **PARTICIPATORY DEMOCRACY**

*Strengthen democratic institutions; eliminate barriers to voting; maintain transparency, fairness and accountability in government; encourage youth civic engagement.*

In April 2008, we released a report detailing the results of our investigation into election irregularities surrounding the Ogden November 2007 municipal election (we received numerous complaints from Ogden voters following the election). Our report detailed inappropriate use of voter challenges, denial of provisional ballots, voter intimidation and electioneering at polling places. **Rather than legal action, we pursued legislative reform, enhanced election oversight and higher-quality standardized training for election officials as a way to address the issues.** We also encouraged civic groups to participate in the legislative process, to assure transparency and voter confidence.

During the 2009 Legislative Session, we built upon this work by challenging unnecessary barriers of a person's right to vote because of voter challenges or requiring proof of identification. Unfortunately, the state has enacted several of the obstacles to voter participation that we fought, such as requiring photo ID in order to vote.

Looking ahead, we are determined to ensure a fair process for re-districting in 2010, and to prevent further restrictions by the legislature on voter participation at the polls.

## **RACIAL JUSTICE**

*Reform the indigent criminal defense system; address educational inequities; monitor and challenge racial profiling in law enforcement.*

Researchers estimate that between 80% and 90% of those accused of criminal wrong-doing rely on state indigent defense programs for representation. **But with regards to adequate indigent defense, Utah is currently ranked last among all states in the nation.** The state is failing to adequately fund, supervise and train attorneys to represent indigent clients. As a result, our criminal justice system is compromised in its ability to administer just results. This jeopardizes public confidence in the system, perpetuates racial inequities, endangers public safety and wastes taxpayers' dollars. During FY09, we began investigating country legal defender programs across Utah, meeting with attorneys and clients to better understand the current situation and assess options for reform. Assuring constitutionally adequate indigent defense through reform will be a priority for us for several years to come.

Additionally, we opposed giving police officers the power to disperse individuals whom they "reasonably believe" to be gang members in locations defined as "anti-gang" loitering zones. Rather, we supported alternative community approaches to dealing with gangs, and hosted a discussion about the "School-to-Prison Pipeline," a trend caused by emphasizing incarceration over intervention for young people of color.

## IMMIGRANTS' RIGHTS

*Educate immigrants and the broader community about Constitutional protections for all people in this country.*

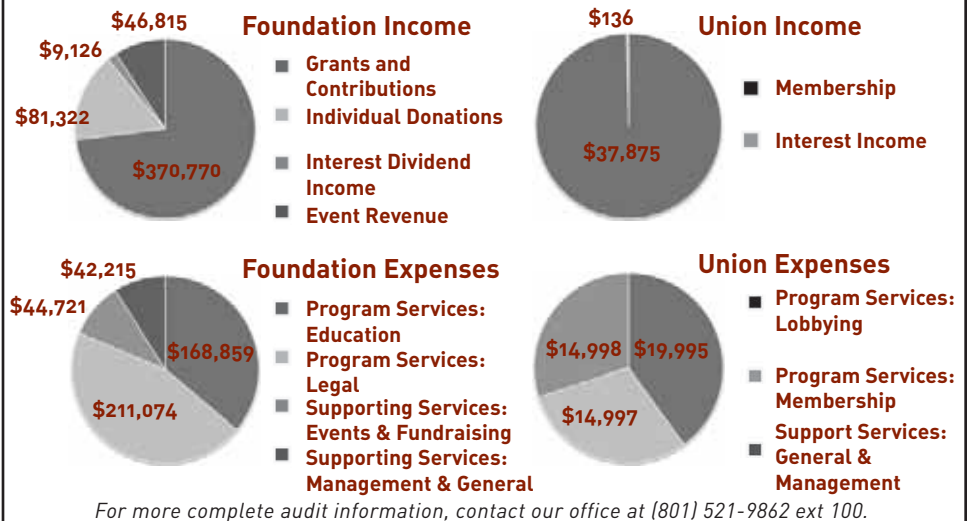
As Utah's immigrants and allies became increasingly concerned with the impending implementation of the omnibus anti-immigration bill (SB81) that went into effect in July 2009, **we studied the issue closely and created an Immigrant Rights Project with educational resources in both Spanish and English.** We added a Spanish-language section to our website and a phone extension for civil liberties complaints in Spanish. With the help of other community and religious organizations, we held "Know Your Rights" workshops for thousands of immigrants and advocates around the state. We also held several educational events for the general about the unintended consequences of anti-immigrant legislation. At the legislature, we vigorously - but, ultimately, unsuccessfully - opposed implementation not only of SB81, but also a State Task Force that could lead to increased racial profiling by law enforcement of Latinos statewide.



### PHOTOS THIS PAGE

*(Above)* Lobbying members of congress during the ACLU Membership conference in Washington, D.C.; *(Above right)* Getting ready to march in the 2008 Pride Parade; *(Above far right)* Daniel Ellsberg speaks at the 2008 Bill of Rights Celebration for our 50th Anniversary.

## ACLU OF UTAH FINANCIAL HEALTH



## RELIGIOUS LIBERTY & FREEDOM OF BELIEF

*Advocate for the free exercise of belief; challenge government establishment of religion.*

We receive various complaints from parents of public school students, prisoners at county jails and the state prison, and other citizens who feel their religious liberties have been infringed upon by government action.

**We regularly intervene by contacting school and prison officials to craft a reasonable solution to these issues.**

After the passage of Proposition 8 in California, we began a campaign to counter myths about how religious liberty might be somehow compromised by equal treatment of gay and transgender people. To that end, we created "Beyond the Division: How Equality for Gay and Transgender People Can Co-Exist with Religious Liberty in Post-Prop 8 Utah," an public educational event that we will continue to offer in the coming year.



## PRIVACY & TECHNOLOGY

*Promote responsible use of technology; oppose use of technology undermines privacy; challenge movement toward a surveillance society.*

In August 2008, we spoke out against a new website unveiled by the Attorney General's Office, which included video of a man being arrested. Though the man had not been convicted of any crime, the video also featured comments by police officers about how dangerous the man was - in short, convicting him in the public sphere before he could even be charged with a crime. In the face of criticism, the AG's Office took down the video. We also opposed the expanded use of surveillance cameras by the Salt Lake City Police Department, which installed a new system of cameras in Pioneer Park. Recent reports seemingly have vindicated our position: the presence of the cameras seems only to have pushed criminal activity into nearby areas, without actually improving public safety. Additionally, we continued our support of efforts to have Utah legislators "opt out" of the federal "REAL ID Act," along with 20 other states across the country.