



ACLU of Utah Reporter

January 2009

Newsletter of the American Civil Liberties Union of Utah

MSNBC's Rachel Maddow to Headline 2009 Bill of Rights Dinner



SAVE THE DATE!
Saturday, May 16

**2009 ACLU of Utah
Bill of Rights Celebration
@ the Salt Palace
Convention Center**

**Plan NOW to join hundreds
of your fellow ACLU freedom
fighters for what promises to
be an amazing evening!**

**Tickets available on-line and
by mail starting March 1.**

The latest, greatest thing to hit cable news in a long time, Rachel Maddow continues to make waves with her intelligent, incisive reporting throughout the recent presidential election.

Rachel has been a long-time favorite on the Air America radio network, and quickly became a popular fill-in host on Keith Olbermann's "Countdown" on MSNBC. She began hosting her own show on MSNBC in September of last year.

"The Rachel Maddow Show" became a smash-hit in no time, the preferred cable stop for progressive viewers looking for a fresh, funny and thoughtful look at the political news of the day.

A Rhodes Scholar, Rachel has a doctorate in Politics from Oxford and a background in progressive activism. Her past work as an activist includes a couple of very happy, hardscrabble years working with the ACLU National Prison Project to overturn the segregation of HIV-positive prisoners in Alabama and Mississippi.

Rachel has always been open about being a lesbian - in fact, she topped "Out" magazine's "Out 100" list of the "gay men and women who moved culture" in 2008.

**Contact Anna Brower at (801)
521-9862 x100 to learn about
sponsorship and table hosting
opportunities for this event!**

Indigent Defense in Utah Investigated

The ACLU of Utah is continuing to build a case to challenge the state of indigent defense in Utah. This action is needed as the facts bear out that the state of Utah is not meeting its constitutional obligation to provide an adequate defense for those criminal defendants who cannot afford to pay for representation.

Utah is one of only two states that provide no state funding for indigent defense services at the trial or appellate level. While there are three public defender programs in the state, the majority of counties use contract or assigned counsel to represent indigent defendants.

Utah's statutes create no Boards or Commissions to regulate the provision of indigent defense services; rather, funding and oversight of these services are left to individual counties (and several counties appear to exercise very little of the oversight responsibility passed along to them). Utah ranks last in the nation in total state-level expenditures on indigent defense with a total yearly expenditure of \$74,000. Utah also ranks last in the nation in yearly indigent defense cost per citizen, with an average of three cents per citizen per year in indigent defense costs.

In 2006, the U.S. Census reported Utah's population as overwhelmingly

The Director's Chair



Karen McCreary
Executive Director

I was deeply touched recently watching two conversations on television. Each was an interview with Rachel Maddow, the MSNBC host (and our

upcoming 2009 Bill of Rights dinner speaker). In one, Maddow and Senator Barbara Boxer discussed Senator Hillary Clinton's focus on the need for "smart power" during her confirmation hearings. In the other, Rachel Maddow interviewed Episcopal Bishop Gene Robinson

who provided the pre-inauguration prayer at the Lincoln Memorial kick-off. Bishop Robinson, who is gay, used the religious metaphor of the "large tent" to illustrate his hopes for the United States under the Obama administration. Imagine an American "large tent", big enough to shelter everyone and within which each individual's dignity and worth is celebrated. My delight in these conversations arose not only from their content but also because these accomplished, intelligent people (and of course, our newly elected president) would have been excluded from the centers of government, business and religion in the not too distant past simply because of their gender, race or sexual orientation.

Hope in a better tomorrow is powerful; but witnessing real, transformative change is even more so. While we celebrate the inauguration of our first African American president, we also remember the dedication, sacrifice and constant effort of many through the years that made possible these transformative changes. Organizations, non-profits, activists, writers, artists and religious leaders- all are critical parts of evolving social movements.

In Utah, let us rededicate ourselves ever so hopefully to the hard work required to bring about our own Large Tent. At this time, our brother

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The President's Corner

The ACLU of Utah would like to welcome Robert Wood as our new President. Robert has served on the Board of Directors since January 2001. Robert and his wife Nora have raised 6 children in Salt Lake City and he runs his own financial consulting business. Robert has thirty years of experience involving business start-ups, mergers, acquisitions, and organizational restructuring. He has also served on the board of directors of Rowland Hall-St Mark's School and the Salt Lake Legal Aid Society.

The board of trustees of the ACLU of Utah honored me when it asked me to serve as the president of the board. I have enjoyed my years of service on the board, on the executive, development, and finance committees, and as treasurer. I humbly hope my past service and the excellent examples of Laurie Wood and Sue Marquardt as board presidents have prepared me to take on this responsibility.

I sense the weight of the responsibility in two ways:

- 1) During the last several years the civil liberties of Americans, immigrants, and individuals in custody have been severely eroded. This erosion can only be reversed by action of groups such as the ACLU. Therefore, perhaps now more than ever it is important that the ACLU be strong and engaged in attempting to roll back the recent encroachments on America's civil liberties.
- 2) Currently, the world finds itself in an economic depression that is unprecedented in my lifetime. In the midst of these challenging times all of us who love the causes of liberty must not allow the loss of momentum the ACLU of Utah has worked so hard to create. To maintain that momentum we may all have to rededicate ourselves to financially sustain the ACLU of Utah with donations and volunteerism. Money and time may become more dear and scarce in the months ahead but unfortunately without the ability for the ACLU to pursue its agenda



Robert Wood
President

the civil liberties we hold so dear may also become threatened.

Notwithstanding the weight of these responsibilities - I face the future of our great country and the ACLU, which fights to maintain this greatness, with renewed hope and optimism. My hope comes from the fact that America has just elected a president based on his message not his race. My optimism comes from a belief that individual civil liberties are as important to Americans today as they have been throughout our brief history.

About the ACLU of Utah

Founded in 1920, the American Civil Liberties Union is a nationwide, nonpartisan organization dedicated to working in the courts, legislatures, and communities to defend and preserve the individual rights and liberties guaranteed to all people in this country by both the Constitution and the laws of the United States.

The ACLU of Utah was chartered in 1958 to work on constitutional issues that are pertinent to those living in this state. Our priorities include freedom of speech, expression, and association; freedom of religion, including the separation of church and state; the right to privacy; safe prison and jail conditions; and equal protection and due process of the laws.

Staff

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

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Beverly Dalley, Debra S. Daniels,
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Tarek Nosseir, Liz Paige,
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Richard Van Wagoner, Robert Wood,
Doug Wortham

Legal Panel

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

Interns & Volunteers

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A Note From Our Out-Going President



Sue Marquardt
President, 2005 - 2008

We would like to express our sincere appreciation for Sue Marquardt's leadership as President of the ACLU

of Utah. Her dedication and attention to organizational growth and Board development have been inspirational to all those involved with our affiliate.

It has been a privilege to serve as president of the ACLU of Utah for the past four years. I am awed by the intelligence, knowledge, activism and commitment to civil liberties of our board and of our capable staff. The staff is led by Executive Director Karen McCreary who effectively shares her passion for our causes as they jointly come up with creative ideas and amazing ability and energy to implement them.

We all enjoyed the 50th year of the Utah affiliate in 2008 with a large

number of you participating in our various activities celebrating that anniversary. Thanks go to all those who organized and led the activities.

I urge you to continue to read the information from the ACLU. Our website www.acluutah.org has up-to-date information on issues and will suggest important lobbying that you might do during the legislature.

One of the major benefits to me has been the opportunity to attend national conferences of the ACLU. They are inspiring and rewarding and any member is welcome at the Membership Conference. Watch for the next one and attend if you are able.

I am looking forward to sitting back and enjoying the last year of my term on the board in 2009. I express great thanks to all the board, staff, volunteers and members with whom I have worked. I have enjoyed each person. My lifetime excitement about our form of government and the Bill of Rights continues!

Become an ACLU of Utah Activist

Keep up-to-date with all of the ACLU of Utah's upcoming events and action alerts by signing up for the ACLU of Utah's Activist email list from our website at www.acluutah.org/activist.htm.

If you are on Facebook become a friend of the ACLU of Utah and let others know that you care about civil liberties.

The Directors Chair Continued from page 1

and sister immigrants are treated all too frequently as aliens outside the protections of the Constitution and human dignity. We suffer from the inequities of state laws that do not grant equal treatment to our citizens whose sexual orientation is not "straight." Our schools along with our jails and prisons reflect disparities that arise from inequities due to race and income. The ACLU of Utah will continue to work across the state, in our legislature, courts and with public education to make real the promises and protections of the Bill of Rights.

The ACLU on the Hill: Priorities for the 2009 Utah Legislative Session

The only bright spot in this gloomy economy may be that the Utah Legislature will be absorbed in trying to balance the budget rather than spending their 45 days dreaming up bills that may infringe on their constituents' constitutional rights.

Here are six issues that we at the ACLU have targeted as priorities:

IMMIGRATION:

Last year's infamous piece of legislation, **SB 81 "Illegal Immigration,"** is due to be implemented in July 2009, with a few minor adjustments. Several bills this session propose amendments to SB 81, including a bill to delay until 2010 drivers license compliance with both the federal standards under the Real ID Act and SB 81 (**SB 40, "Lawful Presence Verification for Issuance of a Driver License or Identification Card"**). The Driver's Privilege card will continue to be available to those without immigration documentation.

S.C.R. 1, "Concurrent Resolution Requesting a Federal Waiver to Establish an Employer-sponsored Work Program" is a proposal for a Utah guest worker program that was put forward by the Salt Lake Chamber of Commerce. The resolution passed out of the Immigration Interim Committee.

Representative Clark is drafting a bill that would authorize a third party study be initiated to determine the impact of the undocumented population on the economy of Utah.

We are in good company as we continue to oppose the implementation of SB 81, with Chambers of Commerce, police



departments, AILA attorneys, immigrant advocates and churches all expressing concern about the legislation. Prior to its passage last session, the ACLU of Utah voiced its objections to the legislation including concern about its constitutionality and the requirement to use the flawed e-verify program for Utah employees. With a new administration in Washington, there is also a promise of immigration reform, which would negate Utah's efforts to control immigration on the state level.

VOTING RIGHTS:

With respect to voting rights, the ACLU of Utah will continue to support a bill we drafted last session, **HB 49 "Voter Challenge Amendments."** This bill amends the procedure for challenging voter eligibility by requiring those other than election workers to file written challenges with the county clerk 30 days in advance of an election. Challengers would bear the burden of demonstrating why a voter is not eligible to vote. The challenged voter would then be given the opportunity to provide proof of eligibility. This bill passed favorably out of the

Government Operations Interim Committee.

The ACLU of Utah also supports Election Day Registration, which increases voter participation and may do away with the need for provisional ballots. Both neighboring Idaho and Wyoming have enacted Election Day registration and voter turnout in both states has increased.

Another potential voting bill we can expect is a bill that would require that voters identify themselves by showing proof of citizenship. The ACLU's concern with this type of bill is that it would tend to disenfranchise the poor, minorities, disabled and elderly, who often do not have the required proof of citizenship, nor can they afford to get it.

REPRODUCTIVE FREEDOM:

The ACLU of Utah always has Reproductive Freedom on its radar as we enter any legislative session. There are currently two bills that we will join with coalition members to defeat. The first is called **"Unborn Child Pain Prevention Act"**. This you may remember from a few years

ago. The bill would require women seeking abortions to be offered an anesthetic for the fetus and told there is evidence that the abortion procedure will cause fetal pain. The woman can accept or reject the anesthesia by signing a form. The ACLU's concern is that there is a lack of scientific evidence as to fetal pain and it is a heavy-handed way to influence women regarding their reproductive rights.

The second bill is **HB 90 "Criminal Homicide Abortion"**. This bill modifies the Utah homicide statute to allow charges to be brought against doctors that provide abortions after the fetus is considered viable. The ACLU is concerned because the bill creates a late term abortion ban. Utah already limits the ability of women to obtain a late term abortion so the effect of this bill is to create criminal liability for doctors. The ACLU's other concern is that with medical advances, what constitutes "viable" continues to change and could have a chilling effect on physicians concerned about criminal liability.

LGBT RIGHTS:

LGBT Rights and the Common Ground Initiative Bills have some real momentum going into this year's legislature. The ACLU stands firmly with our LGBT partners

in support of these bills. They include: expanding health care to include extending insurance benefits to cover an employee's partner; anti discrimination amendments that provide protection for LGBT employees who are terminated due to their sexual orientation or gender identity; fair housing which will protect LGBT individuals from eviction because of sexual orientation or gender identity; wrongful death amendments allowing a partner to sue for negligence or malpractice; a **Domestic Partner Rights and Responsibilities Act** which would create a domestic partner registry and allow inheritance, insurance and fair housing; and a **Joint Resolution to Amend Marriage Provisions of the Utah Constitution**, which would repeal language in the Constitution, Amendment 3, which states "no other domestic union, however denominated, may be recognized as marriage or be given the same or substantially equivalent legal effect."

We will also be pushing for the passage of **Utah Adoption Amendments** put forward by our newest board member Rebecca Chavez Houck. The bill will seek to remove the limitation that prohibits unrelated, unmarried adults from adopting or being foster parents, especially in cases where the

biological parents want a child placed in a particular setting.

Finally, we will fight against **HB 225, "Driver License Amendments,"** which would require proof of sex reassignment surgery from a physician before gender can be changed on a driver's license.

PRIVACY:

Because of concerns of privacy, the ACLU is also working on a bill this session to have Utah opt-out of compliance with the federal Real ID Act and its requirements. There may even be momentum on the federal level to repeal the Real ID Act altogether.

FIRST AMENDMENT:

SB 16 "Prohibited Gang Activities" is before Utah legislators again this year. This bill gives police officers the ability to give dispersal orders to individuals whom they "reasonably believe" to be gang members from areas defined as "anti-gang loitering zones." The ACLU's concern is that these types of anti-loitering laws can lead to racial profiling, as they employ vague terms that officers on the street can use as they see fit against people of their choosing.

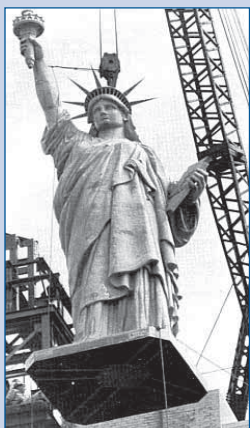
The ACLU of Utah will also work against a bill modeled after legislation in California targeting criminal street gangs, prohibiting the association with or actual membership in a criminal street gang. Once again our concern centers on racial profiling, as well as on the bill's assumption of guilt by association and punishment based on status alone. Unfortunately, California's bill has been upheld as constitutional in California courts. We will carefully monitor the language of the Utah bill to determine its constitutionality and will raise our public policy concerns.

TIME TO PUT LIBERTY BACK IN UTAH

ACLU LOBBY NIGHT

February 5, 2009, 6:00-7:30 p.m.

355 North 300 West, Salt Lake City



Come join us to learn how to lobby your legislators on issues that are important to you and to the ACLU. We will discuss how the legislature works, how citizens can have an impact on their elected representatives and those issues that the ACLU of Utah will be following this legislative session, issues on which we could use your help and how you can help. Refreshments will also be served.

Utah Youth Stand Up For Their Rights!

Announcing the ACLU of Utah's 2009 Youth Activist Scholarship Winners



JAMES JORGEN

We are pleased to announce the winners of our 2009 Youth Activist Scholarship Awards. The winners were selected by a community panel, based on the students' dedication to civil liberties, the challenges they have overcome, and the leadership they have displayed through their actions.

In addition to their cash awards from the ACLU of Utah, the scholarship winners will be honored at our Bill of Rights Celebration on May 16. They also will be entered to win one of 16 \$12,500 scholarships from the national ACLU. Our local scholarship program is in its second year; last year, two local winners won national awards.

From an impressive applicant pool of high school seniors statewide, the following students are honored:

JAMES V. JORGEN

Grand County High School, Moab

Born in Thailand, Jim was adopted and brought to the U.S. at age four. Rather than bow to the discrimination he faced at school, Jim educated others about racial diversity and justice. He is a fierce proponent of students' right to question authority, voice their own opinions and have access to alternative viewpoints. Jim is captain of his school's debate team, and editor of the school

newspaper, for which he writes columns on controversial topics such as sex education and abortion.

MARIAM MEITE

Logan High School, Logan

An African immigrant for whom English is a second language, Mariam believes that one person can – and should – make a difference in combating racism. Mariam initiated dialogues about racism at her high school, and eventually started the Logan High School Multicultural Club. Mariam also volunteers in her community; she has been reading to children at the same day care center for four years.

KRISTIN DOBBIN

West High School, Salt Lake City

Aware of the benefits of being part of the white middle class, Kristin is committed to sharing her privilege with others. She is a vocal advocate for the rights of the disabled, seeking to increase awareness, access and tolerance. Kristin is also actively involved in local politics as president of the West High School Young Democrats.

Special thanks to our Scholarship

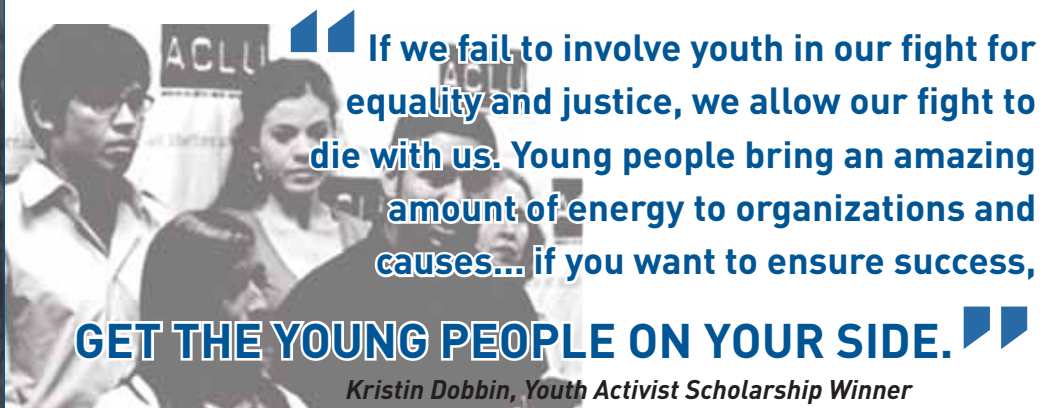
Selection Panel: Laurie Wood (Chair); Rick Okabe; Zain Siddiqui; State Rep. Jackie Biskupski; Marc Hoenig; and Tarek Nosseir.



MARIAM MEITE



KRISTIN DOBBIN



If we fail to involve youth in our fight for equality and justice, we allow our fight to die with us. Young people bring an amazing amount of energy to organizations and causes... if you want to ensure success,

GET THE YOUNG PEOPLE ON YOUR SIDE.

Kristin Dobbin, Youth Activist Scholarship Winner

Join the ACLU of Utah at

Plan-B Theatre's new play about racial injustice

BLOCK 8 centers on Ken, a young Nisei internee at Topaz, who is grappling with whether to enlist in the military to prove his loyalty as a U.S. citizen. He begins a tentative friendship with Ada, a librarian working at the camp whose son is fighting in the Pacific.

Plan-B's resident playwright Matthew Ivan Bennett camped with his family beneath Topaz Mountain throughout his childhood. It's nearly impossible to camp there in the summer - unless you like rattlesnakes, sand blindness, or air-baked lava rock. Matt remembers how he felt when his mother told him Japanese-American citizens were forcibly relocated to a place only a few miles from their campsite. To his young mind, the only reason anyone would be forced to live in the Topaz desert - a beautiful but undeniably brutal place - was cruelty.

Director Jerry Rapier's natural mother was a child in Nagasaki when the bomb fell, ending WWII. A first-generation Japanese-American (Nisei), Jerry did not explore his heritage until adulthood. A move to Utah in 1993 and the discovery of Topaz, the Japanese internment camp located outside Delta, jump-started this exploration. Realizing he could be interned if the camps were open today, Jerry began to understand the internees' confusion.

The final piece of the puzzle fell into place when Matt and Jerry heard an interview with a librarian at Topaz, recorded by her granddaughter: "I worked in those camps. We were there to help those people. It was wartime. Your generation has no idea about what it was like in those days. We couldn't trust them, you see. Not after Pearl Harbor. They understood that, some of them. They knew that their people had betrayed us and that we had to protect America at all costs. They seemed to take it all right. And

afterward, they went home and I went home. So don't you think that it was all some terrible conspiracy against the Asians. It was what had to be done."

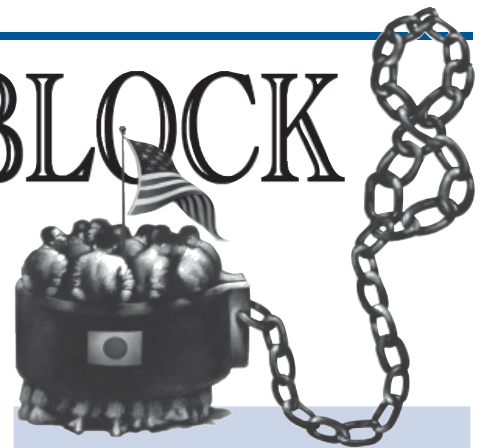
With that, the idea of **BLOCK 8** was born. The play explores the passive racism that allowed the internment to happen, while preserving this little-discussed piece of Utah history.

BLOCK 8 runs from February 20 through March 8 in the Studio Theater at Rose Wagner Performing Arts Center. Ticket information at (801) 355-ARTS or planbtheatre.org

The run of **BLOCK 8 coincides with the 2009 Day of Remembrance, in honor of this painful part of Japanese-American history. For a complete list of other Day of Remembrance Events, visit planbtheatre.org/block8.**



BLOCK 8



2009 Day of Remembrance

The ACLU of Utah is a sponsor of the 2009 Day of Remembrance, recognizing the injustice of the internment of Japanese-Americans during WWII.

Other Official Day of Remembrance Events

*** THROUGHOUT FEBRUARY**
Exhibit of Internment Photos by Dorothea Lange & Ansel Adams Carolyn Tanner Irish Humanities Building Gallery, University of Utah

*** FEBRUARY 21, 11:30 AM**
Free Screening of "The Cats of Mirikitani," Main Salt Lake City Public Library

*** FEBRUARY 21, 1:00 PM**
Free Screening of the "Transcending: The Wat Misaka Story," Main Salt Lake City Public Library

*** FEBRUARY 24, 7:00 PM**
Free Screening of "Topaz" at the Tower Theater; followed by a discussion with filmmaker Ken Verdoia and Rick Okabe of the Topaz Museum.

Challenging the Detention of Immigrant Children

During the summer of 2008, Danielle Hawkes, currently a second year law student at the University of Utah, interned with the ACLU of Utah, where she proved to be a valuable asset, assisting on a variety of legal projects.

While working in our office Dani became particularly interested in the plight of immigrant children and their families who are being detained in prison-like conditions, often for extended periods of time. As a result, she wrote her law school journal note on the Hutto detention facility in Texas, a site that was the subject of an ACLU lawsuit brought to challenge the conditions of confinement of detainees as a breach of basic human rights.

The lawsuit, which charged that children are being imprisoned under inhumane conditions while their parents await immigration decisions, was filed against Michael Chertoff, Secretary of the U.S. Department of Homeland Security (DHS), as well as six officials from U.S. Immigration and Customs Enforcement (ICE). The lawsuit charged that by operating the Hutto facility, ICE violates its duty to meet the minimum standards and conditions for the housing and release of all minors in federal immigration custody set forth in a 1997 settlement agreement in the case of *Flores v. Meese*. Recognizing the vulnerability of children, that settlement established that children should generally be released promptly to family members when possible, that those who do remain in ICE's custody be placed in the least restrictive setting available, and that regardless of where minors are housed, they be guaranteed basic educational, health, and social

benefits and rights. Dani's note will be published in the upcoming edition of the University of Utah S.J. Quinney School of Law's "*Journal of Law & Family Studies*." **An excerpt of Dani's article is included below:**

The ACLU claimed that the facility not only breached basic human rights, but violated a settlement in *Flores v. Meese*, which "established minimum standards and conditions for the housing and release of all minors in federal immigration custody." The ACLU found instead that, in 2007, authorities were holding approximately two-hundred children at Hutto in prison like conditions:

(The Facility) is still functionally and structurally a prison. Children are required to wear prison garb, receive only one hour of recreation a day, Monday through Friday, and some children did not go outdoors in the fresh air the whole month of December... [Children] are detained in small cells for 11-12 hours each day where they cannot keep food and toys and they have no privacy, even when using the toilet.

In March 2007, the ACLU helped bring a lawsuit against Michael Chertoff, Secretary of the Department of Homeland Security (DHS), along with six officials from ICE, charging, "children are being imprisoned under inhumane conditions while their parents await immigration decisions." This lawsuit ultimately settled in August 2007. Significantly, the settlement provided DHS and ICE with a legal mandate to modify Hutto to be more suitable for the children being detained there.

Following the initial court filings,



A child's cell at the Hutto Detention Facility

CCA (Corrections Corporation of America) made improvements to the Hutto facility. "Children [were] no longer required to wear prison uniforms and [were] allowed much more time outdoors. Educational programming [was] expanded and guards [were] instructed not to discipline children by threatening to separate them from their parents." Then, under the settlement agreement, the court ordered more changes and required the facility to be reviewed by the magistrate judge in the case three times over the next two years. These improvements included, but were not limited to, greater mobility within the facility, toys for the children, privacy curtains for showers and toilets, structural improvements such as porcelain fixtures (rather than metal) and wood doors (rather than bars), unlimited family time together during the day, a healthier dietary plan, schooling, arts and crafts, field trips, access to standard street clothing, free access to a library and books, and a more adequately trained staff including mental health professionals, dentists and doctors who are fluent in Spanish when possible. However, although the ACLU and its partners in the Hutto litigation were able to secure substantial benefits for families detained at Hutto, the problem is far from resolved. Congress must step in to complete the process and create an adequate remedy.

Four New Members Add Diversity and Experience to the Board of Directors

Richard Van Wagoner graduated from The University of Utah S.J. Quinney College of Law in 1985. He has been with the law firm of Snow Christensen and Martineau since 1986. His practice areas include criminal defense, commercial litigation and First Amendment issues. He has served as a volunteer cooperating attorney on ACLU of Utah cases including *Weaver v. Nebo School District* (1998) and *East High School PRISM Club v. Cynthia L. Seidel* (2000).

Bonnie McBride Huntsman is a graduate of Brigham Young University with a B.S. in Business Education. She has been actively involved with social and political issues in southern Utah for over 30 years and has been the campaign manager for several legislative candidates. She serves as Office Manager at the law office of Clayton Huntsman in St. George.

We wish to express our deepest gratitude to our four retiring board members: Karen Denton, David Tundermann, Raymond Uno and Laurie Wood.

Representative Rebecca Chavez-Houck holds a B.A. in Journalism and Mass Communication and a Master of Public Administration (MPA), both from the University of Utah. She has been active in a diverse range of Utah non-profit organizations and social justice advocacy for the past twenty-four years. She represents the 24th District in the Utah legislature.

Zain Siddiqui is an immigrant from Pakistan who is majoring in Political Science and Economics at the University of Utah. While in high school he was vice president of the Model United Nations and since graduating has volunteered as a Peer Advisor at the Salt Lake Peer Court. He served as a Hinckley Institute of Politics intern with the ACLU of Utah this past summer and is both knowledgeable and passionate about the Constitution and civil liberties.



Indigent Defense in Utah Investigated
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Caucasian – 93.5% of Utahns are white, compared to a national average of 80.1%. By contrast, people of color are grossly overrepresented in Utah's jails and prisons. For every 100,000 white Utahns, 392 are incarcerated (national average is 412); for blacks, the number is 3,588 (national average, 2290); and for non-white Hispanics, 838 (national average, 742).

As they are most likely to be stopped, detained, charged, convicted and incarcerated – and in need of public defense – individuals of minority racial and ethnic status are most seriously impacted by our under-funded, under-managed and under-monitored public indigent defense system.

In order to build a case to challenge the status quo, the ACLU of Utah has begun collecting information and statistics about indigent defense services from each of Utah's 29 counties. Additionally, the ACLU of Utah is in the process of conducting interviews with attorneys, judges and sheriffs in select counties in order to ascertain the quality of defense provided across the state. Stay tuned for more information about this critical case!

Volunteer Profile: Herta Teitelbaum



The ACLU of Utah would like to honor Herta Teitelbaum who has been volunteering two days a week at our office since February 2007

after retiring from the University of Utah. Herta embodies the spirit of dedicated volunteerism. She has brought a friendly and dynamic professionalism to all of her ACLU projects from civil liberties complaint intake, helping with two annual Bill of Rights Celebrations, researching video production companies and accepting bids to produce a history of the ACLU of Utah, spearheading the creation of a Speakers Bureau, and all of the many small tasks she accomplishes every week. Thank you, Herta!

Actions for Restoring America

How to Begin Repairing the Damage to Freedom in America



Barack Obama has become chief executive of a nation that has been greatly weakened - in particular, our freedoms, our values, and our international reputation have been greatly undermined by the policies of the past eight years.

Presidents have enormous power not only to set the legislative agenda, but also to establish policy by executive order, federal regulation, or simply by refocusing the efforts and emphases of the executive agencies. The new president must use all of these tools to restore our freedoms and move the country forward.

Doing so will require determined action in the face of inevitable opposition. It will not be easy to undo eight years of sustained damage to our fundamental rights. But it can be done.

The first year of any new administration is crucial and sets the stage for what will follow. The new President needs to hit the ground running and to make full use of that first crucial year.

The ACLU has made a list of many of the actions that the new president should take in order to decisively signal a restoration of American values and a rejection of the shameful policies of the

past eight years. Those actions include executive orders as well as mandates or directives from the president to his cabinet secretaries and agency heads.

The ACLU recommends that the top priorities for the Obama administration should be:

- **Stop Torture and Abuse**
- **Close Guantánamo and Restore the Rule of Law for Detainees**
- **End and Prohibit the Practice of Extraordinary Rendition**

The Other top 10 priorities, with ACLU recommended actions, that should be addressed during the first 100 days of the new administration are:

1. Warrantless Spying

Recognize the president's obligation to comply with FISA and other statutes, and prohibit the NSA from spying on U.S. citizens and residents.

2. Watch Lists

Review the watch lists completely within 3 months removing everyone except for whom there is credible evidence of terrorist ties or activities.

3. Freedom of Information

Rescind the "Ashcroft Doctrine" regarding Freedom of Information Act compliance, which instructs agencies to withhold information.

4. Monitoring of Activists

Direct the attorney general and other relevant agency heads (eg, Defense

and Homeland Security) to end government monitoring of political activists.

5. DOJ's Civil Rights Division

Order renewed civil rights enforcement at Civil Rights Division, DOJ.

6. Real ID Act

Direct the Secretary of Homeland Security to suspend the regulations [73 Fed. Reg. 5272] for the Real ID Act pending congressional review.

7. Abortion Gag Rule

Rescind the Executive Memorandum of March 28, 2001, known as the "Mexico City policy" or "Global Gag Rule," prohibiting foreign aid to organizations overseas that promote or perform abortions.

8. Workplace Discrimination

Issue an executive order prohibiting sexual orientation and gender identity discrimination by federal contractors, and to also protect against gender identity discrimination.

9. Death Penalty

Implement a federal death penalty moratorium until racial disparities are addressed.

10. Religious Liberty

Restore fundamental religious-liberty protections by halting Bush Administration efforts to permit direct funding of houses of worship, underwrite religious proselytism with taxpayer dollars, and allow government-funded religious discrimination.

Read the entire ACLU recommendations for the first year of the Obama Administration at <http://www.aclu.org/transition/>

Welcome to Barbara Szweda

Public Policy Advocate

In November, Barbara Szweda, joined the ACLU of Utah as our new Public Policy Advocate. She is excited to utilize her many skills addressing policy issues, creating strategies for working with the Utah legislature, and forming alliances with community organizations and activists.

"I have always stood in awe of the ACLU and feel privileged to be a part of the organization" says Barbara. "Recent government abuse of our Constitution and people's liberties need to be addressed and I am glad that I am able to be a part of that conversation and subsequent action. Prior to coming to the ACLU, I saw that abuse most clearly towards the immigrant population."

Barbara has been deeply involved in advocating for human rights for over 20 years. She graduated from Pepperdine University School of Law, in California, in 1980, and was in private practice in California and Oklahoma before becoming a law professor at the University of Notre Dame in 1990 where she taught courses in poverty law, Immigration law and asylum and refugee law. She also co-directed the Notre Dame Legal Aid Clinic and founded and directed the Notre Dame Immigration Clinic. Barbara received The President's Award for service to the University and local community as well as the "Distinguished Notre Dame Woman Recognition Award" for



Barbara Szweda meets with Hinckley Institute intern Jascha Clark

serving as an outstanding role model to the students.

In 2006, she moved to Salt Lake City to take the position of Director of Immigration for Holy Cross Ministries for a year.

She is the proud mother of two adult children, one of whom, Matthew Gasperetti, was an intern at the ACLU last summer.

Currently, Barbara is helping the ACLU of Utah prepare for the 2009 legislative session, working on an Immigrants' Rights project with community organizations, writing a Utah Student's Rights Handbook, and giving direction to a number of interns on immigration and racial justice projects.

"It is time that our communities in Utah realize that immigrants, documented or not, have constitutional rights in the United States and we at the ACLU of Utah are going to make sure that every one understands how important having those rights can be. I am committed to getting that message out."

Why Immigration?

By Barbara Szweda

At a recent gathering, I was asked why the ACLU of Utah was so passionate about the issue of immigration; didn't we have enough to do protecting the rights of citizens? I paused and realized for the first time that just like many of the non-citizens and undocumented people I had worked with as an immigration attorney, even United States citizens do not realize that the Constitution of the United States protects all PEOPLE. While the government can legitimately control its borders the power to exclude and deport people must be exercised fairly and consistently, subject to our Constitution and the U.S. government's obligations under international law.

I heard one long time ACLU member proclaim that "the Constitution is our real client." The ACLU does defend the Constitution, as well as those others would exclude from the protection of the Constitution. The Constitution guarantees the fundamental rights of due process and equal protection under that law for every person in this country. It is when vulnerable members of our society do not have a voice that the ACLU has stepped in and provided that voice and a reminder of the inclusiveness and protection of the Constitution.

From the colonial days, immigrants have always faced discrimination, hostility and stereotyping by those already here. Since 9/11, the attitude towards immigrants has become even more hostile leading to increased civil rights violations. With the failure of Congress to

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Why Immigration?

Why Immigration?

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pass comprehensive immigration reform to bring an outdated immigration system into the realities of a global age, states have taken it upon themselves to pass their own immigration reform. Such piecemeal reform often fails to consider the protections offered immigrants by our Constitution.

The ACLU of Utah has received a grant from the national ACLU Immigration Rights project to support our outreach and education efforts about the legal rights of immigrants. We are

partnering with faith groups and other organizations to disseminate "know your rights" materials and are increasing our public education outreach events as well.

It is often said that America is a land of immigrants and that this has contributed to our political, economic and cultural strength and is what makes us unique. Utah too is unique in that it was founded by refugees fleeing a country that was persecuting them, seeking a new life to practice their religion. The ACLU of Utah works to ensure that constitutional protections are provided to all, including immigrants here in Utah.



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