

AMERICAN CIVIL LIBERTIES UNION of UTAH

# annual report



# 2012-2013



# in this report

## **ORGANIZATIONAL INFORMATION**

*An overview of our organization and the resources that enable us to pursue this mission. Those resources include our staff, board members and legal panel members who truly are the driving motor of the organization, as well as our financial resources (and related expenditures).*

## **LEGAL ADVOCACY HIGHLIGHTS FROM 2012-2013**

*The ACLU of Utah maintains a robust legal program, with a full-time Legal Director and a full-time staff attorney working in partnership with a committed team of cooperating attorneys throughout the state, and even nationwide. Included in this Annual Report are several news articles about legal challenges and victories from the latter half of 2012 and throughout 2013.*

## **POLICY ADVOCACY HIGHLIGHTS**

*Led by our Legislative & Policy Counsel, the ACLU of Utah keeps a high profile both at the State Capital during the Legislative Session, and around the state in various districts working with elected officials throughout the year. Included in this Annual Report are several news highlights of various policy advocacy campaigns undertaken by the ACLU of Utah, often in partnership with the national ACLU office as part of coordinated nationwide efforts.*

## **EDUCATION AND OUTREACH HIGHLIGHTS**

*As part of our integrated advocacy approach to defending and expanding civil liberties, the ACLU of Utah also seeks to educate and empower the general public about individual rights and various civil liberties issues. To that end, we collaborate often with community partners, government agencies and educational institutions to offer film screenings, panel discussions, trainings, and other opportunities. Included in this Annual Report are some of our promotional fliers and announcements, to give an idea of the educational and outreach work we undertook in the past year.*

## **HOW TO FIND OUT MORE**

*Keep up with all of our latest work online:*

- at our website - **[WWW.ACLUUTAH.ORG](http://WWW.ACLUUTAH.ORG)**
- on Facebook - "like" Aclu Utah
- on Twitter - @acluutah

*Or join us at one of our annual community events:*

- in May at the Bill of Rights Breakfast Celebration
- in August at the Open House & Membership Meeting

## Staff

Executive Director:

**KAREN MCCREARY**

Legal Director:

**JOHN MEJIA**

Legislative & Policy Counsel:

**MARINA LOWE**

Development Director:

**ANNA BROWER**

Staff Attorney:

**LEAH FARRELL**

Office Manager:

**REINARD KNUTSEN**

Operations Coordinator:

**ANGIE STEFANIAK**

Education & Outreach Coordinator:

**LAUREN BURNS**

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Rebecca Chavez-Houck

Chase Clyde

Russ Fericks

Barry Gomberg

Iqbal Hossain

Roderic Land

Alexander McDonald

Tarek Nosseir

Cathleen Power (President)

Catherine Putnam-Netto (Secretary)

David Reymann

Jill Sheinberg

Larry Stevens

Clifton Uckerman

Robert Wood

## Legal Panel

Jensie Anderson (Chair)

Rusty Andrade

Stephen Clark

Laura Kessler

Clemens Landau

Tom Mitchell

Tyson Snow

Karen Stam

Aaron Tarin

David Reymann (Board Rep.)

Mary Woodhead

Parker Douglas

## Volunteers & Interns

Herta Teitelbaum

Angela Andrews

Kathy Abarca

Timothy Groo

Taylor Burton

Lynda Lee

Karen Beltcher

Ann Clark

Alana Schroeder

Diane Keech

Morgan Matthews

Jurnee Clark

Jerek Clark

Cody Egan

Curtis Penfold

Adam Malmberg

Julia Goldman

Zachary Franzoni

Bernard Rodriguez

Nina Wolf

Jason Hardy

Derek Julio

Rebecca Martinez

Maureen Minson

Stephanie Pitcher

Ben Rush

Ali Sadler

Matthew Stern

Lydia Brower

David Brower

Dena Ned

Yoon Hee Hong

Glen Forster

Qill Quist

David Mortensen

Heidi Chamorro

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Falcon Commichaux

Seth Commichaux

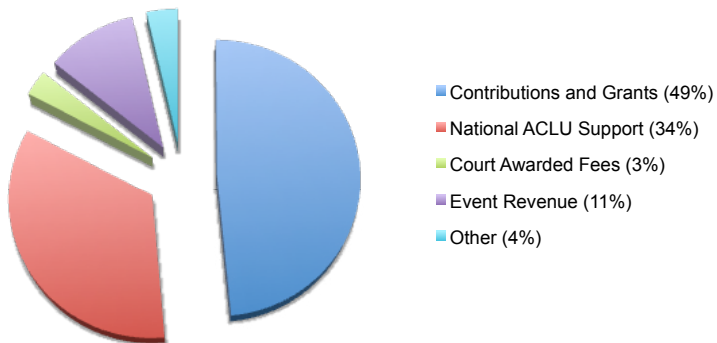
Whitney Banks

## Financial Information

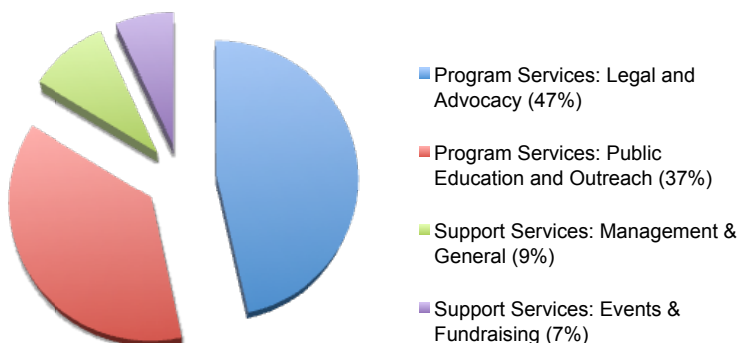
### FISCAL YEAR 2013

(April 1, 2012 - March 31, 2013)

**Support and Revenue (FY13 Total \$773,950)**



**Expenses (FY13 Total \$784,227)**



## CORE STRATEGY:

# legal advocacy

*ACLU of Utah Legal Director John Mejia (far right, in suit), chats with community partners from the Salt Lake County Office of Diversity Affairs at the 2013 Bill of Rights Breakfast Celebration in May.*



The ACLU of Utah litigates and provides amicus assistance in a variety of cases each year and resolves many more issues outside of the courtroom. Due to the dedication and generosity of our volunteer cooperating attorneys, the attentiveness of our staff, and the support of our members and contributors, we have an active legal presence in Utah.

Of course, the ACLU of Utah always seeks to address civil liberties problems, when possible, without having to rely on litigation. Our legal team regularly intervenes through letters, phone calls and collaborative efforts to resolve reported grievances outside of court.

Following this introduction you will find several media highlights since last November, including important legal victories on behalf of the First Amendment, Equal Treatment and Protection and the Eight Amendment.

Among our exciting recent achievements:

- **Our successful defense of Seth Dame, a Utah County youth who was pulled over and cited after flipping off a police officer .**

Seth was merely a passenger in the car that was pulled over after he made his

gesture at the officer. All the occupants were removed from the car and questioned. The judge agreed with the ACLU of Utah's argument that the citation constituted a violation of Seth's right to express - however offensively - his personal views about law enforcement.

- **Our victory against Brigham City on behalf of the Main Street Church of Brigham City, whose members were unlawfully prevented from distributing religious leaflets near the new LDS Temple during its month-long open house.**

The city eventually settled and agreed to amend its unconstitutional "free speech zone" ordinance, so other groups would not similarly be prevented from engaging in lawful First Amendment activity.

- **The Utah Supreme Court threw out Weber County's so-called "gang injunction," a controversial and unconstitutional law enforcement tactic that targeted hundreds of Ogden residents without offering due process.**

After multiple legal challenges, the ACLU of Utah finally scored a significant victory when the Court vacated the injunction, agreeing with our lawyers, who argued

that individuals targeted by the injunction were not given proper notice and sufficient due process to challenge their inclusion in the sweeping injunction.

Additional legal milestones from the past year include:

- **Development of a class-action lawsuit in response to a "gang sweep" at West High School...**
- **Ensuring the return of "In Our Mothers' House" to library shelves in Davis County School District...**
- **A final hearing in our legal challenge to HB 497, Utah's Arizona-style "Show Me Your Papers" law...**
- **A legal victory on behalf of youth activists with iMatter, who sought but were unable to afford a permit for a protest march down State Street...**

...and many more!

**Read on for additional stories, and keep up-to-date by visiting [www.acluutah.org](http://www.acluutah.org).**

## CORE STRATEGY:

# policy & legislative work

*Rep. Rebecca Chavez-Houck (D-Salt Lake), member of the ACLU of Utah Board of Directors, addresses a packed room at the Citizen Lobby Training hosted in January 2013 by the ACLU of Utah and multiple partner community organizations.*



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

Because it is important to challenge unconstitutional proposals before they become laws and official policies, the ACLU of Utah is committed to maintaining a full-time presence during the Legislative Session. Our legislative and legal staff work together closely to review proposed laws, regulations and policies for constitutional issues. The ACLU of Utah also advises and advocates on a variety of issues in other policy settings - with elected officials at the city and county levels, and with administrative agencies that create policies that impact Utahns civil liberties.

We are called upon to investigate, advise upon and advocate for a variety of the most pressing civil liberties issues. Here are a few high profile issues in which we were engaged this year:

- **In response to a flood of reports about no-knock raids, law enforcement use of**

- **deadly force, and the increasing use of SWAT-style tactics, the national ACLU initiated a nationwide records request about police militarization.**

The ACLU of Utah participated in this massive information-gathering effort, requesting records from law enforcement agencies throughout the state. The national report, as well as the Utah-specific report, will be available in 2014.

In addition, the ACLU of Utah worked hard to draw attention to law enforcement surveillance of the public, through license plate scanners and possible future use of military drone technology.

- **Edward Snowden's dramatic leaks of information about NSA spying programs drew renewed attention to - and worry about - the enormous NSA Data Center in Bluffdale, Utah.**

Our office fielded calls from journalists around the nation and even around the world when the story broke, and since then we have been working with our national ACLU staff, as well as local elected officials, to investigate different opportunities for legislative oversight. Ben Wizner, Director of the ACLU's National Speech, Privacy and Technology

Project visited Utah, as well, to talk to local policymakers and ACLU supporters about the implications of the NSA leaks.

- **What appeared to be a promising year for Comprehensive Immigration Reform (CIR) yielded to stalled talks and deadlock in Congress by the end of the year, with little promise for relief for undocumented immigrants living and working in the United States.**

Along with other state ACLU affiliates, our Utah-based team reached out to the state's delegation to the federal government to encourage Utah's representatives and senators to keep the momentum behind CIR. We also mobilized our members and community partners to attend in-district meetings with our federal elected officials, to keep a spotlight on the pressing need for immigration reform.

**Read on for additional stories, and keep up-to-date by visiting [www.acluutah.org](http://www.acluutah.org).**



## CORE STRATEGY:

# public education

*Summer intern Adam Sachs chats with donor Claire Coonan at the ACLU of Utah's Annual Open House and Membership Meeting.*



Public education and community outreach comprise one of the critical spokes of the ACLU's integrated advocacy approach. By informing the public about the pressing civil liberties issues of our times, the ACLU hopes to contribute to the development of an educated, informed and empowered population - which is critical to restraining the power of government.

The audience for our public education efforts are many and diverse:

- **THE GENERAL PUBLIC**, to increase general awareness of and respect for their own constitutional rights - as well as for those of others;
- **RESPECTIVE MINORITY GROUPS** specifically targeted by civil liberties-threatening actions (for example, in this current political moment, Muslim-Americans, and Latino immigrants regardless of immigration status);
- **ELECTED OFFICIALS AND PUBLIC SERVANTS** who are meant to be protectors of the people's rights; and
- **THOSE MEMBERS OF THE PUBLIC** who are particularly supportive of civil liberties issues, so that they might also be

engaged as advocates and allies.

There is never a shortage of ACLU issues about which the public, policymakers and ACLU members want to learn more. In order to meet this demand, we work with a variety of community partners to provide informative, insightful and thoughtful opportunities to examine complex civil liberties issues. For example, some of our key outreach events in 2013 included:

- **The Annual Civil Liberties Forum at Weber State University, a regular collaboration with WSU's American Democracy Project; this year's forum focused on the topic of the "School-to-Prison Pipeline."**

Now in its third year, the Civil Liberties Forum provides students, faculty, staff and members of the surrounding community with an opportunity to hear from local and national experts on relevant civil liberties issues. For the panel discussion on the School-to-Prison Pipeline, ACLU of Utah Legal Director John Mejia was joined by several other local leaders on the topic to discuss the disproportionate disciplinary measures exacted against students of color in Utah's public schools.

- **Sandra Park, a Senior Staff Attorney with the ACLU's Women's Rights Project, visited Utah to share her experiences as co-counsel on the groundbreaking gene patent case brought by the ACLU before the Supreme Court during the 2012-13 term. Named in the lawsuit were the University of Utah and Myriad Genetics, a Utah-based company, which share the patents for several gene mutations known to cause breast and ovarian cancer.**

Sandra Park headlined a lecture event at the University of Utah's S.J. Quinney College of Law, co-sponsored by the College of Nursing, in which she discussed the ACLU's representation of twenty medical organizations, geneticists, and patients in the case, which resulted in a unanimous victory for the ACLU. She also spoke to a group of influential community and industry leaders - all women - about the implications of the ruling for women's health.

**Read on for additional stories, and keep up-to-date by visiting [www.acluutah.org](http://www.acluutah.org).**

# The Salt Lake Tribune

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## Utah city settles with man who flipped off officer

Courts • Police department agrees to train officers about First Amendment.

THE ASSOCIATED PRESS

PUBLISHED: NOVEMBER 16, 2012 12:51PM

UPDATED: MARCH 6, 2013 11:33PM

A man who was pulled over and cited after flipping off a Utah police officer in 2010 has agreed to drop his complaint after the city of Orem agreed to pay him \$2,500 in damages and promised not to ticket anyone else for the obscene gesture.

The American Civil Liberties Union of Utah had threatened a lawsuit on behalf of Seth Dame, saying an officer violated Dame's constitutional right to express himself after Dame flipped him off on June 25, 2010.

"Allowing police to detain and charge people for impolite behavior would grant police wide discretionary power to harass people they do not like," said John Mejia, legal director of the ACLU of Utah, in a statement Thursday. "Any police overstep of power to crack down on expression, even rude expression, is therefore worth serious attention."

The city declined to prosecute the case, but ACLU claimed the incident violated Dame's First Amendment free-speech rights and his Fourth Amendment protection against unlawful search and seizure.

In the settlement, Orem agrees it shouldn't have stopped Dame solely for giving the finger, and won't do so in the future. The police department also agreed to continue training its officers about First Amendment protection.

"We do view this as a one-time, isolated incident, and don't anticipate it happening it again," Orem City Attorney Greg Stephens said.


The settlement provides \$2,500 in attorneys' fees to the ACLU, and \$2,500 in damages to Dame.

Officials with the Orem city Attorney's Office didn't immediately return a request for comment Thursday.

The ACLU notes similar cases have been settled in Pennsylvania and Kansas.

"Various courts have concluded that using your middle finger to express discontent or frustration is expressive conduct protected by the First Amendment," Mejia said. "We are very pleased that Orem has responded to our efforts to ensure that everyone's free-speech rights are protected."

# Brigham City won't enforce ordinance, but ACLU won't drop suit

 standard.net

BRIGHAM CITY -- A federal lawsuit filed by the American Civil Liberties Union against Brigham City's free speech zone ordinance remains active, despite the city's agreement late Thursday not to enforce the ordinance.

The suit was filed Tuesday on behalf of Main Street Church of Brigham City by the Utah chapter of the ACLU.

With the agreement reached at 6:30 p.m. Thursday, church members ventured into the area previously banned by the ordinance, the west side of The Church of Jesus Christ of Latter-day Saints' Brigham City temple. That site is where buses have been unloading as many as 18,000 people a day since the temple open house for public tours began Aug. 18.

The agreement was reached between the law firm of Snow, Christensen & Martineau, which represents Brigham City, and the ACLU, said legal director for the ACLU John Mejia in a phone interview with the Standard-Examiner late Thursday night.

As a result, representatives of Main Street Church are permitted to hand out literature on all public sidewalks surrounding the temple, Mejia said. The ordinance had previously limited the church members to the sidewalks on the north and south sides of the temple.

Main Street Church agreed to limit the number of its representatives to four on each side of the street.

The ACLU and Main Street Church continue to contend that the ordinance is unconstitutional and that it should be completely struck down by the court. They have not conceded that any past enforcement of the ordinance was constitutional.

"We are thrilled that our clients are no longer being banned from public sidewalks merely because they would like to express their views, assemble, and freely exercise their religion," Mejia said in a prepared statement.

The agreement canceled a hearing scheduled Friday morning before a federal judge in Salt Lake City, where the ACLU was seeking a court order suspending the ordinance.

ACLU officials said Friday morning's hearing on the motion would likely be rescheduled within a few months after the city's lawyers file a formal response. Heather White and Richard VanWagoner, the lawyers from Snow, Christensen & Martineau hired through the city's insurance carrier to defend the lawsuit, were not immediately available for comment.

"Until the ordinance is off the books or rewritten, we will continue to fight it," Mejia said. "Having to ask the government for a permit to engage in free speech is not constitutional."

City officials have also agreed to give the ACLU 10 days notice if they decide to enforce the ordinance again, Mejia said.

"We find that the language of the ordinance in defining protest describes basically any activity that expresses a view ... a heated conversation with a friend," said Leah Farrell, staff attorney with the Utah ACLU chapter.

"With the Brigham City Temple Open House ending (today), in its effort to avoid costly litigation the City has agreed temporarily not to enforce its Free Speech Ordinance so long as the Main Street Church agrees to limit its participation on each side of the Temple to four protesters," Brigham City spokesman Rick Bosworth said in a statement released Friday morning. "Main Street Church also expressly agrees that all persons who are present on its behalf shall not interfere with or cause disruption with vehicular traffic, the flow of pedestrian traffic on the sidewalks or the flow of pedestrians as they enter and depart from buses and move between the buses and private property."

"All remaining laws and ordinances remain in effect. The city maintains that its Free Speech Ordinance meets all constitutional protections while advancing its compelling interest in public safety."

## More Stories from ACLU

## From Around the Web



## 'Gang sweep' at West High leads to a proposed class-action suit

Courts • Complaint states students' detention violated their civil liberties.

BY BROOKE ADAMS THE SALT LAKE TRIBUNE

PUBLISHED DECEMBER 14, 2012 8:56 AM

This is an archived article that was published on sltrib.com in 2012, and information in the article may be outdated. It is provided only for personal research purposes and may not be reprinted.

The American Civil Liberties Union filed a proposed class-action lawsuit Thursday over a "gang sweep" two years ago at West High School in Salt Lake City, during which between 14 and 40 students of color were detained, questioned and falsely accused of being gang members.

Defendants in the complaint filed in U.S. District Court are the police departments for Salt Lake City, West Jordan and West Valley cities; the Unified Police Department's Metro Gang Unit, Salt Lake County and Salt Lake City School District officials.

The lawsuit alleges the action violated state and federal constitutional rights. It was filed by the local and national offices of the ACLU, who are representing the father of one boy detained in the sweep.

Jason Olsen, spokesman for the Salt Lake City School District, said the district doesn't comment on lawsuits or litigation. Detective Mike Hamideh, spokesman for the Salt Lake City Police Department, also declined comment.

According to the complaint, a gang task force of 16 officers interrogated students at West High School in December 2010 and put information about them in a gang database that potentially could subject them to additional police scrutiny. The complaint says police denied students' requests to call their parents or leave the room. It also alleges the district's anti-gang policy is unconstitutionally vague.

Kaleb Winston, then 14 and a freshman at West High, was among the students questioned. Two plain-clothed officers approached him in the cafeteria and asked to speak to him; the teenager thought they were teachers. The officers took Winston to a nearby room and accused him of graffiti vandalism, which the teen denied.

As the questioning continued, Winston got upset and tried to leave but an officer told him to "quit acting tough" and grabbed his arm, leaving a small red bruise. He was then taken to a detention room, where officers searched his graffiti-patterned backpack and questioned him about drawings on a sketch pad he used in an art class, claiming the images resembled gang insignia.

Winston, who is bi-racial, denied any gang affiliation, but the officers accused him of tagging sites around the school. They made the boy hold a plate like those used when offenders are booked into jail that read, "My name is Kaleb Winston and I am a gang tagger." Officers then told the teen they would keep a file on him.

The boy's parents said he was in tears when he arrived home after school and felt bullied by police.

A police spokesman said at the time that the school had asked the city's gang unit for help because of an increase of graffiti and "gang attire" at the campus, and the officers' goal was to make contact with students and steer them in the right direction.

When Kevin Winston and his wife Lisa objected to how their son was treated, they were told his blue clothing and style of dressing — baggy basketball shirts and basketball shoes — signaled he was the "type" to be a gang member. The complaint says officers told Kaleb's mother that the purpose of the raid was address a "problem with the Mexicans" at West High and that she had "her head up her ass" if she did not know her son was a gang tagger. They suggested he changed clothes when not home to fool them.

At the time, Kaleb worked in the school cafeteria, was a referee for the county's recreational Junior Jazz basketball program and had won an academic award for improving his grades. He has no juvenile record.

But the experience affected him. His grades have fallen and he had given up drawing. Kaleb temporarily transferred out of West High, but has since returned and is now a junior at the school. He fears police and struggles with his racial identity now, the complaint states.

"I am bringing this case because I want to help make sure that what happened to me doesn't happen to any other student," Kaleb Winston said in a press release.

All of the students questioned in 2010 were of Latino, African-American or Pacific Island descent, the complaint states.

"Schools should be a place where everyone can learn and grow, not a location where students of color are targeted and harassed," said Courtney Bowie, senior staff attorney with the ACLU Racial Justice Program, in a statement announcing the lawsuit.

brooke@sltrib.com —

#### Pattern of profiling?

The ACLU said the Utah case is part of a national pattern of criminalizing students of color, exemplified in a report it presented to a U.S. Senate subcommittee this week that shows more than 70 percent of students referred to law enforcement by schools are African-American or Latino.

That pattern also is reflected in data presented Thursday in Utah to the state's Commission on Criminal and Juvenile Justice. That data show that statewide, minority youth are arrested at a rate that is 68 percent higher than that for white youth.

The arrest rate for African-American youth is more than three times higher than for white youth, and has risen steadily since fiscal year 2008. The statewide rate for Latino youth has declined slightly since 2008, but Latino teens are arrested at a rate that is 84 percent higher than that for white youth.

Minority youth also are referred to diversion programs at a lower rate statewide than white youth, which means they appear in juvenile court more often.

Brooke Adams

## Same-sex parents book returned to school library shelves in Davis County

By Benjamin Wood , Deseret News  
Published: Monday, Jan. 14 2013 5:12 p.m. MST



Book cover for "In Our Mothers' House" by Patricia Polacco (Peter Samore)

KAYSVILLE — Following a lawsuit from the American Civil Liberties Union, the Davis School District has returned a controversial book about same-sex parents to school library shelves.

"In Our Mothers' House" by Patricia Polacco was removed from shelves and placed behind library counters after a group of parents petitioned the district to review the book's content. Parental permission was then required for a student to check out the book.

In a letter dated Jan. 11 and released by the ACLU of Utah, Davis School District Assistant Superintendent Pamela Park states said the decision to remove "In Our Mothers' House" was made without her final review, contrary to district policy. She also states that the district can preserve a parent's right to direct the upbringing of their children in a way that is less restrictive to other parents and students.

The letter instructs librarians to return the book to library shelves and in place of requiring parent permission to access the book, parents who object to the book may contact librarians and place a restriction on their children.

"The district's computerized library system is capable of maintaining individual parent requests to limit their child's access to particular materials," the letter from Park states. "With this system, parents may ensure that their child does not check out material which a parent has determined is not appropriate for their own child."

John Mejia, legal director for the ACLU of Utah, said the lawsuit against the district is still pending. While the book has been returned to library shelves, the lawsuit also asks the court to clarify whether the state's sex education law banning advocacy of homosexuality can be applied to library books — a claim the district cited as part of its decision to remove the book.

He said the ACLU also hopes to reach an agreement with the district to ensure that other books are not improperly restricted in the future.

"We were glad that they reconsidered their decision," Mejia said. "We are hopeful that a settlement will be possible."

The ACLU filed the lawsuit on behalf of Tina Weber, a mother whose children attend one of the schools where the book was removed. In a prepared statement, Weber responded to the district's reversal by saying she was glad the district understands the mistake it made.

"A small group of people shouldn't be able to impose their personal values on everyone else by taking away access to books they might disagree with," she said. "It's not their job to decide what my kids can read — that's my job as a parent."

District spokesman Chris Williams said that out of the district's 86 schools, four elementary schools own a copy of the book and in those schools it has been returned to library shelves.

He also confirmed that students will no longer be required to secure their parent's permission to access the book, but parents who wish to restrict their children from reading "In Our Mothers' House," or other books they find objectionable, are able to do so.

"They are still in the driver's seat," he said.

*E-mail: [benwood@desnews.com](mailto:benwood@desnews.com)*

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## Judge grills state on purpose of Utah's immigration law

Enforcement only • Case taken under advisement, but many expect statute to be thrown out or scaled back.

BY DAVID MONTERO THE SALT LAKE TRIBUNE

PUBLISHED FEBRUARY 16, 2013 11:59 AM

This is an archived article that was published on sltrib.com in 2013, and information in the article may be outdated. It is provided only for personal research purposes and may not be reprinted.

Over the course of two hours Friday, U.S. District Judge Clark Waddoups asked a variation on the same question several times to Utah Assistant Attorney General Phil Lott about the state's enforcement-only immigration law.

"[You] have the same right to do what you're already doing, so why do we need this statute?" Waddoups asked.

Lott said HB497 was a "complement" to federal law — a statute that reinforced a cooperative partnership between U.S. Immigration and Customs Enforcement and local police designed to nab illegal immigrants.

Lawyers with the Justice Department and the National Immigration Law Center argued it promotes warrantless arrests, creates confusion among police amid a patchwork of criminal classifications across 50 states and endangers legal residents who may unknowingly violate the law by taking an undocumented immigrant child to school.

"We think the judge had real questions for the state today," NILC attorney Karen Tumlin said. "To make sure individuals aren't deprived of their liberty without probable cause for their arrest."

Waddoups — who ordered the oral arguments as well as a series of briefs in the wake of the U.S. Supreme Court ruling on Arizona's enforcement-only law, SB1070 — will now weigh everything and issue a ruling. He gave no time frame for issuing a ruling.

In the meantime, the law passed by the Utah Legislature in 2011 and sponsored by former Rep. Stephen Sandstrom, R-Orem, remains under an existing restraining order keeping it from taking effect.

The law was signed — along with four other bills — by Gov. Gary Herbert that same year amid a rising tea-party movement to crack down on illegal immigration and little sign of comprehensive immigration reform coming from the federal government.

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## ACLU of Utah files federal lawsuit over use of tear gas in prison's mental health unit

ACLU of Utah says gas used in mental-health unit to subdue prisoner spread to enclosed cells.

BY BROOKE ADAMS THE SALT LAKE TRIBUNE

PUBLISHED JUNE 3, 2013 8:55 PM

This is an archived article that was published on sltrib.com in 2013, and information in the article may be outdated. It is provided only for personal research purposes and may not be reprinted.

The ACLU of Utah filed a federal lawsuit Monday alleging constitutional rights of inmates housed in the mental-health unit at the Utah State Prison were violated when tear gas used to subdue one inmate spread into other enclosed cells.

Correctional officers fired tear gas on Aug. 3, 2011, after one inmate refused to return to his cell from a courtyard, according to the complaint filed in U.S. District Court for Utah. The gas was pumped through air vents into the fully enclosed cells of other inmates, causing burning eyes, lungs and skin. Many inmates thought the wing was on fire.

"We commonly heard that people thought they were going to die," said John Mejia, legal director for the ACLU of Utah Foundation. "We think the circumstances of the case amount to the use of cruel and unusual punishment."

The complaint says that as tear gas infiltrated cells, inmates began "desperately trying to get the attention of prison officials by, among other things, kicking, screaming, and repeatedly pressing their emergency response buttons" but officers ignored the calls for assistance.

"Consequently, inmates had no idea what was happening to them," the complaint states. "Adding to the prisoners' distress, prison officials came into the Olympus wing wearing gas masks and at least one official laughed at the prisoners' inability to breathe."

The inmates were kept in their cells for 20 minutes to 30 minutes before prisoners in two blocks were let out and taken to an outside courtyard; inmates in two other blocks were not released from their cells.

Five inmates who were housed in the Olympus mental health unit are named as plaintiffs in lawsuit. One of the inmates is no longer incarcerated.

The five plaintiffs are representing all current prisoners housed at Olympus and approximately 150 male prisoners who were housed there and exposed to the tear gas.

Mike Haddon, a deputy director for the Utah Department of Corrections, said he could not comment on the allegations because of the ongoing litigation.

However, speaking generally, Haddon said that spray is used infrequently at Olympus and is typically deployed to avoid having to go "hands on" and to decrease injury to inmates and staff.

"Our goal is to keep everybody safe," he said.

The Olympus unit houses up to 230 inmates with "more severe" mental illnesses that require psychotropic medication and close supervision and inmates with age-related health infirmities. In addition to the ACLU of Utah, private attorney Karra Porter is representing the inmates. The Disability Law Center of Utah also is lending its support to the lawsuit, Mejia said.

The prison warden, a captain who was on duty and supervised the response and an officer who responded are named as defendants.

Mejia said use of tear gas to control a single misbehaving inmate was inappropriate, "especially when it could get into the air vents, which is what happened," he said.

The use of tear gas "was not a good faith effort to restore discipline and order but was used sadistically for the very purpose of causing harm," the complaint alleges.

The complaint says some inmates who were brought outside were called "sissies" and were told they should only seek medical attention if it was an emergency and that they would have to pay for any care. Tear gas continues to irritate skin and lungs unless washed off, the complaint says. Officers told the inmates that counselors would be available to meet with them, but none was actually provided.

At the time, prisoners in the Olympus unit who were capable of working earned 40 cents per hour; the prison charged \$1 to fill out a request to see a doctor and \$4 to actually see a doctor. A nurse who met with inmates said the gas effects would go away in time; only a few inmates sought care at the prison infirmary, according to the court document.

"We don't think [the inmates] were provided with adequate care for their physical or mental well-being," Mejia said.

Officers also "threatened inmates with future 'gassings' and told them that 'this is what you get for misbehaving,'" the complaint says.

Telephones in the wing were shut down for approximately two days after the gassing episode, which the complaint alleges was done to "conceal the gassing incident from the public, or as an implicit threat against prisoners if they discussed the incident with others." The complaint also alleges that the captain in charge that day misrepresented the medical care inmates received and the scope of the incident in reports to prison administrators.

The complaint says that current prison policy does not appear to prohibit use of chemical agents in response to misconduct by a single prisoner.

"The reason we are bringing the complaint is that it is not clear to us whether this could repeat itself due to [the prison's] policies and practices," Mejia said. "If there is no clear policy for the use of tear gas one needs to be established, particularly in the Olympus wing, which has especially vulnerable inmates living there."

The complaint also questions whether use of chemical agents in the wing is appropriate and constitutional given the mental and physical health conditions of inmates housed there.

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June 13, 2013

# Justices, 9-0, Bar Patenting Human Genes

By ADAM LIPTAK

WASHINGTON — Human genes may not be patented, the Supreme Court ruled unanimously on Thursday. The decision is likely to reduce the cost of genetic testing for some health risks, and it may discourage investment in some forms of genetic research.

The case concerned patents held by Myriad Genetics, a Utah company, on genes that correlate with an increased risk of hereditary breast and ovarian cancer. The patents were challenged by scientists and doctors who said their research and ability to help patients had been frustrated.

After the ruling, at least three companies and two university labs said that they would begin offering genetic testing in the field of breast cancer.

“Myriad did not create anything,” Justice Clarence Thomas wrote for the court. “To be sure, it found an important and useful gene, but separating that gene from its surrounding genetic material is not an act of invention.”

The course of scientific research and medical testing in other fields will also be shaped by the court’s ruling, which drew a sharp distinction between DNA that appears in nature and synthetic DNA created in the laboratory. That distinction may alter the sort of research and development conducted by the businesses that invest in the expensive work of understanding genetic material.

The decision tracked the position of the Obama administration, which had urged the justices to rule that isolated DNA could not be patented, but that synthetic DNA created in the laboratory — complementary DNA, or cDNA — should be protected under the patent laws. In accepting that second argument, the ruling on Thursday provided a partial victory to Myriad and other companies that invest in genetic research.

The particular genes at issue received public attention after the actress Angelina Jolie revealed in May that she had had a preventive double mastectomy after learning that she had inherited a faulty copy of a gene that put her at high risk for breast cancer.

The price of the test, often more than \$3,000, was partly a product of Myriad’s patent, putting it out of reach for some women.

That price “should come down significantly,” said Dr. Harry Ostrer, one of the plaintiffs in the case, as competitors start to offer their own tests. The ruling, he said, “will have an immediate impact on people’s health.”

Myriad’s stock price was up about 10 percent in early trading, a sign that investors believed that parts of the decision were helpful to the company. But the stock later dropped, closing the day down by more than 5 percent.

In a statement, Myriad’s president, Peter D. Meldrum, said the company still had “strong intellectual property protection” for its gene testing.

The central question for the justices in the case, *Association for Molecular Pathology v. Myriad Genetics*, No. 12-398, was whether isolated genes are “products of nature” that may not be patented or “human-made inventions” eligible for patent protection.

Myriad’s discovery of the precise location and sequence of the genes at issue, BRCA1 and BRCA2, did not qualify, Justice Thomas wrote. “A naturally occurring DNA segment is a product of nature and not patent eligible merely because it has been isolated,” he said. “It is undisputed that Myriad did not create or alter any of the genetic information encoded in the BRCA1 and BRCA2 genes.”

“Groundbreaking, innovative or even brilliant discovery does not by itself satisfy the criteria” for patent eligibility, he said.

Mutations in the two genes significantly increase the risk of cancer. Knowing the location of the genes enabled Myriad to develop tests to detect the mutations. The company blocked others from conducting tests based on its discovery, filing patent infringement suits against some of them.

“Myriad thus solidified its position as the only entity providing BRCA testing,” Justice Thomas wrote.

Even as the court ruled that merely isolating a gene is not enough, it said that manipulating a gene to create something not found in nature is an invention eligible for patent protection.

“The lab technician unquestionably creates something new when cDNA is made,” Justice Thomas wrote.

He also left the door open for other ways for companies to profit from their research.

They may patent the methods of isolating genes, he said. “But the processes used by Myriad to isolate DNA were well understood by geneticists,” Justice Thomas wrote. He added that

companies may also obtain patents on new applications of knowledge gained from genetic research.

Last year, a divided three-judge panel of a federal appeals court in Washington ruled for the company on both aspects of the case. All of the judges agreed that synthesized DNA could be patented, but they split over whether isolated but unaltered genes were sufficiently different from ones in the body to allow them to be protected. The majority, in a part of its decision reversed by the Supreme Court, said that merely removing DNA from the human body is an invention worthy of protection.

“The isolated DNA molecules before us are not found in nature,” Judge Alan D. Lourie wrote. “They are obtained in the laboratory and are man-made, the product of human ingenuity.”

Long passages of Justice Thomas’s opinion read like a science textbook, prompting Justice Antonin Scalia to issue a brief concurrence. He said the court had reached the right result but had gone astray in “going into fine details of molecular biology.”

“I am unable to affirm those details on my own knowledge or even my own belief,” Justice Scalia wrote.

The ruling on Thursday followed a unanimous Supreme Court decision last year that said medical tests relying on correlations between drug dosages and treatment were not eligible for patent protection.

Natural laws, Justice Stephen G. Breyer wrote for the court, may not be patented standing alone or in connection with processes that involve “well-understood, routine, conventional activity.”



## **ACLU files brief against Utah gay marriage ban**

OCTOBER 17, 2013 12:41 PM

The American Civil Liberties Union has filed a friend-of-the-court brief supporting a challenge of Utah's same-sex marriage ban.

The brief, filed Thursday, argues that the constitutional amendment and other laws that discriminate based on sexual orientation should be subjected to heightened scrutiny.

ACLU Utah legal director John Mejia said in a statement that the law denies loving, committed couples the protection and dignity of marriage.

The motion comes less than a week after attorneys for the state filed motions defending the ban, saying it promotes the state's interest in "responsible procreation" and the "optimal mode of child-rearing."

The state's motions note Utah is the most-married and "child-centric" state in the nation, and the state has a right to set as policy an "age-old and still predominant" definition of marriage.

# The Salt Lake Tribune

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## Utah Supreme Court throws out Ogden gang injunction

Injunction • Supreme Court says county can't ban Trece members from associating.

BY ERIN ALBERTY

THE SALT LAKE TRIBUNE

PUBLISHED: OCTOBER 19, 2013 02:15PM

UPDATED: OCTOBER 19, 2013 03:09PM

The Utah Supreme Court has thrown out Weber County's anti-gang injunction forbidding members of the Trece gang from associating with each other in public.

In a ruling issued Friday, the court found that the county did not properly serve summons to members of the gang. Five members of the gang were personally served with the summons and complaint, but the court ruled that the county never explained how those members were the equivalent of "officers" or "agents" of the organization, as required by law.

The injunction, which was granted preliminarily in September 2010 and became permanent on Aug. 20, is intended to curb gang activity in Ogden. Weber County prosecutors call the gang a nuisance and say the injunction is appropriate.

The injunction prohibited identified gang members from associating with each other in public, possessing weapons or graffiti tools and sets an 11 p.m. curfew, among other restrictions.

Some members of the gang challenged the injunction, claiming it denied their constitutional right to associate.

But the Supreme Court did not address the injunction's constitutionality. It instead voided the injunction because of the county's procedure of trying to put the gang on notice.

"This isn't a sweeping civil rights victory for Ogden Trece or a finding that their rights were even violated at all," said Deputy Weber County Attorney Branden Miles. "It's a technical decision on a rule of civil procedure."

To properly serve an "unincorporated association," such as a gang, the county is required to personally deliver a copy of the summons and complaint to "an officer or managing or general agent" — or the equivalent — of the gang.

A Trece member, Duane Dreamer, had testified that a management structure does exist in the gang, with "shot-callers" giving orders to other members. But the court found that the county never established whether the five members served were "shot callers" or whether the "shot callers" were the equivalent of an "officer" or an "agent."

"Service on mere members ... is inadequate," the opinion states.

A district judge also allowed the county to serve the gang by publicizing the summons and complaint in a newspaper. But the Supreme Court ruled that type of notification should be a last resort, used only after a diligent effort to identify and serve an officer or agent.

"The county simply relies on its bald assertion that Trece has no known management structure" — despite presenting Dreamer's testimony that "shot-callers" exist in the gang, the court ruled.

Attorney Michael Studebaker, who defended one of the accused Trece members, said the victory was not a small matter of procedure.

"The reason you have to serve each person is that they have to be able to come in and defend themselves," Studebaker said.

In a press statement, the ACLU of Utah said Weber County's tactics amounted to "binding hundreds of individuals without having to name any of them."

"We are thrilled that the Court vacated this misguided, overbroad, and constitutionally suspect law enforcement tactic and recognized that the process Weber County used to obtain the injunction was fundamentally flawed," said David Reymann, a cooperating attorney with the ACLU of Utah. "The constitution demands that parties whose rights will be affected must be given a meaningful day in court, and that simply did not happen."

Miles said the county plans to re-serve a summons with more documentation showing the obstacles to identifying the gang's officers.

"We couldn't really identify a management structure because it was so fluid," said Jon Greiner, who was Ogden police chief when the injunction was created in 2010.

Even if it were stable, members aren't likely to name names, Miles said.

"When you walk up to a Trece member and ask, 'Who's your boss?' they either won't answer the question or they will laugh," he said.

The ACLU is prepared for another fight over the injunction's constitutionality, said John Mejia, legal director for the ACLU of Utah.

"Because the Court did not reach the merits of the injunction ... this may only be the beginning of a longer fight," Mejia said.

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# The Salt Lake Tribune

## Federal judge rules UDOT curbed marchers' free speech rights

He says agency went too far requiring \$1M in insurance for climate-change marchers.

BY BROOKE ADAMS | THE SALT LAKE TRIBUNE

PUBLISHED: NOVEMBER 5, 2013 08:41PM

UPDATED: NOVEMBER 5, 2013 08:57PM

A federal judge has ruled that the Utah Department of Transportation's permit requirements violated free-speech rights of two groups who wanted to stage marches on State Street to raise awareness about climate change.

U.S. District Judge Robert J. Shelby said UDOT went too far when it required iMatter Utah and Positive Change Utah to get insurance coverage of at least \$1 million and indemnify the department and the state in order to get permits to use the public roadway, finding the requirements "suppress more speech than is permissible under the narrowly tailored test."

UDOT had argued that its restrictions were aimed at public safety and were constitutionally sound since groups who could not afford a permit could move their events to the sidewalk or adjacent streets.

But Shelby noted neither sidewalks nor other roads carry the "deep historical and political significance" of State Street, which passes the State Capitol, the U.S. Federal Building, the state courthouse and the Salt Lake City and County Building.

"It is unlikely that a street march on an adjacent roadway would be as symbolic or as effective as a march down State Street," Shelby said in his decision.

The insurance requirement may be uniformly applied to all permit applicants, but the burden is greater on groups with controversial messages since insurers may base rates on the content of the group's speech, Shelby said. UDOT's regulation also is too open-ended because it fails to specify what types of incidents the policy had to cover.

Shelby said decisions in many other courts — in cases ranging from the Ku Klux Klan to nuclear freeze advocates — have found financial and insurance requirements that overly burden First Amendment rights to be unconstitutional.

The ACLU of Utah and the Utah Legal Clinic represented both groups, which tried in 2011 to stage marches along State Street. UDOT maintains the roadway.

"The court's ruling sends a strong signal that the First Amendment is alive and well, and government agencies must take great care in burdening free-speech activities," said John Mejia, legal director for the ACLU of Utah.

Stewart Gollan, of the Utah Legal Clinic, said UDOT's insurance requirement created a two-tiered system for speakers.

"Those who could afford insurance could march on the street," he said. "And those without the means to pay were relegated to the sidewalk."

Now, he added, "everyone can make their voice heard on State Street, regardless of income."

iMatter Utah sued UDOT after it declined to approve its request for a permit for a May 7, 2011, "marade" — march and parade — about climate change. The group planned to have participants walk from the federal courthouse at 125 S. State St. to the Live Green Salt Lake City Festival at Library Square.

But UDOT refused to issue a permit unless the group got an insurance policy and signed liability waivers from each participant, something it said is required of all groups. In its subsequent lawsuit, iMatter said it could not afford a policy, estimated to cost at least \$2,500.

After failing to get a temporary restraining order allowing it to use the street, iMatter staged its march on the public sidewalk.

In September 2011, iMatter held a second march — this time walking from the State Capitol to the City and County Building — and again stayed on sidewalks after UDOT denied its request for a permit. By then, UDOT had revised its policy to require organizers to



Robert Shelby was confirmed by the U.S. Senate on Saturday as the newest judge on the federal bench in Utah. He was nominated for the vacancy last December. Courtesy image.

indemnify the department and state.

Months later, Alex Mateus, of Positive Change Utah, ran into the same obstacle. Mateus tried to organize a march for Oct. 8, 2011, that would have begun with a rally at the Utah Capitol. Participants then would have proceeded down State Street to the City and County Building at 451 S. State, where a second rally was planned.

Mateus received a free expression permit from Salt Lake City in August but was told he also needed a permit from UDOT.

UDOT then told Mateus he would need insurance coverage for the event, which, according to the lawsuit Mateus later filed, would have cost from \$300 to \$500. It also wanted a signed release indemnifying the department and state. Mateus, who was unemployed and unable to pay for insurance, cancelled the event.

The groups claimed that in addition to violating free-speech rights, UDOT's policy breached due process rights because it did not include alternatives for organizations that couldn't afford to pay for insurance.

Shelby said UDOT's policy failed to taken into account the wide variation in events — from political rallies to marathons — that might need a permit and thus insurance. It also provides no avenues to obtain a waiver of the insurance requirement. In addition, event organizers have “no way to determine how much liability she is exposing her organization to by signing the indemnification form,” which could deter some groups from exercising free-speech rights.

The judge also pointed out that it was unclear why the state has a greater need to protect itself from liability than Salt Lake City does, which does not require march organizers to get insurance.

“If the state is concerned about its financial risk from free-speech events, there is no reason that the state could not purchase its own insurance policy,” Shelby said in his decision.

John Gleason, spokesman for UDOT, said the department is reviewing the decision.

“Our primary concern is protecting both motorists and those applying for a permit,” Gleason said. “At the same time, we want to make sure that we are fair. We will continue to review the court's decision and determine where to go from here.”

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## CORE STRATEGY:

# policy & legislative work

*Rep. Rebecca Chavez-Houck (D-Salt Lake), member of the ACLU of Utah Board of Directors, addresses a packed room at the Citizen Lobby Training hosted in January 2013 by the ACLU of Utah and multiple partner community organizations.*



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

Because it is important to challenge unconstitutional proposals before they become laws and official policies, the ACLU of Utah is committed to maintaining a full-time presence during the Legislative Session. Our legislative and legal staff work together closely to review proposed laws, regulations and policies for constitutional issues. The ACLU of Utah also advises and advocates on a variety of issues in other policy settings - with elected officials at the city and county levels, and with administrative agencies that create policies that impact Utahns' civil liberties.

We are called upon to investigate, advise upon and advocate for a variety of the most pressing civil liberties issues. Here are a few high profile issues in which we were engaged this year:

- **In response to a flood of reports about no-knock raids, law enforcement use of**

- **deadly force, and the increasing use of SWAT-style tactics, the national ACLU initiated a nationwide records request about police militarization.**

The ACLU of Utah participated in this massive information-gathering effort, requesting records from law enforcement agencies throughout the state. The national report, as well as the Utah-specific report, will be available in 2014.

In addition, the ACLU of Utah worked hard to draw attention to law enforcement surveillance of the public, through license plate scanners and possible future use of military drone technology.

- **Edward Snowden's dramatic leaks of information about NSA spying programs drew renewed attention to - and worry about - the enormous NSA Data Center in Bluffdale, Utah.**

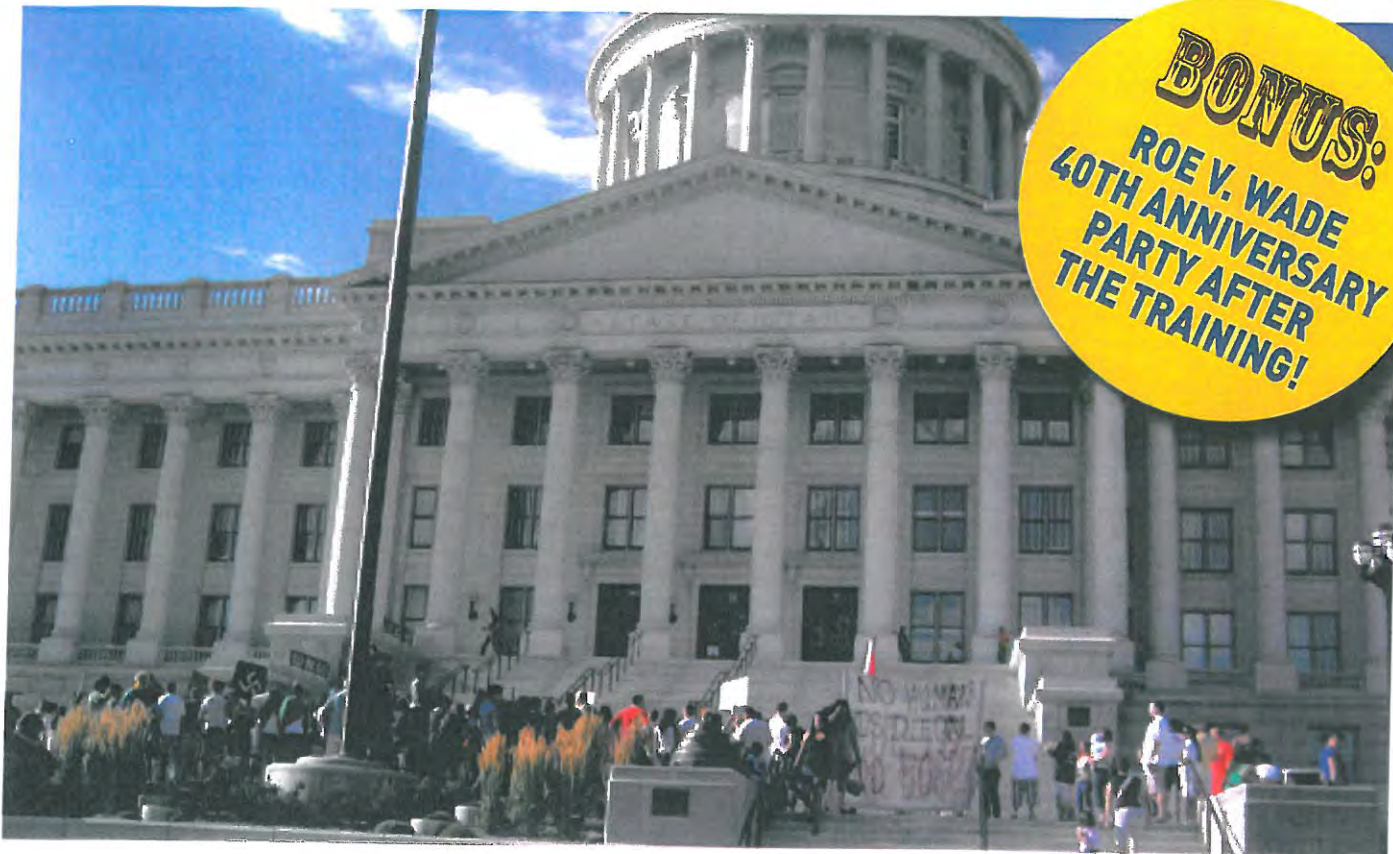
Our office fielded calls from journalists around the nation and even around the world when the story broke, and since then we have been working with our national ACLU staff, as well as local elected officials, to investigate different opportunities for legislative oversight. Ben Wizner, Director of the ACLU's National Speech, Privacy and Technology

Project visited Utah, as well, to talk to local policymakers and ACLU supporters about the implications of the NSA leaks.

- **What appeared to be a promising year for Comprehensive Immigration Reform (CIR) yielded to stalled talks and deadlock in Congress by the end of the year, with little promise for relief for undocumented immigrants living and working in the United States.**

Along with other state ACLU affiliates, our Utah-based team reached out to the state's delegation to the federal government to encourage Utah's representatives and senators to keep the momentum behind CIR. We also mobilized our members and community partners to attend in-district meetings with our federal elected officials, to keep a spotlight on the pressing need for immigration reform.

**Read on for additional stories, and keep up-to-date by visiting [www.acluutah.org](http://www.acluutah.org).**



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2013**

**6:00PM .....**

**at Grace Episcopal Church  
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Saint George, UT**

We've been offering Citizen Lobbyist Training to our ACLU supporters along the Wasatch Front for years - now it's time to empower our Southern Utah friends, as well!

We'll discuss: how the legislature works; how citizens can have an impact on their elected representatives; and the issues the ACLU of Utah will be following during the 2013 Legislative Session.

**6:00 pm - Refreshments & Introductions**

**6:30 pm - Citizen Lobbyist Training Presentation**

**8:00 pm - Roe v. Wade 40th Anniversary Party**

*Please RSVP to Anna Brower at 801-521-9862 ext. 100  
or via email at [abrower@acluutah.org](mailto:abrower@acluutah.org)*



# The Salt Lake Tribune

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## ACLU wants info on 'militarization' of Utah police

Records • Organization seeks information from 20 police agencies on use of SWAT teams and military weapons.

BY KIMBALL BENNION

THE SALT LAKE TRIBUNE

PUBLISHED: MARCH 7, 2013 01:13PM

UPDATED: MARCH 7, 2013 07:58AM

The Utah branch of the American Civil Liberties Union is joining 22 ACLU affiliates nationwide in requesting public records from law-enforcement agencies about whether military tactics and technology are seeping into local police operations.

In a statement released Wednesday, the ACLU said it is concerned about the extent to which local law-enforcement agencies are using federally subsidized military technology and tactics traditionally used in foreign military missions, including the growing number of SWAT operations, specialized military weaponry, and GPS tracking devices.

John Mejia, the legal director for the ACLU of Utah, said the nonprofit advocacy group filed requests with 20 agencies around Utah. They were chosen because they are in population centers and because of recent reports of perceived excessive police tactics.

Mejia specifically recalled a botched arrest by Ogden police in December, when officers in tactical gear, attempting to serve a warrant, knocked on the door of the wrong man's house in the middle of the night and pointed rifles at Eric Hill and his family. Ogden has since changed its warrant policies due to the ensuing uproar.

Mejia acknowledged he didn't know whether some of what is being requested, such as information about the Utah National Guard's possible involvement in local drug-enforcement tactics, is occurring in Utah. "It's a national trend that we think Utah may be a part of," he said.

Mejia said the ACLU isn't necessarily opposed to using technology to fight criminal activity, but he thinks police agencies should be more open about what technology they have and how it's being paid for.

In Utah, the ACLU has filed two requests under the state's Government Records Access Management Act. The first was filed with 20 law-enforcement agencies and seeks information on their use of SWAT teams and of "cutting-edge weapons and technologies," including unmanned drones.

The Salt Lake City Police Department, one of the agencies listed in the records request, said Wednesday afternoon that it had not received the ACLU's request.

The second request was filed with the Utah National Guard and asks for information about cooperative agreements between the guard and local police and any other incidents of National Guard contact with civilians.

The ACLU's statement decried what it called the "militarization of local police" as "a threat to Americans' right to live without fear of military-style intervention in their daily lives."

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### Statewide records requests

The ACLU of Utah filed public records requests with 20 law enforcement agencies around the state. They include: Brigham City Police, Cache County Sheriff, Cedar City Police, Davis County Sheriff, Iron County Sheriff, Moab Police, Murray Police, Ogden Police, Orem Police, Park City Police, Provo Police, Roy Police, Sandy Police, Salt Lake City Police, St. George Police, Summit County Sheriff, Unified Police, Utah County Sheriff, Utah National Guard, and Weber County Sheriff.



The ACLU of Utah operates through public education, legal advocacy, litigation, and lobbying at both the state and local levels to ensure the constitutional rights and freedoms of everyone living in or visiting Utah. Our work is based on those principles outlined in the Bill of Rights.

Thursday, March 14, 2013

## 2013 Legislative Session - Week Six Update

With time quickly running out at the State Legislature, there was a lot going on, at the Capitol last week. In the House, H.B. 91 Election Day Voter Registration, passed 53 to 14. The vote took place late Friday afternoon, and the circumstances were all the more interesting because the bill had been sponsored by members of both parties, before it was finally pushed through by Rep. Rebecca Chavez-Houck (D). We are excited that H.B. 91 is progressing through the Legislature with strong support, as it would make voting rights more accessible to citizens. Other states with same day voter registration have typically recorded a five to seven percent increase in voter turnout after passing similar laws. Additionally, Utah already allows people to cast provisional ballots, that can be verified after Election Day. H.B. 91 would simply allow the state to count votes cast by individuals who registered on Election Day. With a system of verification already in place, counting the votes cast is a matter of common sense at this point.

Also in the House, H.B. 387 Vital Statistics Act Amendments, passes with 65 yes votes and no votes in opposition. H.B. 387 amends the definition of "dead fetus" by lowering the threshold to only 16 weeks of gestation. This is down from the typical 20 week threshold used by the CDC. Of course, such a bill could have important consequences for women seeking abortions. Fortunately, lawmakers were very receptive to these concerns, and the bill was amended to exclude abortions. Instead, the stated purpose of the bill is to allow death certificates to be issued for miscarriages, to give families a sense of closure. We are very happy that lawmakers stuck to their stated intentions, and limited the bill accordingly.

In the Senate, lawmakers made history by passing S.B. 262 Housing and Employment Anti-discrimination Amendments, out of committee. S.B. 262 protects individuals from discrimination based on sexual orientation and gender identity. This is a big step towards protecting the rights of the LGBT community, and is a big step forward for Utah on this issue. While a growing number of local governments and businesses have already recognized that such discrimination is a problem, we do not currently have a state wide law addressing the problem. We are very excited that the vote in committee was bipartisan, and are hopeful that we can continue to make progress on this issue, as more people start to embrace the task of ensuring equal protection under the law for all groups.

As the final four days of the legislative session unfold, we will be fully engaged as law makers make the final push to the end. Check in next week for a recap of the final week, and the session as a whole.

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About Me



**ACLU of Utah**

The ACLU of Utah, chartered in 1955, operates through public education, legal advocacy, litigation, and lobbying at both the state and local levels to ensure the constitutional rights and freedoms of everyone living in or visiting Utah. Our work is based on those principles outlined in the Bill of Rights and our priorities include Participatory Democracy; Racial Justice; Immigrants Rights; Religious Liberty & Freedom of Belief; and Privacy & Technology. In addition, we continue our commitment to reform the Utah criminal justice system, protect the First Amendment reproductive freedoms, and equality for all.

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Posted by [ACLU of Utah](#) at 2:01 PM No comments

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## Congress gets mixed advice on regulating drones

By Henry C. Jackson Associated Press

Published: Saturday, May 18 2013 12:46 a.m. MDT



This Sept. 2011 photo provided by Vanguard Defense Industries, shows a ShadowHawk drone with Montgomery County, Texas, SWAT team members. (Lance Bertolino, Vanguard Defense Industries, Associated Press)

WASHINGTON — The growing use of unmanned surveillance "eyes in the sky" aircraft raises a thicket of privacy concerns, but Congress is getting mixed advice on what, if anything, to do about it.

A future with domestic drones may be inevitable. While civilian drone use is currently limited to government agencies and some public universities, a law passed by Congress last year requires the Federal Aviation Administration to allow widespread drone flights in the U.S. by 2015.

According to FAA estimates, as many as 7,500 civilian drones could be in

use within five years.

"Technology is great — as long as it's used the right and proper way," Rep. Jason Chaffetz, R-Utah, said at a House Judiciary subcommittee hearing Friday on the issues surrounding drones — which can be as small as a bird and as large as a plane.

Congress isn't alone in seeking to address the issues: Since January, drone-related legislation has been introduced in more than 30 states, largely in response to privacy concerns.

Rep. James Sensenbrenner, R-Wis., said it was important for new standards to address the privacy issues associated with use of drones. With Rep. Zoe Lofgren, D-Calif., and Rep. Ted Poe, R-Texas, he is sponsoring legislation that would codify due process protections for Americans in cases involving drones and make flying armed drones in the U.S. sky illegal.

"Every advancement in crime fighting technology, from wiretaps to DNA, has resulted in courts carving out the Constitutional limits within which the police operate," Sensenbrenner said.

The subcommittee heard from experts who were divided on what actions Congress should take to address the new technology. But the four witnesses all agreed that drones raised new, often unprecedented questions about domestic surveillance.

"Current law has yet to catch up to this new technology," said Chris Calabrese, legislative counsel for the American Civil Liberties Union.

Calabrese said he supported immediate regulation of the drone industry and said his biggest concern was the overuse of drones by police and government officials for surveillance. But Calabrese said he doesn't want to hinder the growth of drones with the power to do good, including helping find missing persons, assisting firefighters and addressing other emergencies.

Tracey Maclin, a professor with the Boston University School of Law, said the issues raised by drones haven't been addressed by courts before because the technology goes beyond what humans had been capable of through aerial surveillance.

Past court rulings, "were premised on naked-eye observations — simple visual observations from a public place," he said.

Rep. Cedric Richmond, D-La., said he wanted to know when drone technology will advance to the



point where Congress will have to act on the issue. He said he was concerned about the effect on privacy.

"At what point do you think it's going to get to a point where we have to say what a reasonable expectation of privacy is?" Richmond said.

Republicans expressed similar concerns.

"It seems to me that Congress needs to set the standard, rather than wait and let the courts set the standard," Poe said.

Some experts urged caution.

Gregory McNeal, an associate law professor at Pepperdine University, said writing laws to cover drones will be difficult because the technology continues to improve and Congress could think it's addressing key issues, only to have new ones emerge.

He compared drones to the privacy concerns raised by development of the Internet in the 1990s. Regulating then, he said, could have stymied the rapid growth of the Internet and wouldn't have addressed today's Internet privacy issues.

If Congress feels compelled to act, McNeal said, it should think in terms broader than a "drone policy" and set standards for surveillance or realistic expectations of privacy. "A technology-centered approach to privacy is the wrong approach," he said.

But the ACLU's Calabrese said Congress should work quickly.

"This can't be adequately addressed by existing law," he said. "Manned aircraft are expensive to purchase. Drones' low cost and flexibility erode that natural limit. They can appear in windows, all for much less than the cost of a plane or a helicopter."

*Follow Henry C. Jackson on Twitter: [www.twitter.com/hjacksonap](https://twitter.com/hjacksonap)*

# NSA data collection turns attention to Utah Data Center

Posted on: 8:41 pm, June 6, 2013, by [Ben Winslow \(http://fox13now.com/author/kstubenwinslow/\)](http://fox13now.com/author/kstubenwinslow/), updated on: 10:48pm, June 6, 2013

LEHI, Utah – The data the National Security Administration is accused of mining may ultimately be stored in a massive facility overlooking the Utah Valley.

The accusation that the NSA has acquired phone records for millions of people — and potentially Internet and credit card information as well — has turned renewed attention to the data center being constructed on Camp Williams on the Salt Lake-Utah County line.

Reaction to the reports of data mining by the NSA has been met with a mixture of surprise, outrage and explanation.

"When you have this much data collection going on, we all ought to be concerned," Sen. Mike Lee, R-Utah, said in an interview Thursday with FOX 13.

Lee said he understood the need to protect Americans from terror attacks, but added that privacy needed to be respected as well.

"Individual Americans need to rest assured that their government isn't spying on them," Lee said.

In a statement to FOX 13, Utah Sen. Orrin Hatch, who sits on the Senate Judiciary Committee, disagreed with his colleague. He insisted the data collection has been conducted in a lawful way.

"The fact is that America has enemies and we need the tools to fight them," Hatch wrote. "But we also need to make sure that this program continues to be carefully monitored and that members of Congress continue to be informed on any interactions with the FISA court, which has proven effective at balancing our individual liberties and the need to protect our homeland."

The American Civil Liberties Union of Utah and other groups have expressed deep concern about the size and scale of the NSA's data gathering, and turned their attention to the Utah Data Center, which reportedly will open in October.

"We're mining data, we're gathering data and it's all done secretly," ACLU of Utah director Karen McCreary said of the facility. "We don't even know what's going on."

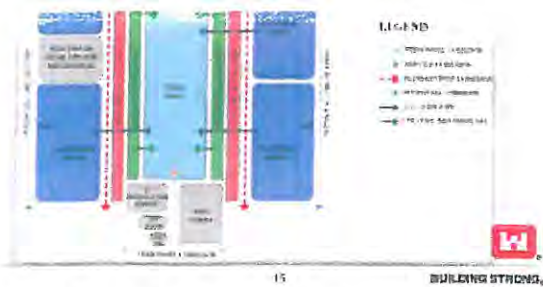
On Thursday, [FOX News Channel](http://www.foxnews.com/politics/2013/06/06/intelligence-officials-reportedly-mining-data-from-us-internet-companies/) quoted a former NSA official saying that a program was begun in 2007 [www.foxnews.com/politics/2013/06/06/intelligence-officials-reportedly-mining-data-from-us-internet-companies/](http://www.foxnews.com/politics/2013/06/06/intelligence-officials-reportedly-mining-data-from-us-internet-companies/), tapping into U.S. Internet companies to pull audio, video and photographs. The official told FOX News that the Utah Data Center is believed to be a repository for all of that material.

The facility is more than 1 million square feet in size, according to a U.S. Army Corps of

## Conceptual Data Hall Layout







(<http://localtvkstu.files.wordpress.com/2013/06/datahall.png>)

A conceptual design of a “data hall” to be built inside the NSA’s Utah Data Center, taken from a U.S. Army Corps of Engineers bid packet of the project, published by the group Public Intelligence.

Engineering bid packet prepared for its construction. Early designs had four “data halls” to store information and two substations to power the facility. It would also use 1.7 million gallons of water each day to cool it, and have three days worth of fuel storage for an emergency.

The bid packet was published online by the public information advocacy group “Public Intelligence.” (<https://publicintelligence.net/u-s-army-corps-of-engineers-utah-data-center-udc-brief/>)

The Utah Data Center is being built at an estimated cost of \$1.9 billion. Utah politicians hailed the facility’s construction as an economic boom for the area when ground was broken last year.

The Libertas Institute, a Utah-based Libertarian think tank, called those same political leaders out on Thursday after the NSA data mining revelations.

“When the NSA facility in Utah was announced, local officials praised it for the jobs it would bring. As Americans are now learning, those jobs entail harvesting the data generated by innocent Americans not suspected of any crime, in contradiction to the Fourth Amendment to the U.S. Constitution,” Libertas director Connor Boyack wrote to FOX 13.

“We are patiently waiting for those same officials to speak out in defense of Utahns’ privacy and demand more transparency and accountability on the part of the NSA.”

standard.net

Based on a partial-year analysis of that data, the ACLU found that about one in 500 plates registered hits. In the overwhelming majority of cases, it said, the alleged offenses were minor, involving lapsed registrations or failures to comply with the state's emission-control





program.

For each million plates read in Maryland, 47 were associated with serious crimes, such as a stolen vehicle or a wanted person, the report said. Statistics collected by the ACLU in several other jurisdictions around the country also found hit rates far below 1 percent of license plates read.

Maryland officials have defended their program, which collects data from departments across the state in a fusion center, which shares intelligence among federal, state and local agencies. In a recent three-month period, state officials said, license plate readers contributed to 860 serious traffic citations and the apprehension of 180 people for crimes, including stolen autos or license plates.

The center deletes the data one year after they are collected, in what officials said was a compromise between investigative needs and privacy rights.

"We don't want to retain more information ... than is necessary," said Harvey Eisenberg, an assistant U.S. attorney who oversees Maryland's Anti-Terrorism Advisory Council. "You strike the balance, because people are legitimately concerned."

The license plate readers are also widely used in Washington and the Virginia suburbs, where they are mounted on many of the major roadways entering and leaving the city.

Private companies also are using license-plate-reading technology to build databases, typically to help in repossessing cars.

*The Associated Press and Washington Post contributed to this story.*

## **More Stories from ACLU**

## **From Around the Web**

## 2012-2013 data shows only 12 test positive in Utah welfare drug screening

By Michelle L. Price Associated Press  
Published: Saturday, Aug. 24 2013 4:42 p.m. MDT



Utah has spent more than \$30,000 to screen welfare applicants for drug use since a new law went into effect a year ago, but only 12 people have tested positive, state figures show. (Shutterstock)

SALT LAKE CITY — Utah has spent more than \$30,000 to screen welfare applicants for drug use since a new law went into effect a year ago, but only 12 people have tested positive, state figures show.

The preliminary data from August 2012 through July 2013 indicates the state spent almost \$6,000 to give 4,730 applicants a written test. After 466 showed a likelihood of drug use, they were given drug tests at a total cost of more than \$25,000, according to the Utah Department of Workforce Services, which administers welfare benefits and the tests.

"Obviously drug use among this population is not an issue," said Gina Cornia, executive director of Utahns Against Hunger and a longtime welfare-reform advocate.

Lawmakers should instead use the money to address barriers to employment such as low-reading skills, she said.

Kaysville Republican Rep. Brad Wilson, who sponsored the legislation last year, said in an email that the 12 people netted by drug tests might not represent the full picture.

Wilson pointed out that 24 percent of applicants who were required to take a drug test didn't and did not continue in the application process. He said the process could be identifying applicants with drug issues who did not want to follow through and get treatment.

"If people don't want to be tested because they know the results are going to be positive, they shouldn't get benefits and now they don't," Wilson said.

He believes welfare applicants have substance abuse issues at a rate comparable to the general population, and testing helps them get treatment as they try to return to work.

Sen. Aaron Osmond, a South Jordan Republican who co-sponsored the legislation, did not respond to requests for comment.

Utah is one of at least eight states that have passed legislation requiring testing or screening for public assistance applicants. Similar laws have been proposed in at least 29 states this year, according to the National Conference of State Legislatures.

Critics, however, have said the laws unfairly stigmatize poor people and waste taxpayer money. Legal challenges have called the testing a violation of Fourth Amendment protections against unreasonable search and seizure.

In Florida, 108 people tested positive for drugs among the more than 4,000 tested. Florida's law was temporarily halted by a federal judge, and a federal appeals court upheld the ban in February. Gov. Rick Scott has said he's planning to appeal the matter to the U.S. Supreme Court.

Michigan instituted a random drug-testing policy on welfare recipients that was stopped by a judge after five weeks. A four-year court battle followed before a federal appeals court ruled the policy

unconstitutional.

The American Civil Liberties Union has filed legal challenges against the policies in other states but not in Utah.

Marina Lowe with the ACLU of Utah said her organization opposes the state law, but it's not a clear violation of protections against searches without probable cause, as policies were in other states.

Utah does not randomly target applicants or require all applicants to undergo a drug test.

Instead, applicants must complete a written questionnaire designed to screen for substance abuse. Drugs tests are then performed on those rated as having a high probability of using drugs.

Utah's law also doesn't disqualify people who test positive from receiving benefits. Instead, it requires them to enter substance abuse treatment.

Lowe said Friday her organization was taking another look at Utah's policy because the number of people identified as likely drug users was far greater than those who actually tested positive. An argument could be made that the screening test doesn't satisfy the burden of probable cause, she said.

"In light of these numbers, I think it begs the question of whether Utah is any different," she said.

Cornia, of Utahns Against Hunger, said efforts to drug-test welfare applicants are based on an assumption that people are unemployed because they did something wrong.

"It must be because you're using drugs. It must be because you're lazy," she said. "It plays into all those really negative stereotypes that I think prevents us from making really good public policy."

*Follow Michelle Price at <http://www.twitter.com/michellelprice>*





### Are you in the 2nd Congressional District of Utah? Is Chris Stewart your Representative?

Rep. Chris Stewart, is holding town hall meetings in Utah during the next week...a prime opportunity to tell him face-to-face that you want fair and just immigration reform.

The U.S. Senate has passed its comprehensive immigration bill, the House of Representatives is now working on theirs, and ultimately, one piece of legislation will determine how we overhaul our broken immigration system.

Tell your representative to pass legislation that will provide citizenship to the millions of people who contribute to our country, yet remain in the shadows.

Rep. Stewart is here in Utah now, and needs to hear from you. Attend a town hall meeting and tell your representative that you want action.

Rep. Chris Stewart

- Thursday, Aug. 22: 6 p.m., Salt Lake City District Office, 136 E. South Temple Suite 900, SLC
- Tuesday, Aug. 27: 5 p.m., Garfield County Building, 55 S. Main St., Panguitch
- Tuesday, Aug. 27: 8 p.m., District Court, 76 N. Main St., Kanab
- Wednesday, Aug. 28: 5:30 p.m., Dixie High School, 350 E. 700 South, St. George
- Wednesday, Aug. 28: 8 p.m., Southern Utah University Alumni House, 351 W. University Blvd., Cedar City

For more than 90 years the national ACLU has defended the rights of all Americans, whether or not they are born in this country, because the Constitution protects the civil liberties and civil rights of all people. [Find out more about our work on immigration reform >>](#)



## CORE STRATEGY:

# public education

*Summer intern Adam Sachs chats with donor Claire Coonan at the ACLU of Utah's Annual Open House and Membership Meeting.*



Public education and community outreach comprise one of the critical spokes of the ACLU's integrated advocacy approach. By informing the public about the pressing civil liberties issues of our times, the ACLU hopes to contribute to the development of an educated, informed and empowered population - which is critical to restraining the power of government.

The audience for our public education efforts are many and diverse:

- **THE GENERAL PUBLIC**, to increase general awareness of and respect for their own constitutional rights - as well as for those of others;
- **RESPECTIVE MINORITY GROUPS** specifically targeted by civil liberties-threatening actions (for example, in this current political moment, Muslim-Americans, and Latino immigrants regardless of immigration status);
- **ELECTED OFFICIALS AND PUBLIC SERVANTS** who are meant to be protectors of the people's rights; and
- **THOSE MEMBERS OF THE PUBLIC** who are particularly supportive of civil liberties issues, so that they might also be

engaged as advocates and allies.

There is never a shortage of ACLU issues about which the public, policymakers and ACLU members want to learn more. In order to meet this demand, we work with a variety of community partners to provide informative, insightful and thoughtful opportunities to examine complex civil liberties issues. For example, some of our key outreach events in 2013 included:

- **The Annual Civil Liberties Forum at Weber State University, a regular collaboration with WSU's American Democracy Project; this year's forum focused on the topic of the "School-to-Prison Pipeline."**

Now in its third year, the Civil Liberties Forum provides students, faculty, staff and members of the surrounding community with an opportunity to hear from local and national experts on relevant civil liberties issues. For the panel discussion on the School-to-Prison Pipeline, ACLU of Utah Legal Director John Mejia was joined by several other local leaders on the topic to discuss the disproportionate disciplinary measures exacted against students of color in Utah's public schools.

- **Sandra Park, a Senior Staff Attorney with the ACLU's Women's Rights Project, visited Utah to share her experiences as co-counsel on the groundbreaking gene patent case brought by the ACLU before the Supreme Court during the 2012-13 term. Named in the lawsuit were the University of Utah and Myriad Genetics, a Utah-based company, which share the patents for several gene mutations known to cause breast and ovarian cancer.**

Sandra Park headlined a lecture event at the University of Utah's S.J. Quinney College of Law, co-sponsored by the College of Nursing, in which she discussed the ACLU's representation of twenty medical organizations, geneticists, and patients in the case, which resulted in a unanimous victory for the ACLU. She also spoke to a group of influential community and industry leaders - all women - about the implications of the ruling for women's health.

**Read on for additional stories, and keep up-to-date by visiting [www.acluutah.org](http://www.acluutah.org).**

# LET PEOPLE VOTE

The right to vote is what makes a country a true democracy, and it is the most basic right we share as Americans. Yet throughout our history, we have excluded indispensable voices from participating in our democracy. African-Americans, women and young people fought and risked their lives to gain the right to vote.

Voter turnout in the 2008 election was the most racially diverse in American history, closing the longstanding gap between white and minority voter participation. And in response to this historic moment, lawmakers nationwide have erected more barriers to the ballot box. States are making it harder and harder for people to vote, virtually guaranteeing that many people won't really have the right at all. Poll taxes and literacy tests have given way to more modern voter suppression tactics packaged as voter ID laws, restrictions to voter registration and cuts to early voting. With these new laws in effect, up to 5 million voters could be turned away at the polls in November.



Vivette is a long-time civil rights activist and has voted in nearly every election for the last 60 years. But under Pennsylvania's new voter ID law, her vote will not be counted. [Read more »](#)

## FIND OUT WHAT THE ACLU IS DOING ABOUT IT!

Join the ACLU of Utah for a special Election Year

### Voting Rights Teleconference and Q&A

with members of the national ACLU Voting Rights Project and affiliate partners:

**MATT COLES** - ACLU Deputy Legal Director  
**VIC WALCZAK** - ACLU of Pennsylvania Legal Director  
**NICOLE KIEF** - ACLU Advocacy and Policy Strategist

**THURSDAY, SEPT. 20, 1:30 PM – 3:30 PM**  
**@ the ACLU of Utah Office**

**1:30 – 2:00** Enjoy coffee and refreshments with the ACLU of Utah staff  
**2:00 – 3:00** Voting Rights Teleconference  
**3:00 – 3:30** Q&A + Discussion with ACLU of Utah staff and local ACLU supporters

**RSVP to Anna Brower – (801) 521-9862 x 100 or [abrower@acluutah.org](mailto:abrower@acluutah.org)**  
*If you can't attend, but would like to listen in at home, give Anna a call!*





# GIDEON'S ARMY

**HBO** DOCUMENTARY FILMS®

OFFICIAL SELECTION  
2013  
**SUNDANCE**  
FILM FESTIVAL

## EVERYONE DESERVES THE BEST DEFENSE

THIS AWARD WINNING FILM TAKES AN INSIDE LOOK AT THE  
PROBLEMS WITH OUR CRIMINAL JUSTICE SYSTEM FROM THE  
PERSPECTIVE OF THREE YOUNG PUBLIC DEFENDERS

### APRIL 1, 2013

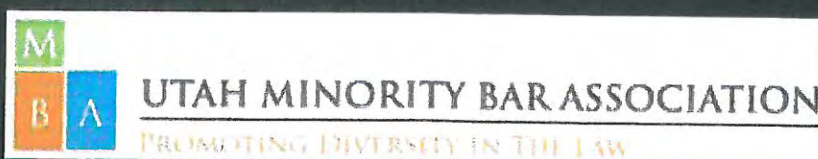
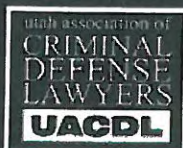
### 6:30 PM

**SLC DOWNTOWN CITY LIBRARY AUDITORIUM**

**FREE FILM SCREENING**

FOLLOWED BY A PANEL DISCUSSION WITH A JUDGE, A LAW PROFESSOR, & LOCAL  
ATTORNEYS, EXPLORING THE STATE OF INDIGENT DEFENSE IN UTAH

SPONSORED BY



More info at [www.acluutah.org](http://www.acluutah.org)



# FREEDOM TO LEARN

- Education is a Fundamental Right for ALL Children
- Criminalizing, Rather than Educating Children Denies Access to Education
- Zero Tolerance Policies do not make Schools Safer
- Students of Color and those with Special Needs are Disproportionately Marginalized
- Demand Accountability for the Education of All Students
- Prioritize Education over Incarceration

## THE 2013 ANNUAL CIVIL LIBERTIES FORUM AT WEBER STATE UNIVERSITY WILL FOCUS ON RACIAL JUSTICE AND THE **SCHOOL TO PRISON PIPELINE** **WEDNESDAY - APRIL 3 - 10:30 AM**

**on the Ogden Campus of Weber State University  
Shepherd Union Building - Wildcat Theater**

3848 Harrison Blvd - Ogden, UT - 84408

**Please join us for the third annual Civil Liberties Forum at Weber State University, hosted by the American Democracy Project and the ACLU of Utah, with support from the Center for Diversity and Unity and Student Convocations at WSU!**

**This event is  
FREE  
and open to  
the public!**

This year's forum will focus on the SCHOOL-TO-PRISON PIPELINE, a phenomenon that sees thousands of minority and disabled students each year targeted for discipline through the criminal justice system, rather than through the educational system, for school-based offenses.

**The forum will feature a panel of local experts, including:**

**Dr. Forrest Crawford**, Professor of Teacher Education at Weber State University

**Emily Chiang**, Associate Professor of Law at the S.J. Quinney College of Law at the University of Utah

**Dr. Brenda Valles**, Director of Research & Assessment for the Office for Equity & Diversity at the University of Utah

**John Mejia**, Legal Director of the ACLU of Utah

The panel discussion will be moderated by **Dr. Leah Murray**, Associate Professor of Political Science and Philosophy, and Faculty in Residence of the Community Involvement Center Weber State University.



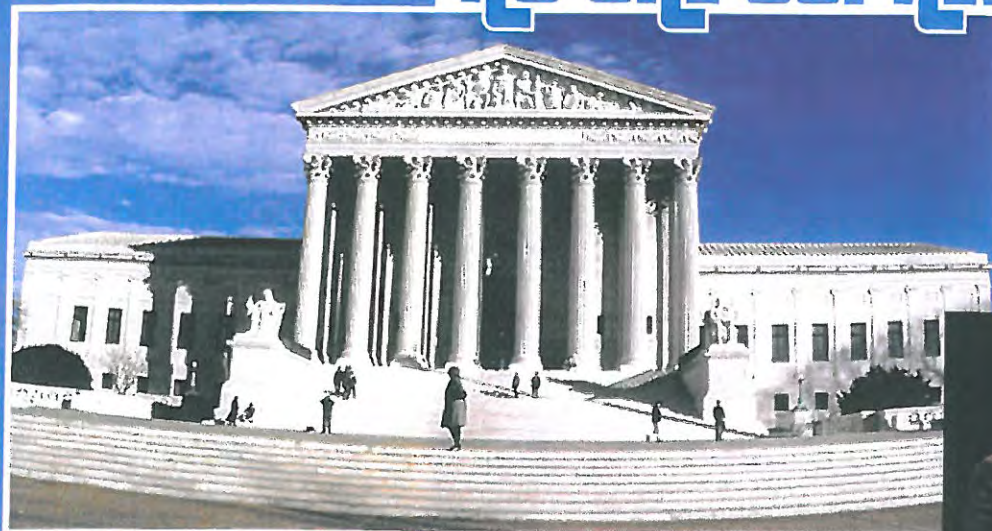
For more information,  
contact the ACLU of Utah  
at [abrower@acluutah.org](mailto:abrower@acluutah.org)  
or (801) 521-9862 ext 100.



ITS BEEN A  
BIG YEAR

THE DEFENSE OF MARRIAGE ACT.....AFFIRMATIVE  
ACTION.....GENE PATENTS.....THE VOTING RIGHTS  
ACT....PROPOSITION 8.....POLICE DNA COLLECTION

AT THE SUPREME COURT



THURSDAY  
JUNE 27

12:30 - 2:00 PM

ON THE WEBER STATE  
UNIVERSITY CAMPUS

SHEPHERD UNION BLDG  
IN THE "SKY ROOM"

FREE PARKING!  
(SEE ATTACHED MAP)

FIND OUT  
WHAT HAPPENED  
DURING THE 2012-2013 TERM

On Thursday, June 27, the ACLU is hosting a conference call presentation led by **Steve Shapiro, the National ACLU Legal Director**. At the close of the 2012-2013 U.S. Supreme Court Session, Mr. Shapiro will highlight the important civil liberties cases and decisions from this Term, and take questions from donors around the country. This is an excellent opportunity to get an expert analysis - and insider's perspective - on this year's court term.

We are inviting a **select group of local supporters** to listen in to this teleconference with us at Weber State University. This is a great opportunity to talk about the cases with fellow ACLU supporters, and also **meet ACLU of Utah Legal Director John Mejia** and Development Director Anna Brower!

We'll have coffee and refreshments available for our guests at 12:30 p.m. The call itself will start at 1:00 p.m. and last until 2:00 p.m. Our guests are then welcome (in fact, we encourage you!) to stay and discuss the call with our ACLU of Utah representatives.

*If you would like to join us for this gathering, please RSVP to Anna Brower at (801) 521-9862 ext 100 or [abrower@acluutah.org](mailto:abrower@acluutah.org) by Monday, June 24.*



ACLU

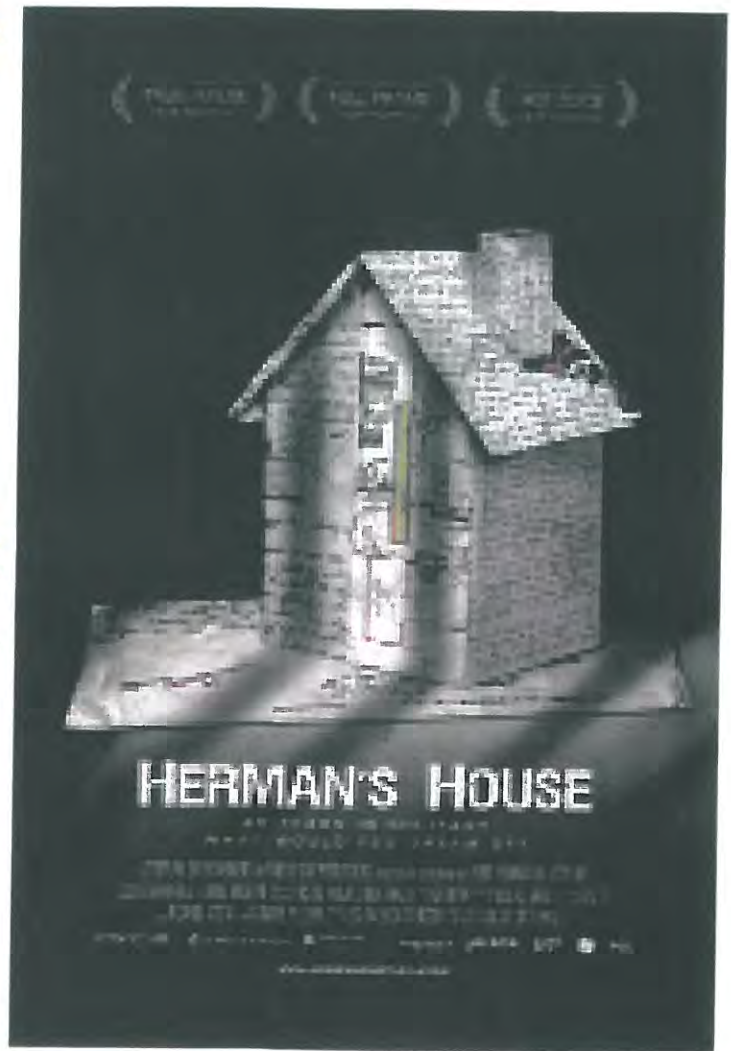
AMERICAN CIVIL LIBERTIES UNION  
of UTAH



**FREE FILM TONIGHT**  
**7:00 PM**

## **Herman's House: Free film screening and discussion on solitary confinement**

Herman Wallace may be the longest-serving prisoner in solitary confinement in the United States—he's spent more than 40 years in a 6-by-9-foot cell in Louisiana. Herman's House is a moving account of the remarkable expression his struggle found in an unusual project proposed by artist Jackie Sumell. Imagining Wallace's "dream home" began as a game and became an interrogation of justice and punishment in America. The film takes us inside the duo's unlikely 12-year friendship, revealing the transformative power of art.



### **The film will be followed by a discussion**

Led by ACLU of Utah Staff Attorney Leah Farrell, the discussion will focus on criminal justice, protecting prisoners' constitutional rights and the power of art as a tool for social change. Panelists will include:

- Ashley Anderson, a dancer and activist who uses dance to bring people together for social change.
- Kati Lewis, a Salt Lake Community College professor and Co-Chair of the annual SLCC Student Conference for Writing and Social Justice.

Be sure not to miss this opportunity to learn about our criminal justice system and the emotional, transformational power of art.



**Sponsored by**





ALL SCREENINGS ARE FREE AND ON A FIRST-COME FIRST-SERVED BASIS, UNLESS OTHERWISE NOTED

**TUESDAY, AUGUST 27 @ 7:00 PM**

Special Screening

## ANITA

An entire country watched transfixed as a poised, beautiful African-American woman in a blue dress sat before a Senate committee of 14 white men and with a clear, unwavering voice recounted the repeated acts of sexual harassment she had endured while working with U.S. Supreme Court nominee Clarence Thomas. That October day in 1991 Anita Hill, a bookish law professor from Oklahoma, was thrust onto the world stage and instantly became a celebrated, hated, venerated, and divisive figure.

Against a backdrop of sex, politics, and race, ANITA reveals the intimate story of a woman who spoke truth to power. Directed by Oscar winning filmmaker Freida Mock, the film is both a celebration of Anita Hill's legacy and a rare glimpse into her private life with friends and family, many of whom were by her side that fateful day 20 years ago.

*Official Selection – 2013 Sundance Film Festival*

**\*\*Post film panel featuring Geralyn Dreyfous (Executive Producer), Jacki Zehner (CEO of Woman Moving Millions), Grace Acosta (Partner at Scalley Reading), and Marina Lowe (Legislative & Policy Counsel at ACLU).**

Presented in partnership with

eliminating racism  
empowering women  
**ywca**

utah



VISIT [WWW.UTAHFILMCENTER.ORG](http://WWW.UTAHFILMCENTER.ORG) FOR A COMPLETE LINE-UP OF UPCOMING FILMS

UTAH FILM CENTER PROGRAMS GENEROUSLY SUPPORTED BY

**ZIONS  
BANK**



GEORGE S. AND DOLORES DORÉ ECCLES  
**FOUNDATION**



**WEINHOLTZ  
FAMILY FOUNDATION**



Save the date and plan now to join the ACLU of Utah for a fun, informative party to benefit our important racial justice work!

- Remain United | **Seguimos Unidos** -  
- موحدة تبقى | **Ostati ujedinjene** | **미국은 여전히** -

*A Gathering for Utahns Who Care About Racial Justice & Civil Liberties*

**Wednesday, September 11, 5:30 – 7:30 p.m.**  
@ FRIDA BISTRO (545 W. 700 S. in SLC) in the Back Warehouse



\* Cash bar and complementary appetizers by Rico (many thanks to Jorge Fierro!) \*  
\* **Brief presentation by ACLU of Utah staff and supporters at around 6:15 p.m.** \*

*There is no cost to attend - but your financial support is encouraged and needed to make progress on critical racial justice issues in Utah!*

For those of us who care deeply about racial justice issues and civil rights, the past year has been a real roller coaster ride, with plenty of discouraging and confusing developments.

...The promise of comprehensive immigration reform shone brightly after the 2012 election, but has since stalled in Congress...

...The Supreme Court issued a devastating ruling that gutted the Voting Rights Act, and states responded immediately by pushing new voter suppression laws...

...The criminal justice system seemed unable or unwilling to acknowledge the role of systemic, institutional and enduring racism in the tragic shooting death of unarmed teenager Trayvon Martin...

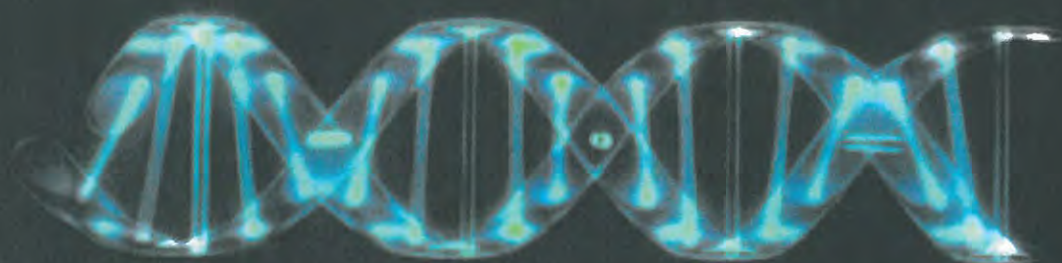
**But the journey toward justice is a long one, and despite these set-backs, the ACLU of Utah remains fiercely committed to racial justice in our state – and optimistic about the progress we can accomplish together!** While we await the final ruling in our lawsuit against HB 497 (Utah's Arizona-style "Show Me Your Papers" anti-immigrant law), we are actively engaged in lawsuits that challenge the targeting of young people of color for harsh discipline in public schools, draconian law enforcement tactics that disproportionately impact communities of color, and policies that encourage jail and prisons to discriminate against immigrants.

**There is much work to be done, and we need to rally our partners who also wish to create change in our communities. To that end, we want YOU and your friends, colleagues and family members, to join us for this educational, community-building and fundraising event! We hope to see you on September 11.**

**RSVP to Anna Brower - [abrower@acluutah.org](mailto:abrower@acluutah.org) - (801) 521-9862 x100 - by September 6.**



PRESENTED BY THE UNIVERSITY OF UTAH COLLEGE OF NURSING,  
THE CENTER FOR LAW & BIOMEDICAL SCIENCES AT S.J. QUINNEY COLLEGE OF LAW  
AND THE ACLU OF UTAH FOUNDATION



# MAKING THE CASE AGAINST GENE PATENTS

*An Evening with*



ACLU Women's Rights Project Staff Attorney  
**SANDRA PARK**

Sandra S. Park is a Senior Staff Attorney in the ACLU Women's Rights Project. At WRP, Sandra engages in litigation, policy advocacy, and public education

at the national, state, and local levels to advance the rights and civil liberties of women and girls. She represented twenty medical organizations, geneticists, and patients in a groundbreaking lawsuit challenging patents granted on two human genes related to breast and ovarian cancer, resulting in a unanimous 2013 U.S. Supreme Court ruling invalidating gene patents,

ASSOCIATION FOR  
MOLECULAR PATHOLOGY

**vs. Myriad Genetics**

***This event is FREE & OPEN to the public, and free parking will be available at Rice Eccles Stadium.***

For more information, contact Jackie Morrison:  
[jacqueline.morrison@law.utah.edu](mailto:jacqueline.morrison@law.utah.edu) or (801) 581-6666

**THURSDAY**  
**OCT 10**  
**5:30 PM**

IN THE MOOT COURT ROOM  
@ S.J. QUINNEY COLLEGE OF LAW  
332 S. 1400 E. - ON THE CAMPUS  
OF THE UNIVERSITY OF UTAH



355 N. 300 W. - Salt Lake City - UT - 84103  
www.acluutah.org - aclu@acluutah.org  
(801) 521-9862

