



Marriage Equality Comes to Utah!



Marriage Celebration Rally at Library Square, SLC, on October 6. Photo by Gallivan Photography.

The freedom to marry for all people finally came to Utah on October 6, when the U.S. Supreme Court denied review in all of the marriage equality cases before it. As a result of that action, same-sex couples in Virginia, Wisconsin, Indiana, Oklahoma and Utah will now be able to marry the partners they love. This was a day of great celebration, not only in the 5 states with pending cases, but across the country, as the day's decision brought the number of states with the freedom to marry to 30.

Marriage equality was a hard fought goal in Utah. In the Utah marriage equality case, *Kitchen v. Herbert*, the plaintiffs challenged Utah's Constitutional Amendment 3, which banned same sex couples from marriage. In support of the Kitchen plaintiffs, the ACLU of Utah filed a "friend of the court" brief with the district and appellate courts arguing that heightened level of scrutiny should apply to state laws that discriminate against LGBT people.

When the federal court sided with the Kitchen plaintiffs and struck down Amendment 3 on December 20, 2013, a wave of people in Utah who had been waiting for marriage equality to come was unleashed. Over 1,000 same-sex couples were legally married around the state before the U.S. Supreme Court issued a stay in early January 2014 permitting Utah to stop granting licenses to same sex couples.

Soon after the Supreme Court's stay, Governor Herbert announced that the State would place recognition of Utah marriages between same sex couples indefinitely "on hold." Within weeks of that announcement, ACLU of Utah, along with the ACLU's LGBT and AIDS project and cooperating attorneys from Strindberg and Scholnick, filed a federal lawsuit, *Evans v. Utah*. In *Evans*, the four plaintiff couples asserted that Utah had no authority to place recognition of their valid marriages "on hold" and sought a court order requiring that State recognize and honor all marriages of same sex couples.

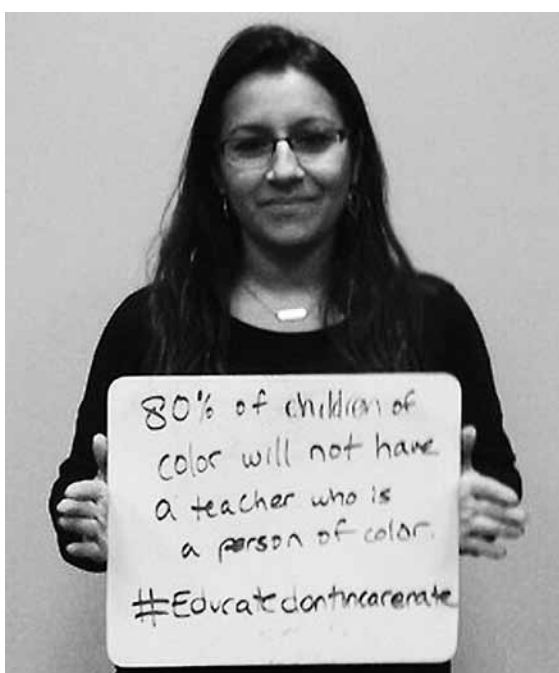
On May 19, 2014, the federal court in *Evans* agreed with the plaintiffs and issued a preliminary order requiring the State to recognize all marriages of same-sex couples who were legally married in Utah. Soon after, the State appealed.

On June 25, 2014, the Tenth Circuit Court of Appeals issued its historic ruling in *Kitchen*,

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Education Not Incarceration

Challenging The Utah School-To-Prison Pipeline



As part of our Racial Justice work, the ACLU of Utah organized local participation in the 5th Annual National Week of Action Against School Pushout beginning on October 4. Across the country, thousands of activists participated by organizing events or using social media to

raise awareness and educate communities about the School-to-Prison Pipeline. This pipeline refers to the overly harsh policies and practices that systematically push students, especially those of color, out of schools, into juvenile justice system, and eventually prison. These policies and practices can take the form of zero tolerance discipline, the misuse of School Resource Officers, and the overuse of suspensions and expulsions.

This year the ACLU of Utah, Mayor's Office of Diversity and Human Rights, and Salt Lake Peer Court participated in the National Week of Action through social media and by planning an event: **Education NOT Incarceration**. This was the first time anyone in Utah had participated in the National Week of Action! Throughout the week, our three organizations, students, educators, and community activists, tweeted and posted on Facebook to raise awareness and educate our supporters about

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The Director's Chair



Karen McCreary, Executive Director

This is a prime time in Utah to make substantial inroads into criminal justice and policing reform. The tragic police shooting death of Michael Brown, an unarmed 18-year-old African American man in Ferguson, Missouri along with the police shooting of a 22-year-old African American man in Saratoga Springs, Utah have become flash points raising serious questions about racial bias in policing. In the days following Mr. Brown's death and the resulting protests, it was revealed that in Ferguson, where the police force is almost all white, over 85% of all traffic stops involve motorists of color and over 90% of all those arrested are African American. Here in Utah, we're also looking closely at how racial bias may impact our policing. In September, an Associated Press analysis found that Hispanics are more often underrepresented in police departments around the country than are blacks. Using 2007 figures, the study cited West Valley City as having one of the nation's least representative police forces for Hispanics: while one-third of the city's population is Hispanic, only 6 percent of its police officers are Hispanic. Another issue highlighted by recent events is a statewide lack of civilian oversight of law enforcement; only West Valley and Salt Lake maintain independent civilian review boards.

The events in Ferguson also brought to light the nationwide trend of militarization of police. Images of military vehicles, tanks, and police officers in body armor confronting

peaceful demonstrators startled many. The ACLU of Utah has been actively educating the public and public officials about police militarization here in Utah. Last year, we worked with coalition partners to help pass two state statutes limiting police forced entry and gathering information around use of SWAT. In September, Marina Lowe, our legislative and policy counsel, testified before a Utah legislative committee studying police militarization.

We have also combated racial and ethnic profiling of Utah public school students by police and school officials. We have fought dress codes that we believe result in teachers and the police disproportionately labeling students of color as gang members for their apparel choices. We are also actively litigating what we assert is a police practice of entering juveniles of color into databases as gang members or gang associates at disproportionate rates. Further, recently available statistics show that students of color are more often "pushed" into the criminal justice system for breaking school rules than their white counterparts, who are more often disciplined within the school. We're working alongside public school, county and state employees and the S.J. Quinney law school public policy clinic to bring awareness to this issue and to develop better practices and policies for schools and student resource officers.

We've also pushed this year for meaningful criminal justice reform. Two real opportunities for this to happen have arisen this year with the Pew Re Investment's efforts aimed at helping Utah reduce its prison population and an ongoing study and upcoming report by the Sixth Amendment Project involving Utah's indigent defense system. We have actively worked to make our voice heard in these efforts, and will use the momentum gained from them to advance our goals of a criminal justice system in Utah that fully lives up to the Constitution's promises.

Leaving a Legacy A Gift to Future Generations



When you consider the legacy you would like to leave to society, you may think of children who will enrich our world in so many ways, contributions you've made through your chosen career path, or engagement you've had with causes that are just.

Please know that as an ACLU supporter, you are a valued part of a movement that was born almost 100 years ago in 1920. It

is an organization with staying power, an organization that will be here for the long haul to protect our civil liberties. Regardless of which political party is in power, regardless of where in the US civil liberties are being eroded, the ACLU will be there to defend our constitutional rights!

As you reflect on the values you share with ACLU – fairness, liberty, justice, equality, tolerance – and the legacy you would like to leave, please remember just how important your participation in the ACLU is. The funding for our work depends heavily on individual supporters. Please consider leaving a bequest or other planned gift to the ACLU today and to future generations so that they can help uphold the values we share long into the future. [To learn more, go to www.aclu.org/legacy/legacy-home](http://www.aclu.org/legacy/legacy-home).

The ACLU of Utah

The ACLU of Utah, chartered in 1958, operates through public education, legal advocacy, litigation, and lobbying at both the state and local levels to ensure the constitutional rights and freedoms of everyone living in or visiting Utah. Our work is based on those principals outlined in the Bill of Rights and 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.

For more about the ACLU of Utah and our priorities please visit www.acluutah.org

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War Comes Home: The Excessive Militarization of American Policing



In June, the ACLU published a report showing that excessive police militarization is a nationwide trend, and the time has come to deescalate. After obtaining and analyzing thousands of documents from police departments around the country, including from several agencies in Utah, the ACLU released the report **War Comes Home: The Excessive Militarization of American Policing**. The ACLU focused on more than 800 SWAT raids conducted by law enforcement agencies in 20 states (including Utah) and on the agencies’ acquisition of military weaponry, vehicles, and equipment.

The report revealed that in Utah and around the country, heavily-armed SWAT teams are raiding people’s homes in the middle of the night, often just to search for drugs. Our neighborhoods are not warzones, and police officers should not be treating us like wartime enemies. And yet, every year, billions of dollars worth of military equipment flows from the federal government to state and local police departments – departments that then use these wartime weapons in everyday policing.

Indeed, under the federal 1033 program (1033), created ostensibly to encourage aggressive

enforcement of the War on Drugs, and later to combat terrorism, the federal government has transferred \$4.3 billion worth of property to more than 17,000 federal and state law enforcement agencies. While some of the military hardware transferred under this program is relatively benign, it also includes armored personnel carriers, most notably the MRAP or Mine Resistant Ambush Protected vehicle, which is designed to protect military personnel from armor-piercing roadside bombs.

In 2014, equipment was also distributed under 1033 to more than 20 school districts, including the Granite School District in Utah. All told, 89 agencies in Utah have participated in 1033. More than 600 MRAPs have been sent to local law enforcement agencies in almost every state in the U.S., mostly within the past year. Here in Utah, local agencies (Iron County, Utah County, Salt Lake County, Weber County and Box Elder County) acquired 6 MRAPs in 2013 and 2014.

Surprisingly, the transfer of this equipment is not conditioned on any requirements to account to the public or to the federal government as to how and when 1033 equipment is being used. Recipient agencies are not required to evaluate whether the goals of 1033 are being met, for example, whether drugs or terrorism are being reduced due to the receipt of federal military equipment. Furthermore, data does not demonstrate that areas with large populations or high crime rates are necessarily receiving more or less than their share of the items. Nor is a greater amount of equipment being sent to areas along the U.S. borders or coasts, places more likely to be drug trafficking corridors or terrorist targets.

The receiving agencies should be required to report to the communities they serve when military equipment is obtained and when the same is deployed. Local police policies should mandate that the appearance of a military presence such as an MRAP is restricted to only those high-risk situations that justify use of military grade equipment, and that once a mission is completed, military gear is put away. In the absence of such policies, communities will be wont to perceive that local law enforcement is acting in an unnecessarily militarized fashion.

At the federal level, bipartisan interest is growing to restrict the 1033 program. The Stop Militarizing Law Enforcement Act, introduced in Congress this September, seeks among other things, to prevent transfers of equipment inappropriate for local policing, such as high-caliber weapons, long-range acoustic devices, grenade launchers, weaponized drones, armored vehicles, and grenades or similar explosives.

Find out more about our work on Police Practices including the report “War Comes Home: The Excessive Militarization of American Policing,” at www.acluutah.org/police-practices

ACLU Supporters Make All the Difference

We the People...

The framers of the Constitution did not use this phrase lightly. It applies to this day, not just to the Constitution, but to all those who make a difference in protecting the civil liberties we so often take for granted -- but that today are under unprecedented attack.

If you already support the ACLU, you can count yourself among those who advocate for a vibrant and healthy democracy, one where all voices are heard. We are grateful to you for your generosity and hope that you will consider a special gift today. If you are reading this newsletter to become better informed, we hope that you join our family by making an investment in the ACLU and thus a more free and just society for all.

Please consider making a gift today via our web site www.aclu.org/secure/support-aclu-utah or by sending a check or filling out the credit card information, with the enclosed remittance envelope.

There is an ever expanding need to defend our Constitutional rights. Thank you on behalf of all those whose voice would not be heard without your help!

ACLU of Utah Board and Staff

Jury Still Out on “Justice Reinvestment” Effort



It’s been nine months since Governor Gary Herbert, in his State of the State address, called for reform of Utah’s criminal justice system.

After hours and hours of data collection, number crunching, policy research and public input, the Commission on Criminal and Juvenile Justice (CCJJ), assisted by analysts from the Pew Public Safety Performance Project, has settled on some reform recommendations meant to bend Utah’s prison population trend downward.

We are happy to report that CCJJ’s recommendations could take a big bite out of one of Utah’s big prison population drivers: parole and probation revocations. The Department of Corrections (UDC) is dramatically revamping how Adult Probation & Parole (AP&P) agents engage with those under state supervision in the community.

UDC is working with substance abuse and mental health treatment providers to ensure that probationers and parolees get the

treatment they need to safely and productively reenter community life.

Less encouraging is CCJJ’s work to address Utah’s other primary prison population driver: length of stay. Compared to ten years ago, Utah state prisoners are staying longer in prison for the same crimes. There is no evidence that these longer prison stays are keeping the public safer – but there is ample proof that the lengthy stays are costing Utah taxpayers a lot of money.

Pew’s research indicates that Utah’s prison population – which is growing despite a national trend finally moving in the opposite direction – isn’t being swelled by more prisoners going in. Crime is down, and so are commitments to prison for new crimes. Rather, the prison population is growing because prisoners are being kept longer and longer.

CCJJ has recommended changes to the state’s sentencing guidelines, to reduce the number of people going to prison for drug possession and non-violent crimes. With leadership and support from Utah’s Sentencing Commission, CCJJ appears to be on track to recommend that these individuals be re-directed to community-based alternatives rather than expensive prison terms.

However, there has been essentially no progress toward ensuring that the practices of the Board of Pardons and Parole comport with these reforms. The Board of Pardons and Parole is the singular entity in Utah that determines that actual amount of time every state inmate spends behind bars.

In Utah, sentencing guidelines are just that: guidelines. Judges sentence convicted individuals to broad, indeterminate sentences, such as “one to ten years,” or “five years

to life.” They then calculate more specific recommendations for time served based on various aggravating and mitigating factors unique to each case.

But once an individual is incarcerated, the actual length of sentence is determined by the Board – which can consider whatever factors and evidence it deems appropriate, and for whose decisions there exists no appeals process or judicial recourse.

While Pew analysts researched several promising reforms while working with CCJJ’s “Release Policies Subcommittee” – such as formalizing when and why the Board can depart drastically from the official sentencing guidelines, opportunities for recourse by inmates who are incarcerated long past their initial court-calculated sentence guidelines – no substantive recommendations have been advanced.

Without making thoughtful, research-driven changes to Board practices, Utah’s “Justice Reinvestment” effort will fall far short of the Governor’s charge of real reform.

CCJJ will vote on its final recommendations in mid-November, then shape them into legislation to be introduced in the 2015 session. The reforms, if adopted, are predicted to make an impact on the eventual size of Utah’s new prison facility (to be relocated from Draper; see accompanying story).

We anticipate, however, that Utah’s prison growth will not be sufficiently reversed without addressing the increasingly long sentences served by inmates under current Board of Pardons and Parole practices. Only time will tell.

Keep up with all of our work on Criminal Justice Reinvestment in Utah at www.acluutah.org/criminal-justice



Participants at Breaking Every Chain, an interfaith breakfast held on September 6, at Calvary Baptist Church, discuss how communities of faith can better respond to the needs of their congregants caught up in the criminal justice system.

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ACLU of Utah

Challenge to Unconstitutional UDOT Policy Heard At 10th Circuit



iMatter Utah supporters begin walking down the sidewalk of State St. on September 24, 2011. The event, “Swing into Action,” made stops at the Capitol, the Federal Building, and the City County building.

On October 1, 2014, the 10th Circuit heard argument in the State’s appeal of the ACLU of Utah’s federal district court victory in *iMatter v. UDOT*, in which the court held unconstitutional the Utah Department of Transportation’s policy of requiring people to buy insurance to hold parades on state roads, mainly because there was no exception for people who could not afford such insurance. The court also struck down UDOT’s requirement that parade organizers indemnify the state against lawsuits. Below is a travelogue by John Mejia, who attended the argument in Denver, Colorado.

Tuesday, September 30 - Evening: I arrive at Denver Airport. Is that a live rock band playing in a beer garden in the terminal? I’m certainly not in Salt Lake anymore!

I walk to dinner meeting with Stewart Gollan, our co-counsel from the Utah Legal Clinic, and his crew. Stewart is going to argue the case -

I’m there as second chair and professional note-passer. Stewart wants to make sure that we’ve gone over every theory and potential question that he might get from the panel. Believe it or not, I think we’ve done so by the end of dinner.

Wednesday, October 1 - Morning: We check in with the clerk at the Byron White Courthouse. We’re fifth on the docket of cases being heard by a panel made up of Judges Briscoe, Hartz, and Holmes.

The cases before us are all interesting, but even more interesting is studying the styles of the attorneys arguing them. During every argument, I note what is working and what clearly isn’t. The judges call for a ten-minute break before our case.

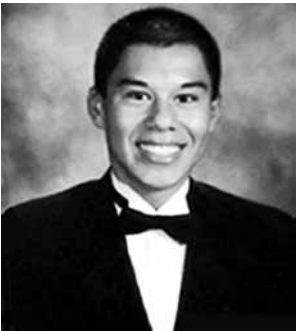
Since the State appealed, they get to argue first, represented by Cliff Peterson. The judges ask tough, probing questions about the State’s policies and whether they stand up to constitutional scrutiny. As a clearly biased observer, I am not convinced by the State’s answers.

Also as a biased observer, Stewart was excellent. He was thoroughly prepared and had an immediate, on point answer to every question. Most importantly, he clearly helped the judges to better understand our position, emphasizing our strengths and candidly addressing any concerns. Of all the attorneys I saw in court today, Stewart was by far the most poised- and this was his first time in this court!

Today: With arguments done, all we can do is wait for the court to rule. While predicting an outcome would be a fool’s errand, I can say that I’m confident that we’ve put our best foot forward. We’ll keep you updated when we hear the result!

More information about this case can be found at www.acluutah.org/legal-work/current-cases

Salt Lake County Settles Lawsuit Regarding Immigration Detention Policies



Enrique Uroza

Enrique Uroza and Salt Lake County recently settled a civil-rights lawsuit against the County and Sheriff Jim Winder. Mr. Uroza alleged that County jail officials had unlawfully detained him

to investigate his immigration status in the summer of 2011. Mr. Uroza, represented by the ACLU of Utah, cooperating attorney Kent Morgan, and Latham & Watkins, LLP, brought the action after the Salt Lake County Metro Jail and, later, the federal government, held him for a total of 46 days after he had posted bail.

As part of the settlement, Salt Lake County agreed to permanently end its “SB81 procedure,” under which it did not allow detainees whom its jail officials suspected of being undocumented immigrants to be released for 48 hours. The County conceded that the jail’s SB81 procedure was unconstitutionally implemented as it applied to Mr. Uroza, which was an unintended consequence of the jail’s attempt to comply with the State Legislature’s SB81 bill enacted in 2008. The ACLU opposed that bill because it unfairly targeted undocumented immigrants and undercut the ability of the federal government to regulate immigration. The County suspended the policy in 2011. Mr. Uroza also received \$75,000 in damages and attorneys’ fees and costs as part of the settlement.

Further updates regarding Mr. Uroza’s federal case will soon be available.

More information about this case can be found at www.acluutah.org/legal-work/current-cases

ACLU of Utah Works to Advance Equity in Granite School District

The ACLU of Utah recently announced a settlement that we helped reach between the family of David Phan and Granite School District. After David tragically took his life in front of his middle school in late 2012, the ACLU of Utah represented his family in a complaint with the U.S. Department of Education raising concerns about whether the school district was complying with its duties under federal statute to protect all students regardless of their sex and race. We also assisted David’s family to file a complaint with the federal Office of Family Compliance with regard to their concerns about how the district was handling David’s private records.

After much work, discussion, and reflection, the parties agreed that the best way to resolve the complaints was for the school district to agree to enlist the help of the Equity Assistance Center in Denver, Colorado. The Center is funded by the U.S. Department of



John Mejia, ACLU of Utah Legal Director, speaks at an event at the Utah Pride Center establishing an award in David Phan’s memory.

Education, and specializes in advancing equal educational opportunity by helping school districts in the areas of race, gender, and national origin equity. The school district

agreed to work with the Center to develop new policies and trainings around harassment, as well as new policies and trainings for the district’s police force. We and David’s family are confident that the Center and the district’s efforts will be meaningful and effective in helping to prevent future tragedies for all students.

Assisting the ACLU of Utah and David’s family every step of the way was Josh Block of the ACLU’s LGBT and AIDS project. Adam Ford of Ford & Huff also represented David’s family in the private legal aspect of the case. The OCA Utah, an organization for the advancement of Asian-Pacific Americans, and the Utah Pride Center recently recognized John Mejia and Adam Ford for their work in this matter.

Honoring Our Volunteer Attorneys

The ACLU of Utah has limited staff and funding, yet is faced with a huge number of requests for legal assistance from individuals and organizations. In almost all of our cases, we co-counsel and team up with volunteer attorneys. Since 1958, volunteer lawyers have provided invaluable support to the ACLU of Utah legal program. These volunteers include sole practitioners, recent law school graduates, as well as some of the state and nation’s most prominent lawyers and firms.

In addition to litigation, attorneys help in several other important ways. For example, we sometimes need help analyzing proposed legislation that affects civil liberties. In addition, we sometimes provide comments on policies or address complaints to administrative agencies. Volunteer attorneys also assist in reviewing complaints and requests for assistance from the public.

We could not have accomplished many of the significant victories we have achieved this year without the dedicated assistance of the following attorneys. We are grateful for their time and energy. We are always on the lookout for more cooperating attorneys. If you are interested in becoming involved, please visit our website at www.acluutah.org/legal-work/become-a-cooperating-attorney

Michael S. Anderson, Parr, Brown, Gee & Loveless
Troy L. Booher, Zimmerman, Jones & Booher
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Doyle Byers, Holland & Hart
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Chad Derum, Manning Curtis Bradshaw & Bednar
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Stewart Gollan, Utah Legal Clinic
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Kathryn “Kass” Harstad, Strindberg & Scholnick
John Harrington, Holland & Hart
Cheylenn Hayman, Christensen & Jensen
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Beth E. Kennedy, Zimmerman, Jones & Booher
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Randall W. Richards, Richards & Brown
Kent Morgan, Morgan, Nish & Associates
Al Pfeiffer, Latham & Watkins
Karra J Porter, Christensen & Jensen
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Lauren I. Scholnick, Strindberg & Scholnick
LaShel Shaw, Parr, Brown, Gee & Loveless
Erik Strindberg, Strindberg & Scholnick
Noella A. Sudbury, Zimmerman, Jones & Booher
Aaron Tarin, Immigrant Defenders, PLLC
Charles Taylor, Latham & Watkins
Jonathan K. Thorne, Strindberg & Scholnick
Kyle A. Virgien, Latham & Watkins
Nina Wolf
Michael Zimmerman, Zimmerman, Jones & Booher



Kyle A. Virgien, Alan Devlin and Charles Taylor, from Latham & Watkins’s San Francisco office, who recently donated hundreds of hours on the successful case *Uroza v. Salt Lake County* (page 5), with ACLU of Utah Legal Director John Mejia.

Welcome to Jessica Taylor



Jessica joined the ACLU of Utah this month as the Coordinator of Administration and Finance. She believes that empowering individuals and strengthening communities is the foundation of social change. With an undergraduate degree in Accounting with a focus on Gender Studies from the University of Utah and a Masters of Business Administration with an emphasis in Accounting from Utah State University, Jessica built the groundwork of knowledge that

aids her many community-based activities. Jessica’s commitment to community and social equality began in her teens through Salt Lake Peer Court, Utah’s Youth Summit and Youth Engaged in Service, an alliance between Salt Lake District schools that raised funds and labor for a complete Habitat for Humanity House in celebration of the 2002 Winter Olympics. She served as the Salt Lake City School District Board of Education Student Board Member 2001-2002. Jessica continues her service as a Board member of Women of the World, as well as supporting a range of organizations and community activities.

We are thrilled that Jessica has agreed to join our staff.

Volunteer Highlight: Margie Nash, Paralegal



Recently, Margie Nash decided to begin a new phase in her life. She was already an accomplished educator and grant writer for environmental youth learning programs; she has a B.A. in Social Work and a Masters in Special Education and Early Childhood Education. She decided to enter the legal profession and started with the Salt Lake Community College’s Paralegal program. She applied for an internship position with the ACLU of Utah and began working with us in January 2014.

Her main responsibility has been to process 70 - 100 requests for legal assistance a month. As part of our legal team, she and other interns review the requests which come in the form of letters, complaint forms, and emails; categorize the issue, enter the information in a database, and prepare a summary for an attorney to review. She then follows the instructions of the attorney to respond appropriately to the prospective clients and does research on a variety of legal questions.

Margie’s dedication to her work, and commitment to providing support for the ACLU legal team and those applying for assistance, was apparent from the beginning of her involvement in our office. After her official internship ended she decided to stay on as a volunteer.

“I am deeply impressed by the sheer number of people who do write in asking for help,” Margie said. “They may not know exactly what the ACLU is able to do, but they all know that the ACLU helps people. That is what motivates them to write, and that is why I find it so rewarding to volunteer with the ACLU. I know that the work is important, and that it does make a difference in people’s lives, and in the lives of their families.”

“If you are thinking of volunteering or interning with the ACLU, but want a bit more information first, reach out to them,” she added. “They can fill you in on what types of activities you could help with. Throughout the year they need help with a variety of things, ranging from outreach events, to their Bill of Rights Breakfast, to reviewing and screening inquiries. In all sincerity, the ACLU team makes a difference in Utah, and I encourage you to become part of it.”

We are grateful for Margie’s passion to protect civil liberties, her bright smiles and can-do attitude, and the care and thoughtfulness she brings to her work in our organization.

For more information about intern and volunteer positions at the ACLU of Utah, please visit www.acluutah.org/volunteer-or-intern

Education Not Incarceration

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the School-to-Prison Pipeline.

During the week, the Public Policy Clinic at the University of Utah S.J. Quinney College of Law released a report on Utah’s School-to-Prison Pipeline titled “From Fingerprint to Fingerprints.” The ACLU of Utah premiered a new blog series on the School-to-Prison pipeline called “ Breaking Down the School-to-Prison Pipeline”. You can sign-up for new blog posts alerts as well as national and local School-to-Prison pipeline news by emailing the ACLU of Utah Racial Justice Associate Kathy Abarca at kabarca@acluutah.org.

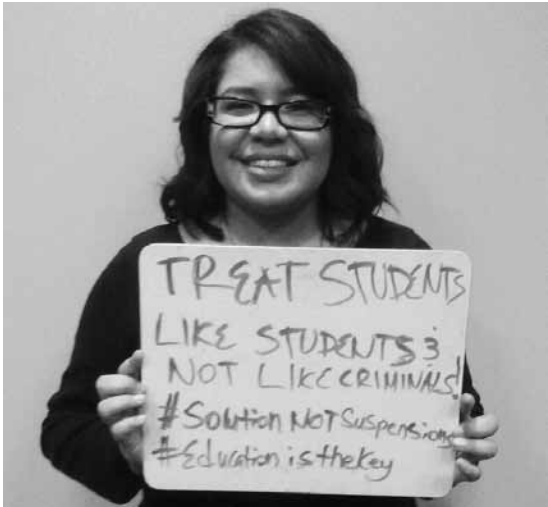
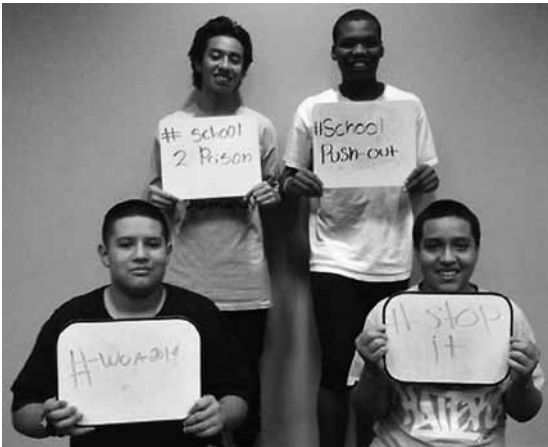
At the end of the week, the public event, **Education NOT Incarceration**, took place at the Utah State Bar Association building in Salt Lake City. This event was intended to raise awareness, educate, and empower students and parents who are directly affected by the School-to-Prison Pipeline. We screened a short documentary, out of the ACLU’s Freedom Files films, called “Freedom to Learn” and followed it with a lively community discussion. A fun part of the event was a large interactive art piece where participants wrote why they wanted to end the School-to-Prison Pipeline. Attendees also took part in our whiteboard project where they could write a short message on a whiteboard, have their picture taken, and have it uploaded live to the website Tumblr to be used in our social media campaign. Attendees also watched poet Tami Porter-Jones perform poems on the struggles of ESL students in education and



the School-to-Prison pipeline.

From the discussion of over 60 community members participating, it was clear that many Utahns are aware of this problem and care; they simply needed a place to come together and talk. There were judges, school administrators, students of different grade levels, and parents with small children in the room who all cared that more students are being criminalized in schools. This event was not meant to be the end all conversation that ended the School-to-Prison Pipeline. Instead, this should be just the beginning of a relationship with those affected by this trend, where we can work together to get our community’s needs met. By working together, we see the great possibility of action being taken by lawmakers, school administrators, and police.

For more information about our work on ending the School-to-Prison Pipeline please visit www.acluutah.org/racial-justice



Utah high school students and other participants at “Education Not Incarceration,” hold signs used in the social media campaign.

Marriage Equality Comes to Utah!

Continued from Page 1



Karen McCreary, ACLU of Utah Executive Director, declares, “Today, more than ever, she’s proud to be a Utahn!” at the Marriage Celebration Rally at Library Square, SLC, on October 6. Photo by Gallivan Photography.

becoming the first federal appeals court to strike down a state marriage ban. Soon after, the Tenth Circuit also refused to put on hold the lower court’s order in *Evans* requiring Utah to honor Utah marriages between same sex couples. Unfortunately, in both *Kitchen* and *Evans*, the State was ultimately able to

obtain a stay on the orders, leaving all of the parties to wait anxiously.

The Supreme Court’s refusal to hear the State’s appeal of the Tenth Circuit’s decision in *Kitchen* on October 6, 2014 ended the suspense. As a practical effect of that refusal,

the Tenth Circuit’s ruling that Utah’s ban on marriage between same sex couples violates the fundamental right to marriage under the constitution becomes controlling law in Colorado, Kansas, New Mexico, Oklahoma, Utah, and Wyoming. While the question in *Evans* is a legally separate one, the State has publicly stated that based on *Kitchen*, the State intends to recognize all marriages between same sex couples in Utah, even those performed in December and January. While the legal cases were winding through the courts, the ACLU of Utah joined our advocacy partners and community members in founding Utah Unites for Marriage to help prepare public sentiment for the inevitable outcome of marriage equality. Engaging in a massive public education campaign, this colaition provided a wonderful way to share the stories of loving and committed same-sex couples and their families and friends with other Utahns across the state.

The ACLU of Utah has joined our partners and community in celebrating this historic achievement and are thrilled that full marriage equality is finally a reality in Utah and across most of the country. We will all keep up the fight until marriage equality is a reality for everyone in the nation.

For more information about the work of the ACLU of Utah in protecting the rights of all LGBTQ people in Utah, please visit www.acluutah.org/lgbtq-equality



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Youth Activist Scholars Will Receive Financial Aid for College in 2015!

High School Seniors
Become an ACLU Youth Activist Scholar
and Receive Financial Aid for College!

The ACLU of Utah is offering three
\$1,000 scholarships to high school seniors who have taken a stand to protect civil liberties!

If you have stood up for:

- ☐ EQUALITY
- ☐ RACIAL JUSTICE
- ☐ FREE SPEECH
- ☐ RELIGIOUS FREEDOM
- ☐ TOLERANCE
- ☐ PRIVACY

We want to hear from you!

The application deadline is January 13, 2015, and the application form is available on our website at www.acluutah.org.

This is the eighth year that the ACLU of Utah will award three \$1,000 scholarships to eligible college bound high school seniors who have demonstrated a strong commitment to civil liberties through some form of activism. The scholarship will be applied toward their college education.

Past ACLU of Utah scholarship winners came from many parts of Utah including Brigham City, Herrman, Kearns, Logan, Moab, Nephi, Ogden, Orem, Provo, Salt Lake City, and St. George. Their civil liberties work includes programs and activities that advocate for racial diversity, rights of disabled students, women’s equality, LGBTQ rights, freedom of religion, and freedom of expression.

To qualify for the scholarship the student must:

- Have demonstrated a strong commitment to civil liberties through some form of activism,
- Be a Utah high school senior planning on entering an accredited college or university as a full-time, degree-seeking student,
- Have attained a minimum cumulative GPA of 3.0 on a 4.0 scale. If the GPA is less than 3.0, the student is still eligible, but must submit an explanation for the lower GPA.

Applicants will be judged on the following standards:

- The strength and depth of the candidate’s contributions to civil liberties.
- Demonstrated leadership.
- The likelihood of the applicant’s continuing commitment to civil liberties in the future.
- Commitment to academic excellence.
- Demonstrated financial need.

The application is quite simple. Students complete a short application form, submit a high school transcript, write a 1,000-word essay about their commitment to, and work on behalf of, civil liberties. They must also obtain two recommendations from non-family references.

The scholarship winners will be recognized at our annual Bill of Rights Celebration on May 15, 2015.