

# LIBERTY REPORTER

## FIGHTING BACK

Spring 2018

A Utah family stands up  
to brutal immigration  
enforcement tactics

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Utah youth stand up,  
walk out, and raise  
their voices

*Page 6*

## TIME TO CELEBRATE

The ACLU is turning 60 this year and  
you're invited to the party! *Page 10*

**ACLU** 60  
YEARS  
Utah

## The Director's Chair



*Brittney Nystrom, Executive Director*

The ACLU of Utah celebrates 60 years of defending liberty this year, and 2018 finds us busier- and bigger- than ever. Entering our seventh decade, we continue to proudly fight for Utahns' rights and liberties in courtrooms, on Capitol Hill, and in the community. The recent addition of two excellent new staff members allows us to take our criminal justice and communications work in exciting new directions, as you can read for yourself on pages 5 and 14.

Our cover story describes a lawsuit we filed on February 27th challenging two SWAT-style immigration raids of a Heber City family's home that we strongly believe

violated the Fourth Amendment's protections against unlawful search, seizure and excessive use of force. You can read more about important settlements in our lawsuit to eliminate barriers to voting for the Navajo Nation on page 4, and in our litigation challenging Ogden's gang injunction on page 5.

During the first few months of 2018, multiple ACLU of Utah staff swarmed Utah's statehouse to address proposed legislation through public testimony and more private education of legislators. You can read all about what we cheered and what we jeered in this year's legislative session on pages 8-9.

Finally, the voices and energy of Utah's youth have already made an indelible mark on our 60th Anniversary Year. The ACLU of Utah continues to offer many kinds of support to students engaging in expressive activity, (*see page 6*) including awarding four scholarships to high-school seniors who are leading efforts to advance civil rights in their communities (*page 7*). I am immensely proud of all the work the ACLU of Utah has done, and is doing, to protect and defend rights and liberties in Utah, and all of us are extremely grateful to our members and supporters for the incredible encouragement and commitment over the past 60 years.

Thank you!

## The President's Corner



*Danielle Hawkes, Board President*

I am ecstatic to serve as the ACLU of Utah's board president this year. When I landed an internship at the ACLU during law school in 2007, I knew that I had hit the jackpot. I knew then, and I still appreciate now, how volunteering for this organization is one of the most important service positions available in Utah.

From lobbying on the Hill, to litigation in the courts, to marching in the streets, the ACLU of Utah does an unbelievable amount of work on behalf of our community. I am proud to serve as the president of an organization that lifts mountains to protect the rights and liberties of all Utahns!

## 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; Criminal Justice Reform; Immigration Reform; LGBTQ Equality; Gender Equality; Digital Security & Privacy; and Religious Liberty & Freedom of Belief. In addition, we continue our commitment to protect the First Amendment. For more about the ACLU of Utah and our priorities please visit [www.acluutah.org](http://www.acluutah.org)

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John Mejia, Legal Director  
Leah Farrell, Staff Attorney  
Cassie Taylor, Development Director  
Maria del Mar González, Community Outreach Fellow  
Jason Groth, Smart Justice Coordinator  
Jason Stevenson, Strategic Communications Manager  
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Margie Nash, Paralegal  
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Madeleine Ballard, Aaron Carrell, Nick Cockrell, Andrew Evans, Kamala Ganesh, Diane Keech, Kleo Kobe, Hannah Nerone, Claire Smith



# Anthony Romero Inspires Utah Audience

National ACLU Executive Director traveled to Utah to emphasize the organization's "long-game" of civil rights and liberties advocacy at a Park City speech on April 3rd

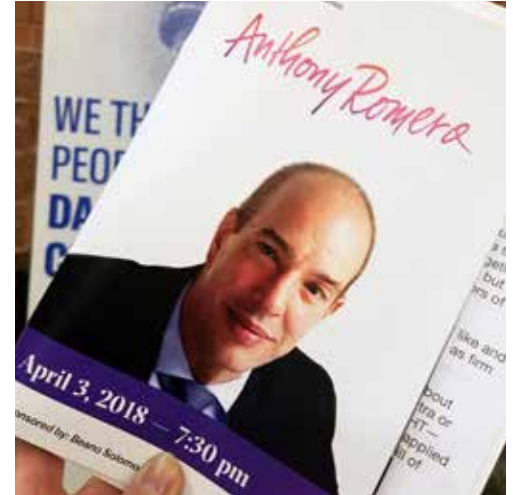
On Tuesday, April 3rd hundreds of people, including many local high school students, showed up in downtown Park City to hear Anthony Romero speak on "Civil Rights in an Uncivil Time."

Romero has been the Executive Director of the American Civil Liberties Union (ACLU) since September 2001. He is the sixth person to hold this post in the organization's 98 years and the first Latino and openly gay man.

Several ACLU of Utah staff members attended the event and met with Romero after his presentation, which focused on the ACLU's near-constant activity to defend civil rights and liberties since the Trump administration took over in January 2017.

The ACLU of Utah has been on the front-lines of many of these efforts, from protests at the Salt Lake City airport over the Muslim travel ban, to our People Power grassroots mobilization event in March 2017, and the lawsuit we recently filed against agents from Immigration and Customs Enforcement (ICE) and the U.S. Marshals for violating the Fourth Amendment rights of a Heber City family during two SWAT-style immigration raids.

Born and raised in New York City, Romero was the first person in his family to graduate from high school. He also graduated from Stanford University Law School and Princeton University's Woodrow Wilson School of Public Policy and International Affairs. He is a member of the New York Bar.



His talk was organized by the Park City Institute, a non-profit organization dedicated to bringing world-class performances and new ideas to Utah audiences. ◀



*Anthony Romero highlights the ACLU's work.*



*ACLU material adorns a table in the lobby.*



*Brittney Nystrom shares a laugh with Anthony.*

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*ACLU of Utah staff members meet with Anthony Romero after his talk in Park City.*

# ACLU IN THE COURTS

## Victory for Voting Rights and Ballot Access in San Juan County

**Weeks before going to trial, the ACLU of Utah and San Juan County officials settled a voting rights case on behalf of the Navajo Nation Human Rights Commission and several Navajo individuals**



Photo: Navajo Nation Human Rights Commission

**How long does it take to drive to your nearest polling place? 5 minutes? 15 minutes?**

After San Juan County officials switched to an exclusive vote-by-mail system in 2014, the answer for many members of the Navajo Nation was measured in hours, not minutes. Research and interviews in San Juan County determined it would take some Navajo voters two hours to drive to the only place to submit a ballot in person, while residents from remote areas of the Navajo Nation could drive for eight to nine hours round-trip. Even



Flag of the Navajo Nation

**“We view the settlement as merely the bottom line from which the county has committed to work with the Navajo people.”**

**Leonard Gorman**  
*Executive Director of the Navajo Nation Human Rights Commission*

though San Juan County’s demographics are evenly split between Navajo and white residents, Navajos would travel twice as long—on average—to vote in-person as the county’s white residents.

That’s why in early 2016 the Navajo Nation Human Rights Commission and seven members of the Navajo Nation sued San Juan County with assistance from the ACLU of Utah, national ACLU, Lawyers’ Committee for Civil Rights, and the law

firm DLA Piper. The complaint in *Navajo Nation Human Rights Commission v. San Juan County* alleged that the county violated the Voting Rights Act of 1965 and the Fourteenth Amendment to the United States Constitution.

According to the 2016 U.S. Census, 4,314 of the 10,275 adult citizen residents of San Juan County speak a language other than English or Spanish—primarily Navajo—with 766 of these residents (18 percent) also speaking English “less than ‘very well.’”

Soon after the lawsuit was filed, the county announced plans to reopen several polling places in majority-Navajo areas of the county. They also sought to dismiss the lawsuit but were blocked by a federal judge. The county retained the reopened polling places for the 2016 general election, but still needed to provide better language assistance to Navajo-speaking voters and do more to equalize the voting opportunities. After a year of legal wrangling, the arbitration process resulted in a settlement that both sides could agree to.

On February 21st the ACLU announced that the parties to the *Navajo Nation Human Rights Commission v. San Juan County* had reached a settlement requiring the county to implement measures aimed to provide meaningful and effective language assistance and equal voting opportunities for Navajo voters. These changes will be in effect during the 2018 elections and will include:

- Providing in-person voter assistance, including in the Navajo language, at several locations on the Navajo Nation during the 28 days before every election;

**Continued on page 14**



# Relief for Targets of Gang Injunction

## Settlement reached in case arising from 2010 Ogden gang injunction

Bringing partial closure to one of the ACLU of Utah's longest-running lawsuits, a settlement reached in late February cleared up claims against Ogden City stemming from the application of a 2010 injunction against two alleged members of the Trece gang.

The settlement resolved the lawsuit in a manner favorable to both sides.



Map of the Ogden gang injunction area.

Beginning in 2010, Ogden police began enforcing an anti-gang injunction over large swaths of the city. The injunction gave affected individuals an 11pm curfew and prevented them from associating with "known" gang members in public, including friends and family members. Hundreds of people were impacted by the injunction. The ACLU of Utah challenged the injunction as unconstitutional, citing its overbroad definitions of "gang membership" that could apply to almost any Ogden resident.

In March 2014 the Utah Supreme Court struck down the injunction after ruling that law enforcement agencies didn't properly serve summons to the gang. Plaintiffs settled

Continued on page 14

# Getting Smart About Justice in Utah

## Utah's new Campaign for Smart Justice is off to a fast start

Where do you start transforming the criminal justice system in Utah? You start with the prosecutor, the most powerful actor in the room.

The prosecutor decides which charges to file, if plea deals are offered, and which arguments to make at bond hearings. The prosecutor brings the power of the state, which includes law enforcement, against an individual and can deprive that individual of life, liberty or property. These County Attorneys (also called District Attorneys) determine criminal justice policy within the county office and also can influence policy at the state level.

That's why one of the first goals of the Campaign for Smart Justice (CSJ) in Utah is to focus attention on the upcoming elections for the top elected prosecutor in each county. Launched in January 2018,



Utah's CSJ is focused on combating mass incarceration and racial disparities in Utah's criminal justice system through prosecutorial and parole reform. This new campaign is led by Jason Groth (see profile, below).

### Electing Prosecutors

In 2018, Utah voters will have the opportunity to transform criminal justice in their community by electing reform-minded prosecutors. Although only nine primary elections for County Attorney will be contested in Utah, those elections will impact

Continued on page 15

## Fixing the System

### Meet Jason Groth, the ACLU of Utah's first Smart Justice Coordinator



Jason Groth, Smart Justice Coordinator

"I tried my best to help the individuals I saw who needed legal counsel," explained Groth. "But I quickly realized that the entire system needed to be fixed."

That ambitious goal is ideal for Groth as he launches the ACLU of Utah's Campaign for Smart Justice, a national effort taking place in all 50 states to reduce the nation's jail and prison population by 50 percent and to combat racial disparities in the criminal justice system. In Utah the campaign will focus on two elements: increasing prosecutorial reform and updating the parole system.

"This two-headed approach targets the source of many systemic problems," explains Groth. "Prosecutors represent the entry-point to the criminal justice system, while parole is the final touchpoint for people who are leaving the system."

Continued on page 15



**Utah youth stand up, walk out, and raise their voices**



## PARTICIPATORY DEMOCRACY

**Natalie Reese** "And as voters, we are calling on our elected representatives to listen to our demands... Now is the time to put aside political beliefs and work together to march for our lives."

**Ermiya Fanaeian** "I am speaking up because I fear for my life... Students of color have experienced gun violence way before Columbine, but are our lives not important enough for your attention, your hashtags, and your headlines?"



**Abena Bakenra** "We will no longer be silent about the things that matter because when we do our lives no longer matter. Silence is power to those who work against us. We work to lift and empower the voices of all youth despite their race, sexual orientation, or religious beliefs. We stand strong as students and we stand united."



**Elizabeth Love** "And to our parents: it is your fight too, because we need you. Today we thank you for marching for our lives. Tomorrow, we need you to vote for them, because voting is about creating a better tomorrow."

**Salt Lake City, March 24, 2018** - The student-led "March for Our Lives-SLC" drove an estimated 8,000 protesters to the Utah Capitol calling for stricter gun policies. Students emphasized the importance of voting, reminding crowds to register and make their voices heard through the ballot box. Similar events were held in Park City, Logan, St. George, and Ogden. Hundreds of sister marches were held in all 50 states, Washington, D.C., and Puerto Rico.



# Youth Activists Claim \$10,000 in Scholarship Awards

2018 is the eleventh year that the ACLU of Utah is awarding scholarships to eligible college-bound Utah high school seniors who have demonstrated a strong commitment to civil liberties activism.

A committee of educators and community leaders met in February to review applications from more than 20 inspiring young activists around the state. These four students were chosen for their inspirational work in standing up for civil liberties in their schools and communities.

## Paola Cervantes West High School



As an immigrant herself, Paola applied her passion for immigration issues while working with Comunidades Unidas in support of the Safe Schools Resolution, which was passed by the Salt Lake School District in early 2017, affirming the District's commitment to all students regardless of citizenship. Paola was elected Diversity Ambassador and founded the Diversity Board at West High School focusing on social justice and community service. Her group is involved in the state legislative process to protect DACA students in Utah. She participated in Latinos in Action and Voices for Equality at her school to be a voice for inclusivity of all cultures and personal identities. She also volunteered as a tutor at Jackson Elementary and is an active member of the National Honors Society.

## Fabiola Munoz Henriquez East High School



Fabiola's family immigrated from El Salvador when she was 12 years old. As she adjusted to life in the U.S. she was confronted by a bullying culture and learned to use her voice to stand up for herself and others. As a teenager, Fabiola suffered the trauma of sexual assault. Instead of dropping out or giving up, she used that life changing experience to become stronger and help others. Fabiola went through the arduous process to find justice and ensure her attacker could not harm anyone else. This struggle inspired her to serve her Latinx community as an advocate for other young women and immigrants. During her junior year, she became involved in several leadership camps to make others aware of the prevalence of sexual assault in her community. Fabiola published an article in *Our Voices* and became a presenter on the impact of bullying and rape culture.

## Isaac Reese Brighton High School



Isaac became acutely aware of injustice as a middle school student when Utah sought to block recognition of same sex marriages in 2013. In high school, he began volunteering at the Utah Pride Center and joined the Queer Youth Activist Collective. Isaac launched a campaign to ban gay conversion therapy in Salt Lake County by enlisting the cooperation of community leaders and elected officials. He led a school movement in support of DACA and DREAMers, and he organized the first Pride Day at his school. In addition, Isaac has successfully argued for students to express their First Amendment rights within a school setting. His recent activism includes organizing events to commemorate Women's History Month, highlighting the local and national gender wage gap and organizing the Salt Lake City March for Our Lives.

## Abena Bakenra West High School



As a young African-American woman, Abena recognizes she is member of a marginalized community, and realizes how important it is for her to stand up to injustice. She helped start a club called "Voices of Equality" to foster inclusiveness at West High. The club has met with community leaders, planned and participated in protests and rallies—including a student march that Abena helped organize to the State Capitol in 2017—to raise a united voice against the Trump administration's anti-immigrant rhetoric. Abena was elected sophomore class president and has continued to develop her leadership skills through the National Honors Society, Feminism Club, and as a captain on four varsity sports teams at her school. Abena is looking for a college that will not only support her educational and leadership goals but inspires an accepting political atmosphere by building on social justice ideals.

*We are grateful for the support of the B. W. Bastian Foundation, the McCarthy Family Foundation, and other private donors for this year's scholarship program.*

## Six Victories to Celebrate



### **HB 196: Breastfeeding Protection Act**

Extends nursing protections to places of public accommodation like retail stores



### **SB 205: Incarceration Reports**

Mandates data collection on inmate deaths, drug treatment, and withdrawal policies at county jails



### **SB 198: Public School Disciplinary Action Amendments**

Requires reporting of data on student interactions with school resource officers



### **HB 205: Down Syndrome Nondiscrimination Abortion Act**

This unconstitutional abortion ban was defeated



### **HB 218: Modifications to Election Law**

Adds statewide Election Day registration and improves automatic voter registration



### **HB 260: Professional Licensing Revisions**

This attempt to give warrantless access to state prescription drug databases was defeated

## 2018 Legislative Review

**Our experienced lobbyist team won several major victories on the Hill this year—and set the stage for future success**

The Utah legislature met earlier this year for 45 days of rapid-fire hearings, debates, and lawmaking. The ACLU of Utah was there for it all.

This year the legislature hit a new record in number of bills introduced. Accordingly, we also hit a high mark for number of bills tracked: 115! In this review we highlight 24 of the more important of those bills that demonstrate some of the highs and lows of the 2018 session, from a civil liberties perspective.

### #1. Voting Reforms

#### HB 218 Modifications to Elections Law

We worked diligently to pass HB 218, which eliminates many barriers to voting. Because of this bill, all Utah citizens can now register and cast a ballot on Election Day. Also, registering to vote when renewing or applying for a driver's license will be more straightforward. Plus, counties can no longer require vote by mail without providing other voting options. The bill does allow for the vote by mail list to be affected by inactivity, but we believe the bill's overall impact will increase voter access and participation.

### #2. Victories for Reproductive Health

#### HB 12 Family Planning Services

##### Amendments

#### HB 205 Down Syndrome

##### Nondiscrimination Abortion Act

#### SB 118 Abortion Law Amendments

#### SB 184 Pharmacist Dispensing Authority

##### Amendments

After years of work, we helped pass HB 12 to increase access to free contraception (including IUDs) for low-income women. We also helped defeat the extremely controversial and unconstitutional HB 205 which sought to criminalize physicians who perform abortions after a fetal diagnosis of Down Syndrome. Our staff intervened to improve a third reproductive health bill, SB 118, which updated mandatory information provided to women seeking abortions in clinics. Finally, we quietly supported SB 184, which expanded access to oral contraception dispensed by pharmacists, a significant improvement in birth control access in Utah.



*Marina Lowe addresses the House Democratic Caucus alongside Libertas Institute's Molly Davis.*

### #3. Chipping Away at the Death Penalty

#### HB 379 Death Penalty Amendments

#### SB 30 Aggravated Murder Amendments

Building on several years of research and coalition-building, we pushed for HB 379's attempt to repeal the death penalty in Utah after almost succeeding in 2016. New champions, including Speaker Greg Hughes and conservative activists, led this year's effort, along with a new report about the substantial costs of death penalty cases and appeals. While HB 379 eventually stalled, the progress made this session indicates that Utah will eventually repeal the death penalty. We also opposed the misguided and harmful SB 30 that expanded Utah's already very long list of "aggravated murder" crimes for which capital punishment is available, but we were unsuccessful in stopping it from becoming law.





#### #4. Progress for Gender Equality

HB 156 Family Leave Amendments

HB 278 Paid Family and Medical

Leave Tax Credit

HB 196 Breastfeeding Protection Act

A cluster of gender parity bills earned our support, including paid family leave for some state workers (HB 156) and a tax credit for employers offering paid family and medical leave (HB 278). Although both bills failed, we did pass forward-thinking legislation with HB 196 to add breastfeeding to public accommodation laws, building on a 2016 victory to extend breastfeeding accommodations in many workplaces.

#### #5. Jail and Prison Transparency

SB 205 Incarceration Reports

In response to distressingly high numbers of deaths in Utah's county jails in recent years, we helped pass SB 205 to require annual reports of every death in jail or prison. The new law also requires jails and prisons to report on medications provided and withheld to individuals in custody.

#### #6. Safeguarding Privacy

HB 43 Blood Testing Amendments

HB 83 Forcible Entry and Warrants Amendments

HB 260 Professional Licensing Revisions

HB 330 Communication Interception Amendments

We helped pass legislation to clarify the process for hospital blood draws by law enforcement, finalizing one of the most talked-about Utah stories of 2017. We also partnered with the libertarian-leaning Libertas Institute to support HB 83, a positive, but ultimately unsuccessful, bill to curtail no-knock and forcible entries by law enforcement and to strengthen judicial review of warrant applications. In addition, we were able to defeat HB 260, a determined effort to roll back a 2015 law that required warrants for law enforcement searches of Utah's prescription drug databases. Though we remained neutral on an unsuccessful HB 330, which would have



*Marina Lowe discusses the details of HB 83 (Forcible Entry and Warrants Amendments) with Connor Boyack from the Libertas Institute in Episode #2 of the "ACLU on the Hill" video series.*

made it illegal in Utah to record a conversation without the other party's knowledge, we used the situation to educate many people about the vital role of privacy in personal communications.

#### #7. Smart Criminal Justice Reforms

HB 291 Sentencing Commission Length of

Supervision Guidelines

HB 336 Fine Amendments

HB 248 Compensatory Service in Lieu of Fine Amendments

Efforts to reduce incarceration in Utah received a boost from the success of three bills we championed. HB 291 increases discretion and allows for case-by-case assessments of the length of probation and parole for adults. HB 336 caps late fees and interest chargeable on criminal fines so more Utahns can pay their fines and avoid crushing debt or incarceration. Lastly, HB 248 allows community service to satisfy a conviction for an infraction or misdemeanor.

#### #8. Improving Police Practices

SB 154 Prohibition of Law Enforcement Quotas

SB 198 Public School Disciplinary Action Amendments

HB 132 Juvenile Justice Modifications

We successfully backed SB 154 to eliminate quotas for law enforcement, arguing that all stops should be justified and tied to public safety rather than revenue generation. Additionally, we helped draft and pass SB 198, which requires public and charter schools to collect and report data, including race, age, disability status, and gender, on disciplinary

interactions between law enforcement and students. We also successfully amended HB 132 to require that school resource officers have probable cause before engaging in searches.

#### #9. Time's Up for Discrimination

HB 283 Workplace Protection Amendments

Partnering with several new business organizations and community groups, we sought protections against discrimination in all workplaces, regardless of the number of employees by supporting HB 283. This bill faced many hurdles, including an unrealistic initial fiscal note that we lobbied to reduce. This legislation, although unsuccessful, did achieve the goal of educating lawmakers and the public about loopholes in current laws.

#### #10. Wins for the First Amendment

HB 36 Free Expression Regulation Amendments

HB 72 Communications of Governmental Entity Employees and Officers

We supported the goal of HB 36 to require that all political subdivisions respect the First Amendment when restricting expressive activity on public grounds, including peaceful assemblies, distributing literature, and gathering signatures. Our First Amendment alarms went off when we realized that HB 72 would make private emails sent by public employees about political matters a public record, creating a chilling effect on what is otherwise constitutionally-protected speech. Working with lobbyists for media and local governments, we convinced the sponsor to amend HB 72 to remove our objections and create a better bill. ◀

# TIME TO CELEBRATE

## The ACLU of Utah is turning 60 this year!

On May 10th, the ACLU of Utah will celebrate our six decades of defending civil rights and liberties in courtrooms, on Capitol Hill, and in the community with a 60th Anniversary Party and Awards Ceremony.

We will be honoring a group of Utahns who have made a positive impact on civil liberties through their work or activism. We will be presenting our 2018 Torch of Freedom Award, Mickey Duncan Award, and our Youth Activist Scholarships.

### 2018 Award Winners

**Torch of Freedom Award**  
The Pioneer Justice Center

**Mickey Duncan Award**  
Aaron Kinikini, Legal Director for  
the Disability Law Center

**Youth Activist Scholarships**  
Four Utah high-school students

### ACLU of Utah's 60th Anniversary & Awards Ceremony

**Thursday, May 10, 2018**

**6pm – 9pm**

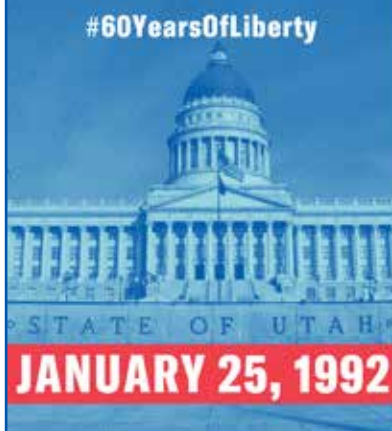
**Sugar Space Arts Warehouse**

**132 South 800 West  
Salt Lake City, Utah**



**Free and open to all!**

#60YearsOfLiberty



**JANUARY 25, 1992**

**ON THIS DAY**

The ACLU of Utah along with other reproductive rights advocates occupied the Capitol Rotunda to protest a 1991 state law that forbid most abortions and passed the legislature in just three days. This law was later overturned.

#ReproRights



**ON THIS DAY** is a social media campaign to celebrate the ACLU of Utah's 60th anniversary. We searched the archives to find important dates and events in our history—like this enormous rally for reproductive rights in January 1992.

## Card-Carrying Proud: Dr. Forrest Crawford

Each month in 2018 the ACLU of Utah will highlight one of our members to celebrate our 60th birthday

Dr. Forrest C. Crawford is a professor of education at Weber State University, and has been associated with that university for 38 years. A native of Oklahoma, Dr. Crawford has achieved the hat-trick in Utah higher-education, earning degrees from Weber State (B.S.), the University of Utah (MSW), and BYU (Ed.D). Dr. Crawford also serves on the ACLU of Utah's board of directors.

"The ACLU's motto might be, 'Because freedom can't defend itself,' but it's mantra has always been 'Rescuing humanity from the margins.' I have witnessed this organization's passionate role in fighting for individuals and groups who believe their voice, their place, and their beliefs have been trampled on to the point where their "Constitutional rights" have no meaning.

I'm a "Card-Carrying Proud" member of the ACLU because I feel compelled to account to humanity about what we can do to dignify its preservation. All I need to do

is reach into my pocket for the card that proclaims that I have been ACLU-affiliated since 1977 and a member since 1992." ◀

**CARD-CARRYING PROUD**

**“ I have witnessed this organization's passionate role in fighting for individuals and groups who believe their voice, their place, and their beliefs have been trampled on to the point where their Constitutional rights” have no meaning. ”**

**Forrest Crawford**  
college professor

**#WhyIACLU**



**ACLU Utah**

**Member since 1992**



# Membership Meeting Explores Utah Activism Since 2016

ACLU staff, board and supporters shared goals and insights during last November's annual meeting

One of the benefits of being a 'card-carrying member' of the ACLU is attending the annual membership meeting.

Every fall the ACLU of Utah organizes a forum to describe our current priorities and future work, provide a financial overview of the organization, and give members a chance to ask questions and provide feedback.

Last November, ACLU of Utah members filled a room at the Wasatch Retreat and Conference Center in Salt Lake City to meet the staff and learn about the affiliate's recent accomplishments and future goals.

The evening began with Executive Director Brittney Nystrom providing an overview of the ACLU of Utah's mission, organizational structure and new staffing hires, and how the organization had changed in the last year—including an astounding 400% increase in overall membership since November 2016.

She was followed by Legal Director John Mejia, Legislative & Policy Counsel Marina Lowe, and Community Outreach Fellow María del Mar González, who provided numerous updates on the organization's legal, legislative, and advocacy activities and accomplishments. Highlights included our continuing work on criminal justice reform, advancing voting access on the Navajo Nation, achieving more equal rights and protections against discrimination, as well as previews of the new Campaign for Smart Justice and the ACLU of Utah's 60th anniversary in 2018.

The evening concluded with a panel discussion titled, "The Landscape of Activism Post-November 2016," featuring long-time civil rights activist Archie Archuleta, Lisa Rampton Halverson (Mormon Women for Ethical Government), Andrea Himoff (Action Utah), Lex Scott (United Front and Black Lives Matter),



*More than 60 ACLU of Utah staffers and members gathered at our annual membership meeting.*

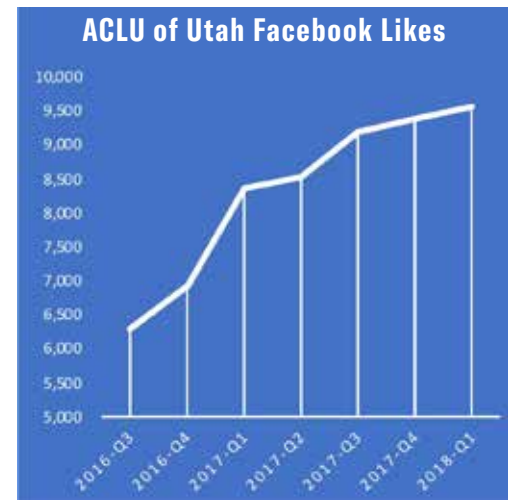
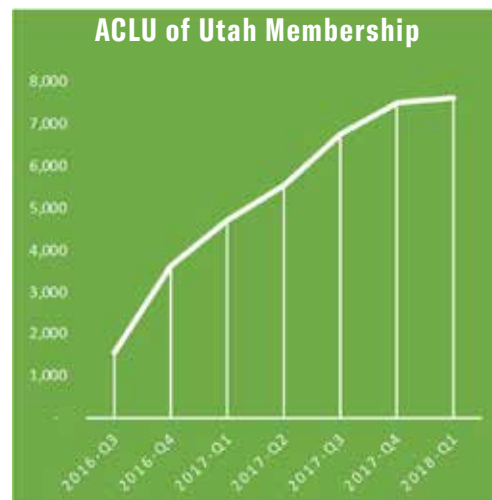
and James Singer (Utah League of Native American Voters, Utahns for Fair Wages), and moderated by the ACLU's María del Mar González. The panel addressed whether today's post-Trump activist environment is different from movements that came before, and how community members can protect themselves from burn-out and apathy.

The entire meeting was broadcast in real-time to an audience of hundreds on Facebook Live, our first use of this powerful new media platform for a membership meeting.

The ACLU of Utah's next membership meeting will be held in November 2018—and we hope to see you there. ◀

## ACLU of Utah Strategic Priorities

- Push for Criminal Justice Reform
- Protect our Privacy
- Ensure Participatory Democracy
- Advance LGBTQ Equality
- Advocate for Immigrant and Refugee Rights
- Fight for Gender Equality and Reproductive Rights
- Advance Racial Justice



**The ACLU of Utah's membership has increased 400% since November 2016.**

# IMMIGRANTS' RIGHTS

## Fighting Back

**A Utah family is standing up to new and harsh immigration enforcement tactics with help from the ACLU**

Around noon, on April 10th, 2017, Alicia Amaya Carmona glanced through the windows at the Wing Pointe apartment complex in Heber City, Utah. What the 48-year-old grandmother saw terrified her.

A group of men in dark vests, carrying assault weapons and pistols, were running through the parking lot towards the apartment. She grabbed her grandchildren, whom she was watching, and ran to the master bedroom. Loud knocking ripped through the apartment. Suddenly the men burst into the apartment. "Come out with your hands up!" one shouted.

The men pointed their assault weapons and pistols at Carmona and the children. First, Carmona was ordered out of the apartment and told she could not touch nor speak to her grandchildren. The four young children, all barefoot, were then ordered outside, too. The temperature was in the 40s.

The heavily armed men, members of Immigration and Customs Enforcement (ICE) and the U.S. Marshals, finally let Carmona know why they were there. They were after Carmona's husband, Abel Ramirez Sr., who had been indicted for illegal reentry six years before. Illegal reentry is not a violent crime, yet this group of federal officers armed for war burst into the apartment without showing a warrant.

Carmona told the men she didn't know where her husband was. The men arrested her. They told her that they would put her grandchildren in state custody if her sons didn't come home immediately.

**“ Loud knocking ripped through the apartment. Suddenly the men burst into the apartment. “Come out with your hands up!” one shouted.”**

Her three sons Carlos, Eduardo, and Abel Ramirez rushed home to a frightening scene and Eduardo was promptly detained and handcuffed. All three young men have status under the Deferred Action for Childhood Arrivals (DACA) program, as does Carlos's wife Berenice Resendiz Ramirez, the mother of three of the children. When she arrived home, she saw an agent holding her terrified two-year-old daughter, J.R., while claiming he couldn't "control" her. When Berenice picked the crying child up, another agent ordered her to stay away from her other young children and family members.

Eventually, the agents released Eduardo, but they took Carmona into custody and drove away. As one agent told Carlos, they "had to take somebody." When Carlos and Berenice entered their apartment, they found it ransacked. Blankets and clothing were strewn everywhere. Drawers were pulled out

and broken closet doors hung off their hinges. The terrifying afternoon was done. But this family's nightmare was far from over.



*Carlos Ramirez*



*Eduardo Ramirez*

### **The lawsuit filed as *Ramirez v. Reddish* claims agents violated the family's Fourth Amendment rights, including:**

- ICE and U.S. Marshals agents entered family's apartment twice without receiving permission or showing a warrant.
- An agent told a family member that they would put the children in state custody if she did not "cooperate."
- Despite knowing that several young children lived in the apartment, agents returned for a second raid late at night and broke down the door with a battering ram.
- Agents ransacked family's apartment during the raids, throwing clothing and bedding everywhere and breaking closet doors off the hinges.



The next night even more officers from ICE and the U.S. Marshals returned to the family's apartment. This time they came with a battering ram. Around 10 p.m., the apartment door burst open. The men entered the dark apartment, screaming at Berenice and her children with their weapons trained on them. Once again, they didn't show a warrant, though they shouted they had one



*Berenice Resendiz Rameriz*



*Abel Ramirez*

before breaking down the door. Eventually, Carlos, Eduardo, and Abel Jr. arrived. "We kept asking to see a warrant, but they refused to show us anything," said Carlos. One of the agents told them that they couldn't win "against ICE" with "Trump's new law." The agents left at midnight. Alicia would remain in detention for another month before she was released on bail.

What transpired those two days in April 2017 is a frightening look into President Trump's new era of draconian enforcement of immigration laws, often in violation of the Fourth Amendment. In February of 2017, Press Secretary Sean Spicer referred to this as "taking the shackles off" ICE officers so they could conduct more sweeps and arrests. This family, especially the four young children, are now understandably terrified of police officers. The children may never approach law enforcement, even if requiring help.

**“ One of the agents told them that they couldn't win “against ICE” with “Trump's new law.” ”**

We know that raids like the one this family experienced have led to both a jump in the number of immigration arrests of individuals with no criminal history as well as a sharp drop in the reporting of crimes from Latinos where communities fear the consequences of speaking up. Trump has unleashed ICE and other federal law enforcement agencies across America. Public safety is the first casualty.

But this time, ICE and the U.S. Marshals picked on the wrong family. In February the Ramirez family sued the agents involved

in the raids for violating their Fourth Amendment rights and using excessive force. Their legal counsel is provided by the ACLU of Utah, the ACLU's Immigrants' Rights Project, and Covington & Burling, LLP,

During the February 27th press conference announcing the lawsuit, ACLU of Utah Executive Director Brittney Nystrom explained why we took the case. "Immigration tactics and priorities might change over time and with new administrations," she said. "But the Constitution's protections from illegal searches and detentions remain the same. Actions by federal agents that violate constitutional rights—as we believe occurred in this situation—remind us how these rights are a vital check against raw power."

Berenice has her own reasons for fighting back. "I want to show my children that we stand up to things like this when they happen," she explained. "I am glad we have filed this lawsuit because I want to help make sure this doesn't happen to other families, especially to other kids."

The agencies and identified agents who participated in the two raids have been served with the complaint and the federal government is now deciding how to respond. ◀



*ACLU's John Mejia (far right), along with Carlos Rameriz and Berenice Resendiz, are interviewed live via Skype on Univision on March 1st. More than 16 local and national media outlets covered the lawsuit.*

- Maintaining three polling places on the Navajo Nation for Election Day voting, which will include Navajo language assistance; and
- Taking various steps to ensure quality interpretation of election information and materials into the Navajo language.

“This settlement is a significant victory for voting rights in San Juan County because it improves access and assistance for Navajo voters,” remarked John Mejia,



Photo: Utah Diné Bikéyah

Legal Director of the ACLU of Utah. “Adding early, in-person voting, and language assistance at more locations inside the Navajo Nation, where vehicle transportation and mail delivery is often slow and unreliable, will give Navajo residents improved access to the ballot box in future elections.”

“Navajo voting rights is very important, especially in the counties within the Navajo Nation,” said Leonard Gorman, Executive Director of the Navajo Nation Human Rights Commission. “The settlement with San Juan County to improve access to polling places and language assistance is a good place to start when working on the needs of the Navajo voters. We view the settlement as merely the bottom line from which the county has committed to work with the Navajo people.” ◀

their case against Ogden City in February. Plaintiffs’ claims against Weber County defendants are still moving forward.

A lawsuit filed by the ACLU of Southern California resulted in 7,000 people being freed from gang injunctions after a federal judge ruled in March that Los Angeles violated their rights to due process by not letting them challenge the civil restraining orders in court. Los Angeles had been applying gang injunctions since the 1980’s.

“Because the gang injunction was never legally enforceable, we sued on behalf of two individuals who were convicted and punished for violating it,” said John Mejia, Legal Director of the ACLU of Utah. Those punishments, he added, were Class B Misdemeanors that could include jail time and up to a \$500 fine. ◀

## Spreading the Word

### Jason Stevenson brings a journalistic approach to the ACLU’s media and communications strategy

Two decades ago, Jason Stevenson got his first real job as a summer intern at the ACLU of Ohio in downtown Cleveland. Because he was still a high school student and didn’t have a car, he hitched a ride with a neighbor every day for the 60-mile round-trip.

“I was the youngest and most tech-savvy person in the office by many years,” Stevenson recalled, “so I updated the computers, organized floppy disks, and created a searchable database for intake requests.”

Fast forward 23 years and Stevenson—absent the floppy disks—now heads the ACLU of Utah’s media relations, social media, and editorial focus as our new Strategic Communications Manager, taking over from Anna Thomas in November 2017.

Prior to joining the ACLU of Utah, Stevenson worked at the Utah Health Policy Project (UHPP), where he directed that nonprofit’s communications and policy efforts to launch and sustain local health reform.

A typical ACLU day for Stevenson involves fielding phone calls from reporters, planning events or a press release, and reviewing documents. “I love the range of issues that cross my desk at the ACLU,” says Stevenson. “One moment I’m responding to an email about Net Neutrality, then my next hour is focused on prison standards, and I finish up posting about the First Amendment.”

The constant mix reminds him of his experience as a journalist. After leaving a consulting career in Boston, Stevenson went to Washington, D.C. to intern for publications



Jason Stevenson, Strategic Communications Manager

covering politics on Capitol Hill, before working as an editor at both *Outside* and *Backpacker* magazines. He also freelanced for several years and wrote a book about backpacking.

Stevenson attended Harvard College, and received a graduate fellowship to study at Scotland’s University of Edinburgh. He lives with his wife, Jackie Rohrer, a family physician, and their two sons in Salt Lake. ◀



## Getting Smart, continued from page 5

the state's most populous counties, including Salt Lake, Utah, and Davis.

**Launched in January 2018, the Campaign for Smart Justice in Utah is focused on combating mass incarceration and racial disparities in Utah's criminal justice system through prosecutorial and parole reform.**

The campaign's goal is to educate residents in these counties about criminal justice reform and pave the way to elect prosecutors who will reduce incarcerations rates, increase rehabilitation services, and improve accountability for their own office.

To help voters make sense of county prosecutor candidates, Utah's CSJ will submit questionnaires to each candidate to gather their positions on criminal justice reform issues. The campaign will also organize public forums so that candidates can speak openly with voters and clarify their positions on criminal justice reform.

## Fixing Parole

Although prosecutors represent the first stage in the criminal justice system, the last stage is just as important: the decisions made by the Board of Pardons and Parole. Utah's CSJ will be tackling this element of the criminal justice system as well.

The parole board determines when an incarcerated person may have a parole hearing and whether a person will be released from prison. In Utah, the parole board uses a guideline to make these determinations, but it may deviate from the guidelines on a case-by-case basis. This means that people with the same sentences for the same crimes can have different outcomes, including different lengths of incarceration.

Parole board decisions in Utah are final and cannot be appealed. Additionally, lawyers or other advocates for a parolee can only appear in particular circumstances. This limits a person's ability to represent

themselves at a hearing and limits their ability to challenge a seemingly unjust or inconsistent decision.

Fair parole hearings and consistent decisions are essential to respect a person's rights and create successful outcomes for re-entry into the community. Utah's CSJ will be working with the parole board and other stakeholders to advocate for fair, evidence-based parole guidelines. The campaign will also be increasing incarcerated persons' access to resources before a parole hearing to ensure fair and just hearings.

Keep following Utah's Campaign for Smart Justice (see CSJ's social media feeds below) to learn about its progress on upcoming county attorney elections and reforming the parole and pardon system. ◀



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

## Fixing the System, continued from page 5

His first step is to identify the competitive races for county prosecutors in 2018 and create questionnaires and organize candidate forums to educate voters about the importance of these elections.

Groth attended college at the University of Dubuque and returned to Iowa to earn a law degree at the University of Iowa College of Law. In between he earned a master's degree in creative writing at the University of Wisconsin-Milwaukee and worked as an adjunct English professor.

He was active in indigent defense throughout law school, from representing clients in trial to arguing at the Iowa Court of Appeals. As an attorney he continued his indigent defense work with the Colorado State Public Defender, where he represented adult and juvenile clients in misdemeanor and felony cases. He also served as vice president for the Pro Bono Project of Mesa County's Board of Directors, and coached high school mock trial teams before relocating to Utah along with his wife, Olivia, a family law attorney.

Groth is excited to join the ACLU of Utah after working on criminal justice issues for many years. "Anytime you walk into a room and say you're from the ACLU of Utah, people listen to what you have to say, and that's been a great benefit as I launch the Campaign for Smart Justice." ◀





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