



Liberty Reporter

Summer 2014

Newsletter of the American Civil Liberties Union of Utah

Court Orders Recognition of Marriages, State Appeals



ACLU of Utah plaintiffs and attorneys gather outside the U.S. Federal Courthouse after the hearing on March 12

On May 19, the federal judge in *Evans v. Utah* ordered the state to recognize the marriages of same-sex couples who were legally married in Utah after a federal court struck down a state ban, but before the U.S. Supreme Court temporarily halted additional marriages from taking place. Over 1,000 same-sex couples married in Utah during that time period. The *Evans* case was brought by four married same sex couples represented by the American Civil

Liberties Union LGBT Project, the ACLU of Utah, and Strindberg & Scholnick, LLC. While the Tenth Circuit temporarily put the judge's order on hold, we are hopeful that the hold will be brief.

"Our clients, like over 1,000 other same-sex couples, were legally married and those marriages cannot now be taken away from them," said John Mejia, legal director of the

ACLU of Utah. "We are confident that the appellate court will uphold the district court's well reasoned and thorough order making that clear."

In his ruling, Judge Dale A. Kimball wrote: "The State has placed Plaintiffs and their families in a state of legal limbo with respect to adoptions, child care and custody, medical decisions, employment and health benefits, future tax implications, inheritance, and many other property and fundamental rights associated with marriage. These legal uncertainties and lost rights cause harm each day that the marriage is not recognized."

Unfortunately, the state filed a notice of appeal to the 10th Circuit Court of Appeals on June 5, along with a motion to stay Judge Kimball's order while the appeals court considers the case. The appellate court has put a temporary stay in place, but has not yet decided whether to keep the stay in place for a longer time.

"We are deeply disappointed by Governor Herbert and Attorney General Reyes' decision to appeal the district court's ruling and to continue their ill-advised and legally unprecedented campaign to strip recognition from these legally married couples and their

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What Should Utah's Next Prison Look Like?

...and more importantly, what should Utah's ENTIRE CRIMINAL JUSTICE SYSTEM look like?

Here's the short answer to both of those questions: smaller, more humane, and more efficient than the Utah State Prison in Draper... with a design that is driven by the strong, abundant research about crime, punishment, and policy that has emerged in the twenty five years since Utah built its last prison facility in Gunnison.

Ever since the state's Prison Relocation and Development Authority (PRADA) got seriously serious last year about moving the prison in Draper, many Utahns have been focused on the "Development" part of PRADA. Plenty of members of the public have expressed concerns - directly to the PRADA members, as well as in the Editorial pages of the *Deseret News* and *Salt Lake Tribune* - that the



Utah State Prison in Draper

relocation is driven more by monetary interest in redeveloping the prison site than by any real need to improve the prison itself.

The ACLU of Utah has no position on whether the Utah State Prison should move from its

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The Director's Chair



Karen McCreary,
Executive Director

We are energized by our recent successes. The federal district court just released its decision in *La Raza v. Utah* blocking parts of HB 497, Utah's Illegal Immigration Enforcement Act and severely restricting other aspects of it. Great news! Our 2011 lawsuit initially resulted in the court's granting of a restraining order which stopped the law from going into effect for the past three years pending this ruling.

In the several years leading up to the 2011 legislative session, there was a wave against immigrants that spilled over into fevered, frequently racist and nativist denunciations by many, including some in law enforcement and the legislature. We worked alongside coalition organizations and faith leaders to push back against many proposed bills and to call for a more reasoned and informed response to immigration issues. When HB 497 was passed, we knew it had to be challenged and are grateful for the courageous leadership of our plaintiffs who joined in the lawsuit. The 2011 restraining order provided the opportunity for a range of Utahns including the Utah Compact and the Enriching Utah Coalition to work to change the tenor of the public discourse. We will continue to work for Comprehensive Immigration Reform while remaining vigilant in Utah to ensure that law enforcement respects the constitutional lines drawn by the court.

It has also been exciting to be in the midst of the fight for marriage equality in Utah. We were thrilled with federal district judge Kimball's ruling in our *Evans v. Utah* case agreeing that marriages between same sex couples must be recognized by the state. In addition, it was especially meaningful to receive the news just days after plaintiff Tony Milner shared the challenges to being a dad and husband posed by Utah's actions at our Bill of Rights Breakfast.

In these times of such destructive polarization across our country, we celebrate the ways in which our legislators and community partners bridged divides to bring about enhanced rights for voters and articulated standards for 4th amendment protections in such areas as drones and SWAT teams. Similarly, we continue to work across the political spectrum and with a variety of community leaders to move our criminal justice system towards reform.

All the work we do - whether through litigation, lobbying or education- is profoundly enhanced and made sustainable by engaging with others. We are grateful for the challenges you give us to listen more deeply, to seek others' insights, and to brainstorm about how we might work more productively together. We seek your help in giving voice to the vulnerable members in our community who face barriers to asserting their rights and we appreciate your assistance in connecting us to new partners and diverse allies. Thank you for working with us for a more just and equitable Utah.

VICTORY! Court Limits Enforcement of “Show Me Your Papers” Law

La Raza v. Utah - On June 18, a federal district court issued a decision blocking several components of Utah's HB 497, an Arizona-style anti-immigrant law passed in 2011 that threatened the basic civil rights of all Utahns.

In its order, the court blocked key provisions of the law that would have allowed police to arrest certain potentially deportable immigrants and that would have criminalized everyday activities, such as driving an undocumented immigrant to the store. The order also severely limited implementation of several provisions of the law. The court clarified that the provision authorizing police to demand “papers” of those they think may be in the country without authorization does not authorize police to stop or detain an individual simply to verify his or her immigration status. The court also made clear that the law does not require Utahns to carry identification with them at all times.

Archie Archuleta of the Utah Coalition of La Raza, a plaintiff in the lawsuit, said, “The order reinforces a simple truth: No one should fear being charged with a misdemeanor or felony simply for driving her parent to the grocery store or a friend to church. Although the fight for equality is not over, we are pleased to see that the court has prevented much of this law from harming countless Utahns.”

Karen McCreary, executive director of the ACLU of Utah, said, “Since our lawsuit halted

HB 497 from going into effect three years ago, there has been growing acknowledgement among Utahns that state laws such as HB 497 and Arizona's law primarily cause division and strife within our community and that as a state we are better off working for longer term comprehensive solutions that protect our families and enhance our economy. Even the primary sponsor of HB 497 now has publicly acknowledged HB 497 is not good public policy for our state. The Utah legislature should respond by repealing what remains of this law following Judge Waddoup's ruling.”

“The court's message is loud and clear: state and local police may not stop, detain, or arrest someone solely for immigration purposes,” said Jennifer Chang Newell of the ACLU Immigrants' Rights Project, who argued the case in 2013.

The 2011 lawsuit filed by the ACLU Immigrants' Rights Project, the ACLU of Utah, the National Immigration Law Center (NILC), and the law firm of Munger, Tolles, & Olsen, charged that HB 497 is unconstitutional because it unlawfully interferes with federal power and authority over immigration matters in violation of the Supremacy Clause of the U.S. Constitution and authorizes and requires unreasonable seizures and arrests in violation of the 4th Amendment, among other unconstitutional challenges.

Information about this case can be found at www.aclu.org/immigrants-rights/utah-coalition-la-raza-v-herbert



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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Jensie Anderson, Rusty Andrade, Stephen Clark, Laura Kessler, Clemens Landau, Tom Mitchell, Tyson Snow, Karen Stam, Aaron Tarin, Mary Woodhead

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Bill of Rights Celebration Honors Civil Liberties Champions, Is Great Success!



The 2014 Bill of Rights Breakfast Celebration was a great success! Over 350 guests joined us to celebrate the civil liberties champions in our community and to lend their support to our important work.

We were inspired by the stories of our awardees, all of whom helped to illustrate that, truly, “civil liberties are for everybody.” Our speakers and awardees represented so many of the vital aspects of what the ACLU does and who we protect, no matter a person’s background, race, religion or sexuality.

Molly Prince spoke on behalf of the Utah Prisoner Action Network, our Torch of Freedom Awardee, about how much she values the work of the ACLU in helping her family and the other families involved with UPAN to advocate for their incarcerated loved ones.

Our Mickey Duncan Awardee, Randy Richards, shared his experiences as the defense attorney for the Ogden Trece gang and Matthew David Stewart. He also highlighted the importance of the ACLU’s work in defending those in our community who have been marginalized or ostracized because of society’s stigma.

And finally, Tony Milner, one of the plaintiffs in our *Evans v. Utah* case, gave a deeply personal speech about his family and his struggle to legally adopt his son, Jesse, in the wake of the Attorney General’s decision to not recognize the same-sex marriages that took place following Judge Shelby’s ruling.

And, as we do every year, we presented our Youth Activist Scholarship Awards to four graduating seniors who are already leaving a positive mark on the world. You can find out more about these incredible young activists on the back page.

We are grateful for all the support we received for this event and the important work that we do! We could not do it without our sponsors, and donors. Because of everyone’s generosity we were able to raise enough funds to get our \$15,000 matching gift making this event a smashing success! We hope that you can join us for the Celebration next year.



From the top down: ACLU of Utah plaintiff Tony Milner, Youth Activist Scholarship winners, Molly Prince of UPAN, Randy Richards receives the Mickey Duncan Award from Legal Director John Mejia.



ACLU of Utah supporters celebrate the Bill of Rights.

We would like to thank our amazing sponsors for this Celebration.

Founder’s Circle: The Bastian Foundation, Steve and Brenda Lowe, Michael and Donna Weinholtz, CHG Healthcare Services, Jane & Tami Marquardt.

Constitutional Champions: Robert Wood & Associates, Bill & Janet Orchow, Planned Parenthood Association of Utah, Amy O’Connor, Rebecca Chavez-Houck & Martin Houck, Parr Brown Gee & Loveless, George & Mary Hall, Elizabeth Conley & Bill Siska, Sue Marquardt, Jill & Richard Sheinberg, KRCL 90.9 Community Listeners’ Radio of Utah, Damn These Heels! LGBT Film Festival, The Inclusion Center, Equality Utah, Kanter Family Foundation, Parsons Behle & Latimer, Barry Gomberg

Liberty Allies: Rev. Claudia & David Seiter, Kent Alderman, Nathan Hult, Angie & Peter Stefaniak, Pam Roberts, John & Catherine Putnam-Netto, Cassie Power, AARP Utah, Perretta & Associates, Utah Civil Rights & Liberties Foundation, Pat Christensen, Holland & Hart.

Legislative Victories!



The 2014 session, January 27 - March 13, was filled with many victories for the ACLU of Utah! Here’s a brief summary of some of our successes.

VOTING RIGHTS

HB 156 – Election Day Voter Registration Pilot Program

The ACLU of Utah is thrilled to have been a part of the passage of HB 156 – Election Day Voter Registration Pilot Program. We have been supporting and encouraging legislators to pass Election Day Registration (EDR) since 2006. HB 156 creates a two-year, opt-in pilot program to implement EDR, which allows an individual to register and cast a ballot on Election Day. So far, Davis (population 315K), Salt Lake (population 1.6M) and Weber (population 236K) counties have all expressed interest in participating. Together those counties make up 74% of Utah’s total population of 2.9M, who will now have access to EDR! At a time when much of the country is experiencing voter restrictions, it is exciting that we are passing progressive legislation in our state!

FOURTH AMENDMENT

HB 70 – Forcible Entry Amendments

The ACLU of Utah, along with the Libertas Institute and the Utah Association for Criminal Defense Lawyers, worked long and hard this session to place restrictions on how law enforcement may forcibly enter a residence. This work resulted in the passage of HB 70 – Forcible Entry Amendments. HB 70 requires probable cause before law enforcement can forcibly enter for reasons of preventing evidence destruction. The law additionally requires that only that force which is reasonable and necessary be used. Officers must verify location of the residence in question prior to forcibly entering. While this legislation is but a first step, we will work with legislators to do more to address the growing trend of police militarization in upcoming legislative sessions. In order to build on this momentum, we co-hosted a

forum for lawmakers and the public on this very topic on June 17th, with the following featured speakers: Utah Attorney General Sean Reyes, Salt Lake County District Attorney Sim Gill, Utah Sheriff’s Association president, Sheriff Tracy, former SWAT commander Chris Gephardt, and Kara Dansky, Senior Counsel with the ACLU.

HB 185 – Law Enforcement Transparency

Again working with partners, the ACLU of Utah worked to pass HB 185, which requires law enforcement to produce reports whenever forcible entry occurs or SWAT teams are deployed. The law requires that 16 different data points be collected and reported on an annual basis to the legislature. Utah is now the second state in the nation to pass legislation requiring this type of law enforcement transparency!

HB 128 – Electronic Device Location Amendments

With the passage of this bill, Utah became the first state in the nation to enact legislation simultaneously protecting location information and electronic communications content, regardless of age, from government access—ensuring that state and local law enforcement can only access that sensitive information when there is good reason to believe that it will reveal evidence of a crime, or in true emergencies. HB 128 also mandates that law enforcement delete data that doesn’t pertain to a warrant, and that notification be provided to an individual if his or her information was obtained.

SB 167 – Regulation of Drones

With the enactment of SB 167, Utah joins the growing list of states that are requiring law enforcement to obtain a warrant before using a drone or obtaining information from a drone, except in limited circumstances. Utah has actively sought out drone development in the research and development sphere, recognizing that this technology can provide important benefits. Placing restrictions on law enforcement use of drones in order to protect

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Staff Changes At the ACLU of Utah

Amy O’Connor Development Director



Amy joined our staff in April as development director with more than 25 years of nonprofit experience. After earning a master’s

degree in biology from the University of Utah, she directed the membership growth and outreach of the Southern Utah Wilderness Alliance from 1988 to 1996. She started her own consulting business and served hundreds of non-profits as an organization development consultant through 2013. We are delighted to have Amy join our staff with her wealth of professional experience and passion for a more just society.

Anna Brower Public Policy Advocate



Anna has been with the ACLU of Utah since 2007. Prior to her recent transition to this policy role, she served as our development director for six years. Before joining the ACLU, Anna worked extensively in the non-profit and public sectors in Denver, Colo. She holds a degree in journalism from the University of Denver, and will complete the University of Utah’s Executive MPA program in August 2014. Her focus includes the prison relocation, the state’s system-wide review of criminal justice practices, advocating for female prisoners, and pushing for reforms to the use of solitary confinement in Utah.

Anna has been with the ACLU of Utah since 2007. Prior to her recent transition to this policy role, she served as our development

Kathy Abarca Racial Justice Project Associate



Kathy first joined the staff as an intern in the fall of 2013. She quickly exhibited her excellent research, writing and organizing skills, and was offered a part time Program Assistant position in January 2014. While working for us she received her dual Bachelor degrees in Sociology and Justice Studies from Westminster College in June. We are excited that she will continue to work with the ACLU of Utah as a Racial Justice Project Associate. Some of her focus will include the School-To-Prison-Pipeline, Racially Just Utah, criminal justice reinvestment, and criminal justice reform.

Utah Fire Fighters Victim of Fourth Amendment Violations



Fire engine outside of UFA training facility. (From www.unifiedfire.org)

On April 14, the ACLU of Utah and the national ACLU’s Speech, Privacy, and Technology Project, filed a legal brief in support of a Utah paramedic whose Fourth Amendment rights were violated when police swept up his confidential prescription records in a dragnet search.

The United Fire Authority (UFA) is Utah’s largest fire agency, with 26 fire stations in communities surrounding Salt Lake City. Last year, some UFA employees discovered that several vials of morphine in ambulances based at three fire stations had been emptied of medication. Suspecting theft, they called the police. At this point, one would expect police to interview firefighters and paramedics with access to ambulances at those three stations and try to draw up a reasonable list of suspects. But one detective had a different idea.

Soon after receiving the theft report, a detective with the Cottonwood Heights Police Department logged into the Utah Controlled Substances Database and downloaded the prescription histories of all 480 UFA employees. The database tracks patients’ prescriptions for medications used to treat a long list of common medical conditions, and the records can reveal extremely sensitive health information. Unlike some other states, Utah doesn’t require police to get a warrant before accessing this private data. The detective took advantage of this loophole and obtained a great deal of confidential information without going to a judge or demonstrating any individualized suspicion.

Even after scooping up the prescription histories of every UFA employee, the detective still couldn’t figure out who might be behind the morphine theft. Instead of stopping there, however, he went on a new fishing expedition through the records, looking for anything he deemed suspicious. He read through the prescription histories of hundreds of firefighters, paramedics, and clerical staff, learning what medications they took and



revealing private facts like whether they suffered from an anxiety disorder, chronic pain, insomnia, or AIDS. He identified four people whose records seemed to him to indicate dependency on opioid painkillers, and convinced a prosecutor to charge three of them with prescription fraud. One of them, paramedic Ryan Pyle, filed a motion to suppress the evidence gathered by the detective, arguing that the warrantless search of his prescription records violated his Fourth Amendment rights. The ACLU is now weighing in on Mr. Pyle’s side.

“To allow police to snoop through hundreds of people’s sensitive and personal records without a court ordered warrant, much less probable cause to believe that any of them committed a crime, is an egregious violation of the Fourth Amendment,” said John Mejia, Legal Director of the ACLU of Utah.

“If these are the practices that are affecting our first responders’ medical records, I’m concerned about what law enforcement is doing with all of our records,” said Nathan Freed Wessler of the ACLU’s Speech, Privacy, and Technology Project. “If the Fourth Amendment means anything, it means that police cannot have free rein to flagrantly violate our medical privacy rights.” He continued: “Our position is strongly supported by a recent federal case in Oregon, where we helped fight off a DEA request for records to a state-maintained prescription database similar to Utah’s.”

For more information on this case, please visit: www.acluutah.org/legal-work/current-cases

Racially Just Utah: A New Coalition Championing Racial Equity

In 2013, the ACLU of Utah held a public event, to present on our current racial justice programs. Community members attending felt a need to have a wider discussion on systemic racial injustice in Utah. A diverse group of several dozen came together for the next meeting bringing their concerns over problems of racism in Utah and their desire to mobilize so that realistic solutions could be explored. Consequently a new multicultural and multiracial coalition was established to work towards racial equity in Utah.

www.acluutah.org

In early 2014, the coalition became Racially Just Utah, reflecting the coalition’s agreed mission: to positively and proactively ensure racial equity in Utah through policy, accountability, and education. The coalition holds open meetings once a month and has created teams to help create a platform to implement ideas and goals.

For more information about Racially Just Utah, and to sign up for the email list, visit <https://groups.google.com/forum/#!forum/Racially-Just-Utah>

Arguments at the Tenth Circuit in *Kitchen v. Herbert*: A Travelogue

By John Mejia, ACLU of Utah Legal Director

It’s not every day that one gets a chance to see history being made, so I couldn’t turn down the opportunity to see the oral arguments in the appeal in *Kitchen v. Herbert*, in which Utah’s ban on marriage between same sex couples was struck down.

The plaintiffs in this case are Derek Kitchen, Moudi Sbeity, Karen Archer, Kate Call, Laurie Wood, and Kody Partridge. They are represented by attorneys with the Salt Lake City law firm Magleby & Greenwood.

The ACLU of Utah and the ACLU LGBT Project filed a friend-of-the court brief on their behalf and on behalf of numerous civil rights organizations (both in the district court and in the Tenth Circuit.) Here’s a real-time account of my trip to the Tenth Circuit Court of Appeals in Denver on April 10.

5:00 am – I make it to the SLC airport. The early bird gets a seat in the courtroom, but it’s still too early!

8:30 am – I arrive at Byron White Courthouse in downtown Denver. It is really a beautiful place, in the classical style favored by federal courts. Many marriage equality supporters have made the trip here, and the buzz in the air is palpable... Lots of Utah and national media are milling about as well.

9:40 am – The Plaintiffs and their team arrive to rock star treatment from friends, family, and supporters waiting in the lobby. I am inspired by their steadfast confidence.

9:45 am – The courtroom opens, and those of us with the “golden ticket” make our way into the courtroom, which is quickly standing room only. Everyone else has to go to overflow rooms with closed circuit TVs.

10:00-11:00 am - The judges make their way in and the proceedings start. The attorney for Utah stands up to defend Amendment 3 and is immediately peppered with questions from the judges. Right off the bat, Judge Holmes wants to know how Amendment 3 is different from the ban on interracial marriage struck down in *Loving v. Virginia*. Utah’s attorney does the best with what he has, which is not particularly convincing.

Plaintiffs’ attorney stands up to defend marriage equality. She stands up very well to

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Unbeknownst to most of the general public, the state is actually engaged in TWO important processes related to corrections and criminal justice, not just the prison relocation conversation.

pertinent to the conversation about how big the new prison needs to be - wherever it ends up being located.

Pew and other non-profit organizations have conducted Justice Reinvestment processes in other states over the past eight years, seeking

For example, in South Carolina, where spending on corrections exploded by 500% between 1983 and 2008, policymakers began working with Pew in 2009 to avoid spending up to \$175 million in construction costs and \$66 million in operations costs. Lawmakers eventually passed a comprehensive Justice Reinvestment Act in 2010 that included common sense sentencing reforms, improvements to inmate release policies, stronger parole and probation practices, and mechanisms for ongoing oversight of continued criminal justice reform. Thanks to these reforms, South Carolina avoided having to build nearly 2,000 new prison beds.

The Justice Reinvestment process will continue throughout the summer and the fall, eventually resulting in a package of reforms that will be presented to the Legislature for a vote during the 2015 session. The Prison Relocation Commission's work will parallel the Justice Reinvestment work guided by Pew and the Commission on Criminal and Juvenile Justice, resulting in a 2015 recommendation to the Legislature about a site for the new prison.

The ACLU of Utah will be vigorously engaged in both of these processes. We consider this an important opportunity to realize long-time criminal justice reforms and systemic improvements that will enhance public safety, preserve civil liberties, and strengthen our communities.

Get the latest from the ACLU of Utah, with our civil liberties and social justice perspectives (and extra education!) mixed in...

- email Public Policy Advocate Anna Brower
at annabrower@acluutah.org to get added to our “Prison Relocation & Justice Reinvestment” email list, for weekly (or less!) updates sent right to your email box

- **Thursday, July 17, 9:00 a.m.**
- **Tuesday, August 26, 9:00 a.m.**

Find meeting locations and other important Commission information at le.utah.gov and search for the Prison Relocation Commission under “Interim Committees.” You can also navigate to the Commission information from the ACLU of Utah website.

- **get the full schedule of CCJJ meetings for 2014**
at www.acluutah.org/criminal-justice/item/810-jri-meeting-schedule

- **go to the Utah Public Notice website**
at www.utah.gov/pmn/index.html and select “State Government.” The Utah Commission on Criminal and Juvenile Justice is listed as its own entity; the Prison Relocation Commission is listed as a “Legislature” entity.

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Utah Unites for Marriage



ACLU of Utah *Evans v. Utah* plaintiffs Elenor Heyborne Marina Gomborg.

The ACLU of Utah is proud to be a founding member of a new coalition **Utah Unites for Marriage** which promotes the freedom to marry.

Utah Unites for Marriage, is a growing group of diverse state and national organizations, faith, business and civil leaders, and everyday Utahns. It has initiated a statewide public education campaign to broaden the conversation about why marriage matters to all couples and their families.

This campaign comes on the heels of a federal court ruling that granted the freedom to marry on December 20, 2013. The U.S. Supreme Court, on January 6, 2014, temporarily halted marriages from taking place while the state challenged the decision. While the litigation weaves its way through the federal court system, **Utah Unites for Marriage** will grow the grassroots network of people throughout the state committed to ensuring this basic freedom is soon available to everyone in the state.

“The ACLU of Utah is excited to be a partner in this campaign,” said Karen McCreary, executive director. “It provides 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. These stories make clear why marriage matters in so many legal, emotional and practical ways.”

You can help by getting involved today!
Visit www.utahunites.org/

Out for Freedom! ACLU walks in Utah Pride Parade



This year we joined forces with our friends at Equality Utah and Utah Unites For Marriage to have a super awesome contingent in the Pride Parade. We are grateful to all the wonderful folks who came out and walked with us. It was an amazing and inspiring experience. Together we will continue to work towards full equality for all!



Evans

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families,” said John Mejia, “We had hoped that Governor Herbert and Attorney General Reyes would stop wasting taxpayer dollars trying to tear these families apart and let them move on with their lives like any other married couple.”

This lawsuit is separate from the original federal case *Kitchen v. Herbert* (See page5) challenging Utah’s marriage ban, which is on appeal and awaiting a decision from the U.S. Court of Appeals for the Tenth Circuit.

For more information on this case, please visit: <http://www.acluutah.org/legal-work/current-cases>

Legislative Successes

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our privacy will help reassure Utahns as drones become increasingly visible.

SB 46 – Administrative Subpoena Modifications

The ACLU of Utah has long voiced concern over the use of administrative subpoenas, which allow law enforcement to obtain information about people with no judicial oversight. Administrative subpoenas are typically served on a subject (usually a telecommunications provider) by law enforcement directly, along with a gag order, so that the target of the subpoena is not alerted. With the passage of this bill, law enforcement must first obtain a court order.

You can find more about our legislative work at www.acluutah.org/legislation

Kitchen Travel Log

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the judges’ questions, which generally center on states’ power in this area.

The attorney for Utah stands up one more time. Judge Lucero asks a question that blows me away. How is Amendment 3 different from *Dredd Scott* (the case holding that runaway slaves had no rights) if it reduces married same sex couples and their children to second-class citizenship when they move to Utah? The State doesn’t have a great response.

11:10 am - Dozens of press and supporters gather on the courtroom steps to hear from Plaintiffs and their attorneys. They come out to a thunderous round of applause. The Plaintiff couples and their attorneys give brief and powerful statements. While my cell phone battery has maddeningly died, the multitude of TV and photo cameras will certainly do the job for me!

3:00 pm - Back at the Denver airport. Now its just wait (and wait, and wait!) for a decision. It was good to be here today, and to know that marriage equality supporters put their best case forward!

For more information on this case, please visit: www.acluutah.org/legal-work/current-cases



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VICTORY! Court Limits
Enforcement of “Show
Me Your Papers” Law
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2014 Scholarship Winners Exemplify Youth Activism



Mary Burnett



Ashley Whippey



Gloria Hammond



Madison Palmer

These young activists were selected for their dedication to civil liberties, their leadership abilities, and their academic excellence.

A selection committee composed of community leaders and educators reviewed qualifying candidates from across the state. Each winner will receive \$1,000 towards their first year of college. Traditionally, the ACLU of Utah presents three scholarships, but due to the level of outstanding applications the committee received this year, the selection committee decided to award FOUR scholarships!

“One of the great pleasures I have is being involved with the selection of the ACLU Youth Activist Scholarships,” said Laurie Wood, chair of the selection committee. “The applications are sometimes heart wrenching as well as inspiring. The committee and I struggle with narrowing the field as so many of the applicants are well-deserving. I feel truly hopeful when I see what students are accomplishing in their schools, their neighborhoods, and across the state.”

Mary Burnett

Salt Lake Center for Science Education

Mary demonstrated her leadership and tireless activism for LGBTQ rights by inspiring her church to accept members regardless of their sexual orientation. She founded a Gay Straight Alliance Club at her high school and organized the first annual Day of Silence to raise awareness about bullying by peers.

Ashley Whippey

Juab High School

Ashley’s aspiration to pursue a career promoting civil liberties through journalism is bolstered by her English class essay outlining the unconstitutionality of same-sex marriage discrimination. In her work as Editor-in-Chief of her school newspaper she chose to feature a photo of a lesbian couple enjoying themselves at prom, despite pressure from the school in both instances.

Gloria Hammond

Box Elder High School

After hearing about the social ostracism her LGBTQ friends faced, Gloria established a Gay Straight Alliance at her high school, including the club curriculum and constitution, and successfully defended her club in a debate against the school board, spreading awareness of the cause.

Madison Palmer

Cottonwood High School

While participating in a volunteer program to experience what it would be like to be homeless, Madison discovered poor childrens’ susceptibility to human trafficking which inspired her to start a Backyard Broadcast Club at her school, contributing to a youth movement to combat domestic minor sex trafficking and aiding in the passage of House Bill 163, Human Trafficking Amendments.

Find out more about the Scholarship and this years winners at www.acluutah.org/student-rights