ACLU of Utah *Reporter*

Fall 2005 **Newsletter of the American Civil Liberties Union of Utah**

ACLU Forum: Domestic Partnership Benefits for City Employees

On September 21, Salt Lake City Mayor Rocky Anderson made Utah history when he signed an executive order extending health benefits to city employees' gay and unmarried partners. ACLU of Utah attorney Margaret Plane answers questions about the order and opponents' claims that Utah's constitutional amendment prohibiting same-sex marriage also prohibits state and local governments from providing these types of benefits.

ACLU of Utah Attorney Margaret Plane

Where do partnership benefits for Salt Lake City employees stand?

Although the executive order's effective date was September 21, it may take a court order before employees can enroll their unmarried partners in the insurance benefits plan. That's because less than one week after the order was signed, the agency that administers health insurance for state and local government employees in Utah filed a petition with the state court requesting clarification about whether Utah law prohibits Salt Lake City from offering health insurance benefits to domestic partners. The Public Employees Health Program (PEHP) is awaiting an answer from the court before amending Salt Lake City's health insurance contracts.

What are domestic partners?

Under Mayor Anderson's order, a qualified domestic partner is someone who has a long term, committed relationship with a Salt Lake City employee, who lives with that employee, and who shares financial obligations with that employee. Domestic partners may not be related by blood to a degree that would prohibit marriage. Under the city's definition, a domestic partnership can be same-sex or heterosexual.

Does Amendment 3 prohibit this kind of a benefit?

Absolutely not. Our state constitutional amendment prohibits government from giving same-sex relationships the "same or substantially equivalent legal effect" as marriage, and providing health insurance benefits to same-sex partners is simply not equivalent to marriage. In fact, health insurance is not one of the statutory rights or benefits of marriage, and employers aren't obligated to provide health insurance for their employees' husbands or wives—or even, for that matter, for their employees.

Does Utah law prohibit Salt Lake City from offering this benefit to its employees?

No. In its petition, PEHP refers to Utah's Marriage Recognition Policy. This statute, like the amendment, says that Utah will not recognize any law creating benefits that are "substantially equivalent to those provided" to married couples. Again, the opportunity to buy into your partner's health insurance plan is in no way "substantially equivalent" to marriage. Moreover, the statute expressly states that it does not impair contractual rights, and the administration of a benefits package is clearly a contract between the government employer and its employees.

Have other courts looked at similar cases?

Yes. Coincidentally, on the same day PEHP filed its petition, a state court in Michigan ruled that that state's new constitutional amendment does not preclude city and state government employers from providing health insurance benefits to domestic partners. While Michigan's constitutional amendment is worded slightly differently from Utah's, much of the court's reasoning applies to Salt Lake City's situation. In its ruling, the court wrote: "There is nothing in the amendment that evidences the intent of the people to go beyond disallowing same sex marriage and civil unions to preventing employers from voluntarily providing health insurance benefits to those who meet certain criteria that the employer has established." The court went on to state: "The criteria [for receiving health care benefits] . . . pale in comparison to the myriad of legal rights and responsibilities accorded to those with marital status." The Michigan court's reasoning applies with equal force in this case.

What happens now?

Salt Lake City hopes to offer the benefits starting November 1, 2005, and both PEHP and Salt Lake City have requested that the judicial process be expedited. We presume the court will uphold Salt Lake City's right to provide these benefits to its employees. If it does not, the ACLU of Utah will consider what role we might play.

Want to keep up with our activities?

Subscribe to the **ACLU of Utah Activist**, a monthly email newsletter that gives you up-to-date information about all of our events, issues, and actions. We'll never share your email address or send you more than one newsletter a month, and it's easy to remove yourself from our list.

Visit www.acluutah.org/activist.htm to subscribe to the **ACLU of Utah Activist**.

Divine Design

This spring, State Senator Chris Buttars gave Utahns a heads-up on one legislative issue we may soon be facing when he stated that he wants Utah public schools to teach "divine design" alongside the scientific theory of evolution. His efforts to bring divine design (aka intelligent design) to Utah schools received a significant and unexpected boost when President George Bush stated in August that he also believes teachers should explain intelligent design when discussing evolution.

Ever since the famous 1925 Scopes "monkey trial," in which the ACLU defended a Tennessee teacher convicted of teaching evolution, opponents to the scientific theory of evolution have attempted to forbid, limit, or otherwise undermine the teaching of evolution in public schools. Challenges have included laws or policies to prohibit the teaching of evolution, to require teachers to make statements or disclaimers questioning the validity of the scientific theory of evolution, and to require teachers to present anti-evolutionary views, including religious views not based on scientific evidence such as creationism, and more recently, intelligent or divine design.

Intelligent design is a belief that the origin and development of living organisms cannot adequately be explained by the scientific theory of evolution and natural selection, and require instead the action of a supernatural and intelligent creator.

As Governor Jon Huntsman recognizes, the Establishment Clause does not require that intelligent design be banned from the school curriculum. Calling the ideology "science" and teaching it in a science class, however, is a problem. Teaching for the purposes of furthering a religious doctrine or protecting that doctrine from another theory is constitutionally forbidden. That's what the United States Supreme Court found with regards to creationism in 1987. And that is what the ACLU of Pennsylvania is at this moment arguing in federal court with regards to a Dover School District policy that requires high school science teachers to read a statement questioning the theory of evolution and presenting intelligent design as an alternative.

In its brief, the ACLU of Pennsylvania argues that intelligent design is inherently a religious argument that falls outside the realm of science. The school district policy essentially mandates that Dover public schools treat intelligent design as a bona fide scientific theory competing with the theory of evolution. The brief accurately points out that school board members confuse the everyday meaning of the word "theory" with the scientific meaning, which requires an explanation that is testable, grounded in evidence, and able to predict natural phenomena better than competing theories. There is no way to prove or disprove the existence of a supernatural creator, and opponents of evolution are in effect asking the government to give the prestigious label of "science" to their personal religious beliefs.

While intelligent design proponents claim that the theory is not religious, they are often unable to hide their religious motives. For example, an internal memo from the Discovery Institute, the organization behind much of the recent push to teach intelligent design, states that the purpose of advocating intelligent design is "[t]o defeat scientific materialism and its destructive moral, cultural and political legacies" and "[t]o replace materialistic explanations with theistic understanding that nature and human beings are created by God."

Another example comes from the Dover controversy, which began with a dispute over the purchase of a high school biology textbook. School board member William Buckingham stated that he and others were looking for a book that offered a balance between the biblical view of creation and Darwin's theory of evolution. He also said there need not be any consideration for the beliefs of Hindus, Buddhists, Muslims, or other competing faiths and views because, "[t]his country wasn't founded on Muslim beliefs or evolution. This country was founded on Christianity and our students should be taught as such."

And finally, in an opinion piece printed in *USA Today* in August, Senator Buttars stated that "those fighting against the teaching of intelligent design in schools have an ulterior motive to eliminate references to God from the entire public forum."

The Supreme Court has already held that requiring public schools to teach creation science along with evolution violated the Establishment Clause because the belief that a supernatural being is responsible for the creation of human kind is a religious viewpoint. Arguments in the Dover case began September 26. In Utah, we'll watch the proceedings with interest and prepare for a lively debate next legislative session.

More information, including fact sheets, briefs, and a history of court cases, is available online at www.aclu.org/evolution, www.acluutah.org/divinedesign.htm, and www.aclupa.org/legal/legaldocket/intelligentdesigncase.htm.

Excerpt from a statement teachers must read to students in the Dover High School ninth grade biology class:

"Because Darwin's Theory is a theory, it is still being tested as new evidence is discovered. The Theory is not a fact. Gaps in the Theory exist for which there is no evidence. A theory is defined as a well-tested explanation that unifies a broad range of observations.

"Intelligent design is an explanation of the origin of life that differs from Darwin's view. The reference book, *Of Pandas and People* is available for students to see if they would like to explore this view in an effort to gain an understanding of what intelligent design actually involves. As is true with any theory, students are encouraged to keep an open mind."

ACLU of Utah Files Amicus Brief on Behalf of Transgender Employee

On October 5, the ACLU of Utah filed a friend-of-the-court brief in an important case regarding the rights of transgender employees. The brief is on behalf of Krystal Etsitty, a former Utah Transit Authority employee, who was fired shortly after she revealed to her employers that she is a transsexual. Although UTA had received no complaints about Etsitty, her employers informed her that she was being terminated because they could not determine which rest room she should use.

Krystal Etstitty, left, talks with her attorney Erika Birch. Photo by Stephen Holt/ The Salt Lake Tribune

Etsitty, represented by the law firm of Strindberg Scholnick & Chamness, argued in federal court that she was protected by Title VII of the 1964 Civil Rights Act, which prohibits employment discrimination based on sex, including nonconformity to sex stereotypes. Unfortunately, in June 2005, the district court granted summary judgment to UTA, holding that transsexuals are not protected by Title VII, and that even if Title VII did apply, UTA's decision was not based on Etsitty's lack of conformity to sex stereotypes. Etsitty has now asked the Tenth Circuit Court of Appeals to reverse the district court's decision.

Etsitty, who identifies and lives as a woman, has legally changed her name from Michael to Krystal and has changed her Utah driver's license designation from male to female. UTA told her she would be eligible for rehire only after undergoing sex reassignment surgery.

"Like all employees, transgender people are protected by Title VII and they should not be fired because they don't fit their employers' ideas of masculinity or femininity," said Margaret Plane, ACLU of Utah staff attorney. "There is no principled distinction between discrimination against a female employee because of her unfeminine personality or appearance, and discrimination against a transsexual woman, either for retaining some masculine characteristics or for assuming a feminine identity."

The amicus briefs notes that the denial or restriction of access to rest rooms by employers has been used as a means to degrade and humiliate persons of color, to exclude women from traditionally male jobs, to exploit workers, to exclude persons with disabilities from access to public accommodations and employment, and now to discriminate against transgender people.

The ACLU of Utah is joined by the national ACLU Lesbian and Gay Rights Project, Lambda Legal Defense and Education Fund, and the National Center for Lesbian Rights.

The amicus brief is available online at www.acluutah.org/docket.htm#etsitty.

About the ACLU of Utah

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

The ACLU of Utah was chartered in 1953 to work on constitutional issues that are pertinent to those living in this state. Our priorities include freedom of speech, expression, and association; freedom of religion, including the separation of church and state; the right to privacy; safe prison and jail conditions; and equal protection and due process of the laws.

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Frequently Asked Questions on Student Privacy, the Family Educational Rights and Privacy Act, and the No Child Left Behind Act

What is the Family Educational Rights and Privacy Act and what does it have to do with student privacy?

The Family Educational Rights and Privacy Act (FERPA) makes student records confidential. However, FERPA permits schools to release "directory information" to the public. "Directory information" may include the following: the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

FERPA requires schools to honor a parent's request that any or all of that information not be released without the parent's prior consent. A parent must affirmatively notify the school not to release any or all directory information in order to protect that information from disclosure. If a parent does not opt-out under FERPA, directory information is available generally to the public.

What is the No Child Left Behind Act, and what does it have to do with student privacy?

Enacted by the U.S. Congress in 2002, the No Child Left Behind Act (NCLB) primarily deals with improving standards in education. However, one section of the NCLB requires high schools that receive federal funding to release the name, address, and telephone number of students to military recruiters and institutions of higher education upon request. This information must be disclosed even if a parent has directed the school not to release directory information under FERPA. Under NCLB, schools are also required to inform students and their parents of their right to opt-out to protect their privacy.

If a parent or student does not opt-out under NCLB, schools must disclose a student's name, address, and phone number upon request by military recruiters or institutions of higher education, even if the parent has already opted-out under FERPA.

What information about students are recruiters entitled to under NCLB?

The NCLB Act says that only the student's name, address, and phone number must be shared with military recruiters or institutions of higher education.

How do I opt-out?

Students or their parents or guardians may opt-out by sending written notice to the school district that the schools do not have permission to share their information with military recruiters or institutions of higher education or both. Some schools provide forms for this purpose. If your school does not provide such a form, a print-and-mail opt-out form is available from the ACLU of Florida at www.aclufl.org/issues/privacy/NCLBoptoutformFINAL.pdf. School districts appoint different people to oversee NCLB requests. You should contact your school's administrative office to find out who should receive the form or letter.

What happens if I do nothing?

Your school will keep your name on a list of students whose directory information is available to the public, including military recruiters, institutions of higher education, and private companies.

Can I change my mind?

Yes. At any point during the school year, you are permitted to change your status with your school by informing the district in writing that you wish to opt-out or opt-in again. If you have previously opted-out, a parent or guardian must make the request to opt back in.

If I opt-out of the military recruitment part, can I still be included in the yearbook and student directory?

Yes. Your school should give you the option of separately opting-out of the military recruitment contact list, and the yearbook or student directory. If the school does not provide this option, request it in writing from the school principal's office. As with any correspondence, keep a dated copy of your letter or request form for your records.

I don't want my information going to recruiters, but I do want colleges to be able to contact me.

Students or parents may request that information be released to institutions of higher education but not to military recruiters.

My school has a military recruiter on site. Can I still opt-out?

Yes. Students should be aware that if they voluntarily give their phone number or address to a recruiter at school, they may be contacted at home.

FERPA requires schools to honor a parent's request that their child's personal information not be released without the parent's prior consent. However, parents must also opt-out under the NCLB if they do not want schools to share their child's name, address, or phone number with military recruiters.

Do I have to renew my opt-out status every year?

It depends on the policy of your school district. Contact the district to find out the requirement.

What if the school district tells me I can't opt-out or stalls my request?

Under federal law, schools are required to honor a request to prevent disclosure of student information without prior consent. If your school refuses to honor your request, contact the ACLU of Utah at (801) 521-9862 ext 104 or aclu@acluutah.org, or fill out an online complaint form available at www.acluutah.org.

The above information is provided by the ACLU of Florida.

ACLU of Utah Joins Lawsuit Challenging Raids of Concerts and Violation of Free Speech

The American Civil Liberties Union of Utah and the ACLU Drug Law Reform Project have joined a lawsuit challenging law enforcement raids of electronic music concerts. The suit charges Utah County law enforcement with widespread violations of the constitutional rights of concert promoters and venue owners during concerts on July 16 and August 20.

"Utah County's actions strike at the heart of First Amendment freedoms," said ACLU of Utah attorney Margaret Plane. "The ACLU is joining this fight to help protect our fundamental rights from this kind of unjust law enforcement action."

During the August 20 concert, dozens of battle-ready Utah County law enforcement officers, accompanied by police dogs and a helicopter, stormed concertgoers and threatened some with arrest. Both concerts took place in Spanish Fork Canyon. The owners of the 350-acre ranch, which has hosted several concerts over the last three summers, were also ordered off the land. Police did not have warrants to enter the land or to search concertgoers at either event.

"It was like a war zone. I've never seen anything like it," said one of the concert promoters, Brandon Fullmer. "Although I plan to organize more concerts, I know lots of people would be afraid to come because of the police raid and, honestly, I am afraid too."

Utah County Sheriff James Tracy, one of several defendants in the suit, authorized and implemented the August 20 raid based largely on the presumption that the concert would continue beyond the twelve hours for which promoters had secured necessary permits. The police entries, however, occurred only a few hours into each concert. In fact, the August 20 concert was not scheduled to run beyond twelve hours, nor were any event staff contracted to work beyond twelve hours. The promoters, additionally, had assured the property's owners in advance that the concert would not last twelve hours.

At no point did police ask the promoters or property owners how long the August 20 concert would run, nor did they request the acquisition of further permits. While police claim to have conducted a handful of undercover drug buys at the event, these did not, according to the lawsuit, justify the termination of the concert and forceful dispersal of the roughly seven hundred people in attendance.

"The sheriff misinterpreted and wrongly applied an overly vague ordinance, which unfortunately, remains intact," said attorney Brian M. Barnard who filed the initial lawsuit on behalf of the concert promoters and landowners. "No promoter or venue can successfully put on concerts if they never know when or why the cops will end an event."

The case is Uprock v. Tracy. More information is available online at www.acluutah.org/docket.htm#uprock.

Utah State Tax Commission Approves Personalized License Plates with Gay-Positive Messages

In a win for free speech, the Utah State Tax Commission has ruled that it will approve three personalized license plates with gay-positive messages. The ruling is a first for the commission, which, until this decision, had never approved a personalized plate containing the word "gay."

In December, Elizabeth Solomon applied for three personalized license plates: "GAY WE GO," "GAYS R OK," and "GAY RYTS." After the Tax Commission approved the "GAY WE GO" plate but denied the application for the latter two plates, the American Civil Liberties Union of Utah represented Solomon in appealing the decision.

Elizabeth Solomon with her new license plate

"I have kids who are gay and I wanted these plates so that I could publicly express support for my children," said Solomon, explaining why she applied for the personalized plates. "I'm delighted that I will now be able to do so."

Margaret Plane, ACLU of Utah staff attorney, was also pleased by the Tax Commission's decision. "Too often, public officials are scared by the word 'gay' and they refuse to recognize that gays and lesbians are an increasingly public and positive part of our communities," said Plane. "The commission rightly recognized that their own rules don't allow them to censor gay-positive messages like Mrs. Solomon's."

Solomon has put the personalized license plates on the cars she owns. "I want other drivers to read my plates and think about their gay relatives, neighbors, and peers; to quote my favorite button, 'Someone you care about is lesbian or gay,'" she said.

A result of the decision is that personalized plates with gay-positive messages are now clearly permissible, so long as the requested plates do not violate any statutory or regulatory restrictions.

Patriot Act Reform

As both houses of Congress prepare to vote on Patriot Act renewal and reform, thousands of emails from the ACLU Action Network have helped convince 163 Republican and Democratic lawmakers to sign the "Dear Conferee" letter. The letter urges Members of Congress negotiating the final Patriot Act bill to support the Senate reforms to some of the secretive powers in the Patriot Act, and to reject the reauthorization package passed by the House of Representatives.

Just last week, a bipartisan group of powerful business leaders sent a letter to the Chairman of the Senate Judiciary Committee, Pennsylvania Senator Arlen Specter, urging Congress to support reforms in the Senate reauthorization bill. This is an important victory because these leaders represent businesses that have a great deal of influence in Washington.

The Patriot Act battle continues in our courts as well. Last month, a Connecticut judge told the government to give an ACLU client his First Amendment right to speak out in the Patriot Act debate about his experience with these powers, but while the case is on appeal the client remains gagged under the National Security Letter provisions expanded by the Patriot Act. Thousands of you spoke out in a petition we delivered to the Department of Justice, urging the government to lift the gag and "Let John Doe Speak."

For more information about what you can do to support important Patriot Act reforms, visit www.reformthepatriotact.org.

The ACLU Freedom Files

At a time when the civil liberties of ordinary Americans are at great risk, the ACLU and producer/director Robert Greenwald proudly present *The ACLU Freedom Files*, a new 10-part television series that explores the pressing issues that threaten our most precious freedoms. Through 30-minute episodes told from the perspectives of ordinary Americans, *The ACLU Freedom Files* examines the Patriot Act, the Supreme Court, free speech and dissent, religious liberty, lesbian and gay rights, drug policy, racial profiling, women's rights, and youth freedoms. The series features ACLU clients and the attorneys who defend them, as well as well-known actors, activists, and comedians.

The ACLU Freedom Files is available through the satellite network Link TV, on college campuses across the country through Zilo TV, and via new media, technology, and grassroots networks such as video blogs, podcasts, streaming video, viewing parties, and community screenings. On September 8, thousands of viewers watched Episode 1, "Beyond the Patriot Act," and then took action. October 13's timely episode, "The Supreme Court," featured Lindsay Earls, a high school sophomore who opposed her school's drug testing policy.

To find out how you can watch The ACLU Freedom Files, visit www.aclu.tv.

Voting Rights Act

America's long and deliberate misadventure with segregation was ended by many things, but nothing dismantled the Jim Crow South and created true opportunities for equal political participation more than the Voting Rights Act of 1965. In 2007, three crucial sections of the VRA will expire unless Congress votes to renew them. In light of the history of discrimination that racial and ethnic minorities have experienced when voting, and of the proven effectiveness of the VRA, Congress should:

1. Re-enact VRA's Section 5 pre-clearance requirements. These provisions directly impact nine states with a documented history of discriminatory voting practices and local jurisdictions in seven others by requiring them to submit planned changes in their election laws or procedures to the U.S. Department of Justice or the District Court in Washington, D.C. for pre-approval.
2. Renew Section 203 for 25 years so that new citizens and other Americans who are limited in their ability to speak English can continue to receive assistance when voting. These provisions currently impact some 466 local jurisdictions across 31 states, including Utah. Congress also should modify the formula by which these covered jurisdictions are identified in order to provide more communities with Section 203 assistance.
3. Renew Sections 6 to 9, which authorize the attorney general to appoint election monitors and poll watchers.
4. Provide for the recovery of expert fees in voting rights litigation.
5. Enact language that restores the original intent of Congress as expressed in the 1982 reauthorization and repairs the damage done by two narrowly decided U.S. Supreme Court decisions which fundamentally weaken the administration of Section 5: *Reno v. Bossier Parish Sch. Bd* (2000) and *Georgia v. Ashcroft* (2003).

To find out what you can do to support the renewal of these critical sections of the VRA, visit www.votingrights.org.

ACLU of Utah Membership Business

The ACLU of Utah is made up of two entities with separate funds, accounting, and bylaws. The first entity is the ACLU of Utah Union, an IRS 501(c)(4) organization that can participate in lobbying and other activities. The Union is comprised of its "card-carrying" members, who carry out certain organizational business like approving the basic bylaws, overseeing financial expenditures, and voting on nominations to the ACLU of Utah Union Board of Directors. The second entity is the ACLU of Utah Foundation, an IRS 501(c)(3) organization that engages in litigation, public education, and very limited lobbying activities. At the ACLU of Utah, the executive officers of the ACLU of Utah Union Board of Directors serve as the governing board of the ACLU of Utah Foundation.

This year, we have two items of business for the ACLU of Utah Union membership:

1. Approval of Bylaws

The Executive Committee of the ACLU of Utah Union Board of Directors has recommended a revision of the ACLU of Utah Union bylaws. These revisions incorporate past bylaws and more accurately reflect actual practice. We are asking for a membership vote and approval of the Revised Bylaws of the American Civil Liberties Union of Utah, 2005. These proposed bylaws must be accepted or rejected as a whole.

The details of the proposed bylaw changes are as follows:

- The maximum number of directors on the board changes from 15 to 20.
- A quorum is defined as a simple majority rather than as a fixed number.
- The term for board members changes from 2 years to 3 years.
- The Executive Committee, which was made up of the four board officers (president, vice president, secretary, and treasurer) and an at-large director, increases to include the representative to the national ACLU board and the director of the Legal Panel.
- Any reference to state chapters includes a caveat "if chapters exist."

In order to take effect, the proposed bylaws must be approved by two-thirds of the membership who choose to vote and then certified by the full Board of Directors following the vote. The proposed bylaws are available online at www.acluutah.org/bylaws.htm. Please call us at (801) 521-9862 ext 101 if you would like us to mail you a hard copy.

2. Elections for the ACLU of Utah Union Board of Directors

The Executive Committee, acting in its capacity as the ACLU of Utah Nominating Committee, has selected the following individuals to serve on the ACLU of Utah Union Board of Directors: Jennifer Allred, Karen Denton, Jason Lewis, David Tundermann, and Laurie Wood. Membership on the board requires that each director be a member of the ACLU of Utah Union and support the principles of the organization; participate fully in the development and implementation of policies established by the Board of Directors; accept responsibility, in collaboration with the ACLU of Utah's executive director, for fund-raising; and determine and approve, upon recommendation of the Legal Panel and staff attorney, the ACLU of Utah's docket.

ACLU of Utah 2005 Ballot

❒ **I vote to approve the Revised Bylaws of the ACLU of Utah, 2005**
(Copies of the proposed bylaws are available online at www.acluutah.org/bylaws.htm or by calling (801) 521-9862 ext 101)

❒ **I vote to retain the current 15 members of the ACLU of Utah Union Board of Directors**
(A complete board list is included in the "About the ACLU of Utah" section of this newsletter)

Please vote for 5 candidates:

❒ **Jennifer Allred** has been an ACLU member since 1993 and attended the 2004 ACLU National Membership Conference in San Francisco. She also works closely with Families Against Mandatory Minimums. She has been a teacher of high school history and geography in Granite School District for 29 years.

❒ **Karen Denton (incumbent)** has been a member of the board since 1997 and is currently the vice president of the ACLU of Utah Union Board of Directors. Karen has been active in many Salt Lake City nonprofit organizations, and at this time, is a grant writer for HawkWatch International and a volunteer for KRCL public radio.

❒ **Jason Lewis** is a vice president for Burton Group, a technology consulting firm based in Midvale. He is a member of the Utah Information Technology Association's public policy committee as well as the Electronic Frontier Foundation, a national organization that has partnered with the ACLU in many legal battles. He is also an adjunct teacher at the University of Utah in the Arts and Technology program.

❒ **David Tundermann (incumbent)** joined the Salt Lake City law firm of Parsons, Behle & Latimer as a shareholder in 1982 after ten years of practice in Hartford, Connecticut and Washington, D.C. He concentrates his practice in environmental law and founded the firm's environment, energy, and natural resources department. He is seeking his fifth term as a member of the ACLU of Utah Union Board of Directors.

❒ **Laurie Wood (incumbent)** is an assistant professor of English at Utah Valley State College where she teaches literature and composition courses. She has been a member of the ACLU of Utah Union Board of Directors since 1999, has served as president of the board, and is currently the board secretary.

❒ **Write-In Candidate:** _____ ❒ **Write-In Candidate:** _____

*Please mark and return this ballot in the envelope provided by **Wednesday, November 30, 2005**. Joint members can vote individually. If you have any questions, please call (801) 521-9862 ext 101 or email us at aclu@acluutah.org.*

ACLU
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PRISON LITIGATION
PAST, PRESENT, AND FUTURE

A discussion with Alvin J. Bronstein, Founder and Director Emeritus of the ACLU National Prison Project

Join us for a discussion of the rights of prisoners under federal law

The evening is designed for practicing attorneys, law students, corrections officials, and community inmate advocates

WEDNESDAY, NOVEMBER 9, 2005
7:00 PM
S. J. QUINNEY COLLEGE OF LAW
SUTHERLAND MOOT COURTROOM
UNIVERSITY OF UTAH
332 South 1400 East

A reception will follow the formal presentation by Mr. Bronstein

Sponsors:
ACLU of Utah, Public Interest Law Organization at the S.J. Quinney College of Law, and the Rocky Mountain Innocence Center

CLE credit is available

Mr. Bronstein has argued numerous prisoners' rights cases in federal trial and appellate courts as well as the U.S. Supreme Court. He has been a consultant to state and federal correctional agencies, has appeared as an expert witness, and has edited or authored books and articles on human rights and corrections.