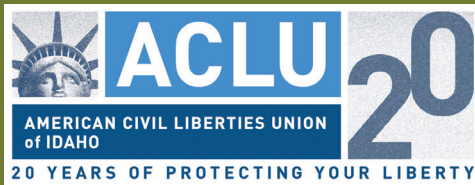


IDAHO LIBERTY



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SPRING / SUMMER 2014

THE 2014 LEGISLATIVE SESSION WRAP UP

BY MONICA HOPKINS, CFRE, EXECUTIVE DIRECTOR

The 2014 legislative session once again highlighted our strength as an issue based organization that is nonpartisan.

Being this way allows us to forge connections based on shared values and principles – the same values and principles we have had for over 92 years.

The ACLU remained vigilant and busy, working on nearly 70 bills that impact civil liberties in our state. What follows is a brief highlight of some of the issues we covered during the session. You can find a complete bill tracker from the session and a deeper analysis on our website at www.acluidaho.org

CRIMINAL JUSTICE REFORM

When talking about criminal justice reform it is helpful to look at it as a “pipeline.” This session we worked on sentencing reform, public defense, incarceration, probation and parole and watched with interest the report on the cost of the death penalty in Idaho.

Justice Reinvestment Initiative

The ACLU commends the hard work of the Criminal Justice Reinvestment Interim Committee and supports this work as a starting point to addressing Idaho’s overincarceration and recidivism problems. We are excited that the conversation has started about how to craft an “Idaho solution” to smart criminal justice reform. The ACLU of Idaho applauds the co-chairs of the



interim committee, Senator Lodge and Representative Wills, in seeing this as a five-year start to protecting public safety through fiscally responsible, criminal justice reform.

The ACLU supports increasing probation and parole efficiencies, making the sentence fit the crime and “swift and certain sanctions” for probation and parole violators. However we were incredibly disappointed by the lack of foresight and willingness of the Prosecutors Association and judges to support the data driven research that supported presumptive probation for nonviolent offenders that would actually reduce recidivism rates.

As we look forward, the ACLU encourages the Judiciary & Rules Committees and the legislature to

appoint a committee to complete a study of the application of criminal punishments in the State of Idaho, with attention to sentencing laws and policies, opportunities for diversion and alternative sentencing, provisions for release of prisoners, and the supervision of pretrial and convicted individuals in the community, such as reexamining drug sentencing laws, having earned time for nonviolent offenders, updating property offense thresholds and examining mandatory minimums.

Indigent Defense Reform

The 51st anniversary of *Gideon v Wainwright* was marked by a politically vacuous decision by the Idaho legislature. Instead of upholding the Constitution by funding an adequate public defense system with standards and oversight, the legislature passed a bill that establishes a commission with no statutory power that can give training grants to public defenders.

This commission does not go far enough in creating an independent, properly funded, comprehensive enough system the public can trust to function constitutionally. During the interim committee meetings, and by interim committee members in the press, there

CONTINUES ON PAGE 2

LEGISLATIVE SESSION CONTINUED FROM PG 1

was talk that creating Idaho standards based on national standards may be a disservice to the taxpayers of Idaho due to the potential increased cost. It should be noted that the nationally accepted standards – the American Bar Association standards for Public Defense delivery systems – are constitutional MINIMUMS. Nothing in this solution proposed by the legislature cures the 6th Amendment violations occurring everyday in Idaho.

LGBT EQUALITY

IHRA

Again this year Senator Cherie Buckner Webb and Representative Grant Burgoyne attempted to introduce a bill amending the Idaho Human Rights Act to include “sexual orientation and gender identity” into the protected classes. And once again, for the 8th year, the Idaho legislature refused to hear the bill.

The lack of a hearing, and the failure of the legislature to hear its constituents, led to the formation of a new group, Add the 4 Words Idaho, that engaged in civil disobedience throughout the legislative session.

We are stalwart in our commitment to seeing the words “sexual orientation and gender identity” added to the Idaho Human Rights Act – and will continue our work, with your help, on this issue.

RELIGIOUS FREEDOM

"Religious Liberty"

The ACLU is an ardent defender of religious freedom. We strongly believe that all Americans have the absolute right to believe whatever we want about God, faith, and religion. We also have the right to act on our religious beliefs, unless those actions harm others. The ACLU opposed the so-called “religious liberty” bill because it perverts religious liberty by allowing religion to be used as a basis for discrimination.

There is a distinct difference between upholding religious liberty and using religion as a reason to justify discrimination. Religious beliefs have been offered as an excuse to justify discrimination based on race, gender, disability and national origin. In fact, just over 20 years ago, a religious

school claimed that it was justified in refusing women the health benefits it provided male employees because of its religious view that men are the heads of the household. And just 40 years ago, a restaurant owner in South Carolina argued that his religious beliefs about segregation exempted him from having to serve African-American customers, regardless of what the civil rights laws said. Fortunately, those claims did not prevail.



STAY ENGAGED

This year we asked for your participation and you showed up in droves. We had over 700 people show up to two separate rallies on the Idaho Human Rights Act and over 300 to oppose the so-called “religious liberty” bill. We hope you stay engaged – and stay involved because the 2015 session is right around the corner.

BY THE NUMBERS

- 70 **BILLS TRACKED AND ACTIVELY LOBBIED FOR OR AGAINST**
- 6 **ANTI-CIVIL LIBERTIES BILLS STOPPED OR NEUTRALIZED**
- 1 **CITIZEN LOBBY DAY TRAINING**
- 2 **LEGISLATIVE EVENTS ON CRIMINAL JUSTICE REFORM**
- 1 **PUBLIC DEFENDER DAY**
- 45 **ATTENDEES AT LOBBY DAY**
- 23 **BILLS TESTIFIED IN SUPPORT OR AGAINST**



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HOW TO HIDE IN PLAIN SIGHT: AG GAG AND PRIVATE INDUSTRY'S WAR ON THE FIRST AMENDMENT

BY RITCHIE EPPINK, LEGAL DIRECTOR

“The tape don’t lie.” From instant replay in sports, security cams in stores, and police recorders perched above our heads, all-pervasive videorecording is transforming reality. We the people are being forced to live with cameras trained on us everywhere we go. It’s been an equal opportunity privacy invasion—at least until now.

Because now, big business is waking up to this dystopia, too. In a world where everybody carries a videocamera in their pockets, inconvenient truths that once could be hidden behind closed doors can become worldwide exposés in the couple of

food, water, and land really are.

Along with eleven other organizations, including the Center for Food Safety, the Animal Legal Defense Fund, PETA, Western Watersheds Project, and the Idaho Hispanic Caucus, the ACLU of Idaho filed suit against the Governor and Attorney General just weeks after the law passed. Our lawsuit, in Idaho federal court, is among the first in the country to affirmatively challenge these kinds of laws, which have been spreading across the nation as big business tries to protect its bottom line at the expense of free speech and open information.

THE AG GAG LAW GAGS THE FREE SPEECH RIGHTS OF REPORTERS, UNDERCOVER INVESTIGATORS, AND WORKERS TO DOCUMENT DANGEROUS AND ABUSIVE PRACTICES ON IDAHO'S FARMS, IN FOOD PROCESSING FACILITIES, AND EVEN YOUR NEIGHBORHOOD RESTAURANTS.



minutes it takes to upload them to YouTube. And it’s hard to make money off of brutality, pollution, and worker abuse if anybody realizes that’s your business model. To prevent “potential financial ruin” from this kind of exposure, big agricultural interest groups have lobbied to win special privacy rights, and the tip of the spear came to Idaho this spring with passage of Idaho’s new “ag gag” legislation. The ACLU of Idaho rushed to the front lines of the fight for the public’s right to know.

The ag gag law gags the free speech rights of reporters, undercover investigators, and workers to document dangerous and abusive practices on Idaho’s farms, in food processing facilities, and even your neighborhood restaurants. Labeling advocates for animals and environmental responsibility as “radical” and “extreme activists,” and calling their public interest investigations “terrorism,” Idaho legislators supporting the law have tried to outlaw the same sort of exposés that made Upton Sinclair, founder of the ACLU’s first permanent affiliate, famous and led to the enactment of the Federal Meat Inspection Act and the Pure Food and Drug Act. Under the law, workers and others who document illegal and inhumane conditions can be fined, jailed, and forced to pay twice over for losses to an agricultural operator’s bottom line. This not only grants the ag business special treatment and privacy rights that none of the rest of us enjoy, it forces taxpayers to pay for the lawyers—state and county prosecutors—who the law enlists to do business owners’ dirty work of squelching important speech. All of us, while this law stands, get cut off from the reporters and investigators who work to show us how safe our

As the State itself has already alluded in a legal brief it filed in our case, this litigation is a clash between “business models”: those who seek to expose unsafe business practices on the one hand, against profit-making machines who seek to hide them. It is no surprise that we are expecting “friend of the court” briefs filed in our support from groups as important as the Reporters’ Committee for the Freedom of the Press, Food and Water Watch, and the AFL-CIO. The case is moving fast, so be sure to check the next newsletter for an update.

The new ag gag lawsuit is hardly the only exciting work your Legal Department has been up to. Since the last newsletter, we filed, argued, and won another free speech case against the City of Boise guaranteeing First Amendment rights for poor and homeless families in the State’s capital city. We obtained a statewide injunction and class action certification in a lawsuit protecting the rights of some of Idaho’s most vulnerable—adults with developmental disabilities who are able to live and work in their communities thanks to Medicaid. We just helped overturn a lawyer’s conviction and jailing just for criticizing a judge. With your support, we continue to take on strong, stubborn government and win, preserving freedom and advancing liberty for all Idahoans.

Stay up to date on our Legal Department all summer long by visiting the “In the Courts” page at www.acluidaho.org.

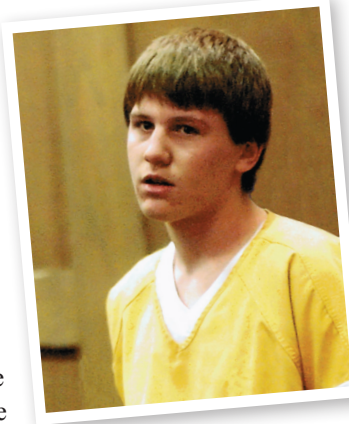
BRING JUSTICE TO JUVENILES

BY SHANNON ADAMCIK

As members of the ACLU are aware, the United States is currently engaged in a debate concerning the extreme sentencing of juvenile offenders. Currently the United States stands in violation of the United Nations Convention on the Rights of the Child, which bans the practice of juvenile life without parole. In the past decade, the United States Supreme Court has issued rulings abolishing the juvenile death penalty and ending the mandatory sentencing of juveniles to life without parole. These court cases have left many states attempting to reconcile their sentencing practices with these federal rulings.

However, what many people may not be aware of is that Idaho does not comply with Supreme Court rulings and still has at least four juveniles serving life without parole and who still have no viable legal resource to mitigate their sentence. We ask that you please help us by standing up for these juveniles.

With this article, a picture of my son Torey Adamcik is attached. Three months after his 16th birthday he was placed under arrest, locked in isolation in an adult jail for nine months,



then tried in adult court where juveniles are unable to appropriately defend themselves. He is now serving life without the possibility of parole at the Idaho Correctional Institution in Orofino, Idaho. Prior to his arrest, Torey had never been in trouble. He was a good student. He came from a loving home. The United States justifies sentencing children to life in prison by claiming the punishment is reserved for the “worst of the worst” but like Torey, most of the juveniles who receive this sentence simply do not fit that description.

We are asking the ACLU members of Idaho to engage in the national fight to end this draconic practice. All young people have tremendous capacity for change and should not have all hope removed from their lives. In order for true justice to be served, we must find a way for juveniles to be held accountable, but also provide them the opportunity to demonstrate growth and maturity that will permit them to re-enter society. Working together we can move to change this cruel practice and bring a ray of hope to the Idaho juveniles sentenced to die in prison.

POCATELLO ORDINANCE UP FOR A VOTE

BY JESS MCCAFFERTY, LGBT EQUALITY FELLOW

In the summer of 2013, the Pocatello city council heard hours of testimony from community members about updating their city code to create protections for people who identify as gay or transgender. After much deliberation, the council voted to add those protections. The ACLU of Idaho provided technical support on the principles of nondiscrimination to residents of Pocatello during the period in which the city council was taking up the issue. Later that year, a group of concerned citizens put together enough petition signatures to put the ordinance up for a vote to remove the ordinance. That vote will happen in the primary election of this year, May 20th. Here at the ACLU of Idaho, we value the ability for Idaho citizens to participate in the democratic process, while also valuing the fair and equal treatment of all Idahoans. The nondiscrimination ordinance in Pocatello, which provides protections against discrimination on the basis of sexual orientation and gender identity in the areas of housing, employment and public accommodations, is current law. Voting “no” on proposition 1 on May 20th means you are voting to keep the current law. Voting “yes” means you are voting to repeal the current law. Make your voice heard on May 20th and vote!



DEATH PENALTY COST TOO MUCH IN IDAHO*

BY LEO MORALES, COMMUNICATIONS AND ADVOCACY DIRECTOR

A new report published by the State of Idaho in March of 2014 shares a similar conclusion as other reports conducted across the country: the death penalty system is more expensive than life without parole. And while the report concludes that more data is needed to actually calculate a more detailed dollar figure per death row inmate, it confidently states that a more rigorous report “would likely have the same findings: death penalty cases are inherently more expensive.” It’s time for Idaho to reevaluate why we still hold on to such an expensive and archaic system.

The report published by the Office of Performance Evaluations showed the Department of Corrections spent over \$270,000 for the last two executions. By reviewing the limited data available, taxpayers have paid at least 1.4 million on the death penalty. This, however, is not comprehensive because the shocking finding of the new report is that our state government does not even know how much it is spending to kill people. Both in Maryland and Utah—states that did do a comprehensive study—showed the death penalty costs to be over a million dollars per execution. If costs are similar in Idaho, then the last two Idaho executions cost taxpayers over 3 million dollars.

The report showed that it takes far more resources to handle a capital case compared to a life sentence. The State Public Defender’s office reported an average of 7,918 billable hours per capital defendant and a total of 79,178 during a span of 13 years. Just for 10 defendants. Compare that to 16,980 of billable hours of litigation for 95 defendants with a life sentence at an average of 179 hours per defendant. The office has spent close to a half million just to litigate capital cases.

These statistics show clearly just how inefficient our government has been in spending our tax dollars. Policy makers need to reconsider the wasteful spending incurred by the arbitrary system of the death penalty. These dollars can be better spent aiding victims’ families, as well as start the hard work of fixing our broken public defender system and getting smart on crime in Idaho.

**This article is a modification of a guest opinion originally published in the Idaho Statesman, March 26, 2014 by the author.*

BECOME A F.A.N. OF THE ACLU AND JOIN OUR FREEDOM ACTION NETWORK!



With the arrival of warmer weather, we’re gearing up for another busy summer filled with community tabling events and voter registration activities. And to help us accomplish our outreach goals, we’re looking for members, volunteers, and supporters to join our Freedom Action Network. Becoming a F.A.N. of the ACLU is easy and helps ensure that civil rights are being defended across the far regions of the state. F.A.N. members help volunteer at various events, organize film screenings or panels in their communities, and connect with their local F.A.N. group for monthly meetings.

Currently there are Freedom Action Networks in Idaho Falls and Moscow, and we’re actively seeking interested individuals to start additional F.A.N. groups in their local community. If you’re interested in joining our state-wide network of freedom fighters, or you’d simply like to volunteer with one of our outreach programs, please contact Jess McCafferty at 208-344-9750 x1206 or by email at jmccafferty@acluidaho.org.

E-ALERT

Join our e-alert list to receive the most current civil liberties news from the ACLU of Idaho:

- Get updates during the legislative session and take action on bills of interest or concern
- Learn more about ACLU cases in the news
- Find out about upcoming ACLU events—parties, seminars and special happenings such as February’s annual Bill of Rights Celebration.

To join sign up on our website at www.acluidaho.org or email us at admin@acluidaho.org and ask to be added to our e-alert list. Take a moment and do it today!

SHARING ACLU STORIES

Why do you support the ACLU? When did you become an ACLU member or donor?

Over the past years we have heard amazing stories of ACLU supporters, some of whom had been supporters since the 1950s, some as recently as last month. The ACLU of Idaho is collecting stories of people’s dedication and commitment to civil rights. With permission these stories will be used in presentations and publications, such as our newsletter. Telling our stories helps personify the struggle for civil rights and personalize the work we do.

Won’t you share your story with us? Contact our office at admin@acluidaho.org or (208) 344-9750 x1200

ACLU WISH LIST

The ACLU of Idaho can always use in-kind donations of office furniture and equipment. To help with any of these items contact Amy at (208) 344-9750 x1200 or at acollins@acluidaho.org.

- Digital SLR camera
- Portable podium lectern
- Outdoor speaker system



BY KATHY GRIESMYER, COMMUNITY OUTREACH MANAGER

Fifty-one years ago, Clarence Gideon petitioned the Supreme Court to grant him the right to an attorney during his criminal trial for he was unable to afford a private attorney. With the Sixth Amendment promise to legal representation, Mr. Gideon won his case and was eventually found not-guilty of the crime that sent him to prison for years.

Fast forward to 2014 and you’ll quickly realize that this landmark ruling has done little to convince the State of Idaho to restructure and increase funding for its broken statewide network of public defense systems.

And while the Legislature has made small improvements to Idaho’s indigent defense system, time is running out for community members who are facing the burden of an un-Constitutional program. Yet, it’s these community members that hold the key to demonstrating to lawmakers the urgency in which the ACLU is fighting for significant reform.

Enter our Criminal Justice Town Halls. Staff has been traveling the state to meet with communities who have offered their deeply personal stories about how Idaho’s promise to uphold the Sixth Amendment has failed them and their family.

We kicked off our first town hall in Lewiston on April 14th to a packed room in the library filled with elected officials, legal professionals, and concerned citizens. Our Legal Director Ritchie Eppink reviewed the current state of criminal justice reform and offered updates about the State’s effort to improve its broken public defense system. Then the public took the floor inquiring what the ACLU is doing to bring change, asking questions about their experience with public defenders, and wondering where Idaho stands in terms of overall criminal justice reform.

Following our first town hall in Lewiston, we headed up north to Coeur D’Alene for our second town hall with over 20 people in attendance. The next week we brought the town halls to the Treasure Valley for meetings in Nampa and a final one in Meridian. The constant in each of these meetings - the desperation people feel for a system that doesn’t uphold their Constitutional rights and serves them an injustice.

Over the summer we plan to bring our Criminal Justice Town Halls to East Idaho and will be announcing dates and locations in the coming weeks for those still looking for an opportunity to share their story. In the interim, we encourage individuals to contact their elected officials reminding them that there is still work to do to ensure that no Idahoan accused of a crime heads into the courtroom without adequate legal representation. To contact your State Representatives and Senator, please visit <http://legislature.idaho.gov/howtocontactlegislators.htm>. For information on what the ACLU is doing to bring meaningful indigent defense reform, please visit <https://acluidaho.org/issues/criminal-justice/indigent-defense/>.

GAIN THROUGH GIVING

BY JAIME HANSEN, DEVELOPMENT DIRECTOR

Spring cleaning, spring has sprung, showers bringing flowers. The list for spring metaphors is lengthy. Why are we so interested in cleaning up all aspects of our life during this time of year? Many believe that this season is needed to reevaluate priorities, to clear out the old, the worn, the tired (except for my favorite pair of Chuck Taylors, those aren't going anywhere), and clear the clutter of our mind. Transforming our environment has beneficial effects on our emotional well-being. By creating physical and mental space, we can make room for the new adventures in the coming year.

As you reset yourself for 2014, consider the ACLU of Idaho Foundation in your giving priorities. There are many ways that you can support our work: through one time and monthly gifts, through your retirement, estate and planned gifts as well as through your securities. With your contributions, you can leave a legacy of freedom for all Idahoans. This legacy includes marriage equality, due process for all affected by the law, and a path to citizenship for our friends and family. With your support, we can continue to fight for the constitutional rights and civil liberties that are continually in jeopardy.

Begin the summer of 2014 with fresh ideas on fairness, equality and due process. Find out more information on our website: www.acluidaho.org.



A BITTERSWEET GOODBYE



MONICA HOPKINS,
EXECUTIVE DIRECTOR,
ACLU OF IDAHO
2008-2014

As I reflect on my last five and a half years at the helm of the ACLU of Idaho, one phrase keeps ringing through my mind, “I can’t believe . . .”

- I can’t believe they are going to pass that legislation, even though they know it is unconstitutional.
- I can’t believe they are not asking for a criminal investigation
- I can’t believe they are going to ban that book

But here is what I do believe. With your support, engagement and belief in a strong, vibrant ACLU in Idaho - together we have made history. Your volunteerism has helped us show we are a true statewide organization – made up of Idahoans who believe in the Constitution. Your membership has given us the ability to advance, and halt, legislation because policy makers know we are speaking for scores of Idahoans on issues that matter. And your financial contributions have made it possible to work proactively and reactively to civil rights and liberties issues across the state.

As I leave the helm of the Idaho ACLU to lead the ACLU of the Nation’s Capital, it is a bittersweet goodbye. I will miss the majesty of Idaho’s Frank Church, the friendliness of Idahoans, and yes, even the politics that many Idahoans lament. And this affiliate is on such an amazing trajectory it is difficult to leave at this point.

But I am excited for this new adventure. I am also excited because I know I am leaving the affiliate with one of the best staff teams in the ACLU, a team that will be lead by Leo Morales during the search for a new Executive Director. The last five and a half years at the ACLU of Idaho are deeply satisfying – personally and professionally. And while the “I can’t believes” are still ringing in mind – I do believe that the ACLU of Idaho will continue to do amazing things.

So, until we meet again.

Monica Hopkins

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UPCOMING VOLUNTEER NEEDS

Community Resource Fair –

June 7, 10:00-3:00 pm, McCall, Location TBD

Boise Pride Fest –

June 21, 12:00-5:00 pm, BoDo, Boise

Pocatello Pride –

June 28, 3:00-11:00 pm, Old Town, Pocatello

Liberty Festival on the Falls –

July 4, Idaho Falls, Time & Location TBD

Idaho International Summerfest –

July 10th, 5:00-9:00 pm, Main Street, Rexburg

Palouse Pride –

August 9, 11:00-4:00 pm, East City Park, Moscow

Hyde Park Street Fair –

September 12-14, Camels Back Park, Boise

Idaho Falls Pride –

September 13-14, Idaho Falls, Time & Location TBD

KNOW YOUR VOTING RIGHTS: IDAHO

Election Day is Tuesday, May 20, 2014

Follow these tips to be a successful voter during the May Primary Election

- Locate your polling place and note the hours of operation. You can find your polling place by visiting www.idahovotes.gov.
- Take your photo identification or you can sign the Personal Identification Affidavit.
- Party affiliation will affect your ballot options this election:
 - o Only registered Republican voters will be allowed to vote in the Republican Primary.
 - o Any member of the Democratic, Republican, Constitution or Libertarian Parties, and those who do not affiliate with any party, will be permitted to vote the Democratic Ballot if they so choose.

For any other voting questions, contact the ACLU of Idaho at
208-344-9750 or at admin@acluidaho.org