# IDAHO LIBERTY



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FALL / WINTER 2011

## **UPHOLDING THE PROMISES OF THE CONSTITUTION—WITH YOUR HELP**

BY MONICA HOPKINS, CFRE, EXECUTIVE DIRECTOR

We are facing a civil liberties crisis. All across the country, state lawmakers are aggressively pursuing sweeping efforts to push extreme agendas through legislatures, exploiting the current economic crisis to undercut the most vulnerable members of our society.

Never have we seen so many unconstitutional bills generated in so many places at the same time.

The proponents of this agenda are organized and well funded, with devastating results: in the past six months, they have passed a record number of abortion restrictions – including the recent 20 week abortion ban in Idaho; they have exploited antiimmigrant and anti-Muslim sentiment to pass radical and discriminatory bills; and they are working to pass voter suppression laws designed to keep certain populations away from the polls in over a dozen states. These threats constitute an attack on our country's founding tenets of liberty, justice, and equality for all.

At the same time, today, a decade after 9/11, we continue to confront the legacy of government abuses carried out in the name of national security. The government continues to detain individuals without charges or trials



THESE
EXTRAORDINARY
TIMES CALL FOR
EXTRAORDINARY
MEASURES AND
EXTRAORDINARY
SUPPORT.

and has expanded its unlawful surveillance of Americans. Officials responsible for sanctioning torture have still not been held accountable. The very rights and liberties that define this country's greatness are being jeopardized.

#### **Taking Action**

he American Civil Liberties Union is meeting these battles head on—as we have for nearly a century—using a combination of strategic litigation, public education, and advocacy. With an on-theground presence in every state, and with the power of a far-reaching network of organizers, lobbyists, and 500,000 members, the ACLU is successfully shutting down efforts to erode our constitutional rights and liberties.

On the federal level, we continue to confront the government when it abuses its power—sometimes being the lone voice to do so. For example, we helped derail passage of a breathtakingly broad new authorization for war that would have given the Executive Branch the power to use military force—anywhere and at any time—without Congressional approval. To challenge the government's unchecked spying on

Americans in the name of the "war on terror," we recently filed over 375 requests in 31 states to uncover when, why, and how law enforcement is using cell phone location data to track Americans.

We are making progress and achieving success on several fronts, but to effectively meet the unprecedented assault on civil liberties that we face today, we need to substantially ramp up our efforts. And so, we are reaching out to those who are closest to us, and we are asking you to consider supporting the ACLU in ways—and at a level—that you might never have before.

With your partnership, we have built the ACLU of Idaho presence significantly over the past few years, where civil liberties violations are the most egregious and where resources are scarce. With your increased investment, we will have the additional resources needed to take advantage of this expanded capacity, not only to fight

## NO VACATION FROM CIVIL LIBERTIES FOR US

BY KATHY GRIESMYER,
PROGRAM COORDINATOR

summer has come and gone and the ACLU of Idaho has been steadfast in our dedication to preserving civil rights in Idaho. We may not have gone to the beach, gone camping or even the state fair this summer, but we sure did enjoy ourselves with the many events we held over the warm summer months.

We kicked off our summer with our first annual "Law & Liberty" Continuing Legal Education Series. During the months of June, July and August, we held three CLE lunch conversations on a variety of hot-topic civil rights issues including the 2nd Amendment, Habeas Corpus, and the ever debatable topic, state nullification. With our panelists ranging from law professors, local and state attorneys and an assistant attorney general, our discussions were lively and passionate and definitely a success! Stay tuned for next year's CLE series which is sure to promise even more controversial issues, just what the ACLU likes!

June and August brought us Pride Festival celebrations in both Boise and Pocatello, giving us the opportunity to stand in solidarity with the LGBT community and fighting for equal rights. Our trip



Brian Kane, Assistant Chief Deputy Attorney General speaking at our final CLE session on nullification.

to Pocatello provided us the opportunity to do a Know Your Rights training for local supporters in regards to youth & LGBT issues, educating students and community members about their rights in regards to freedom of expression, freedom of speech, and freedom of association.

September brought us the commemoration of Matthew Shepard's murder and to honor him we partnered with Daisy's Madhouse to sponsor their performance of The Laramie Project: 10 Years Later. During the month, we sponsored several roundtable discussions following the play where community activists working to advance LGBT equality had the opportunity to share their work with the audience, highlighting

their successes. We were grateful to have youth leaders from the Idaho Safe Schools Coalition so eloquently share with us their fight to ensure safe learning environments for all students in Idaho Schools. Organizers from the Idaho Safe Schools and Fair Employment Working Group

WE HELD LUNCH
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CORPUS AND STATE
NULLIFICATION.

highlighted their legislative efforts to include "gender identity" and "sexual orientation" to employer non-discrimination in Idaho and reminded attendees that the fight to ensure these protections was only growing stronger as the 2012 legislative session approaches. Our final guest activists were members of Boise State's LBGT group BGLAD who featured their work on the university campus to educate students about

LGBT issues while celebrating diversity.

Summer is known for its increase in community events and festivals and we made sure not to miss out on the fun! We attended several events here in Boise including the Central Bench Spring Festival, BSU's Diversity Day Defined, Hyde Park Street Fair, and most recently the Idaho Justice Story Festival. We were able to make a quick road trip to Stanley to attend the Sawtooth Music Festival, enjoying the music of some great artists while spreading the good word of civil liberties amongst a most impressive Sawtooth backdrop.

As summer has officially come to an end, we want to thank everyone who attended or helped volunteer at our numerous events. Your support and presence helps our organization grow and allow us to educate the community on their rights and how they too can join our fight to defend freedom. Be sure to follow us on Facebook. Twitter and check out our website, www.acluidaho.org, for upcoming events. We can't wait to see you soon!



Program Coordinator Kathy Griesmyer and volunteer Nick Kinnas at Pocatello Pride.

#### **STAFF**

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## LEGAL DEPARTMENT

BY LEA COOPER, STAFF ATTORNEY AND NIKKI WIEHE, LEGAL INTAKE INTERN

n the last issue of the ACLU of Idaho newsletter, we reported about the phenomenal growth of our legal department, which at the time was teeming with interns from Boise State University and dedicated to responding to every legal intake letter received. Unfortunately, college interns are unable to stay forever and the American economy is playing havoc with organizations like the ACLU of Idaho, which runs solely on the donations of its members.

THE ACLU OF IDAHO
IS IMPLEMENTING A
NEW PHILOSOPHY
FOR ITS LEGAL
PROGRAM.

Due to budgetary constraints and a new focus on outreach, the ACLU of Idaho is implementing a new philosophy for its legal program. Although state and county inmates incarcerated throughout the state write most of the legal intake our office receives, we are cutting back on the amount of self-advocacy information that we provide for them. The costs of printing and mailing legal forms and other informational resources (such as Prisoner Self-Help Packets, Idaho Tort Claims Forms, ACLU Know Your Rights topics, and chapters from the Idaho Jail Standards Policy Manual) will no longer be borne by the ACLU of Idaho. Prisoners and others seeking assistance with legal research or filing lawsuits will be referred elsewhere

The legal department will

still be answering the letters it receives; however, like many other ACLU affiliates, our responses are going to be less individualized. Prisoners and the caring public can rest assured knowing, though, that our office is still reviewing all correspondence. We will simply be unable to devote the amount of time and resources that we have in the past to drafting personal responses and providing information.

The legal team greatly values the letters and the information sent to us from the inmate population. Without their letters, our organization would be in the dark concerning many of the shortcomings of our state's prisons and jails. We are hopeful that with more time to devote to special projects and ongoing litigation, we will have an even greater impact for civil liberties protections statewide.

Legal intake received from inmates has been the key to uncovering civil rights abuses associated with incarceration in Idaho. Sometimes the letters we receive from prisoners express their gratitude for the work the ACLU of Idaho has done and continues to do in advancing Constitutional rights in prisons and jails. For instance, in July 2011, we received a handwritten letter from Mr. Bryce Peppard, a former and current Canyon County jail inmate. He was a prisoner in 2009, before the ACLU filed a case on behalf of prisoners at the Canyon County jail, and he notes the difference between being a prisoner then and being a prisoner now.

He writes:

"It has been 2½ years since I last was caught smoking a joint in Idaho, and thrown in Canyon County

Jail. I was placed in Pod 2, G during my year of sentence. During that time, the inmate count was around 115-120 people. I do remember it as high as 127. This is with having only 93 beds available;

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—BRYCE PEPPARD, INMATE

everyone else slept on the floor in plastic trays. Fights in the holding cell was almost a daily occurrence. Cleanliness standards were pathetic at best. The stress toll on the guards was also apparent.

CANYON COUNTY JAIL

Since your organization helped force this jail to comply to minimum standards ... I have observed dramatic improvement in the well being of both inmate and deputies. Fighting is almost nonexistent; there being enough room to dissipate tensions. The guard stress levels are more relaxed, allowing them more time to attend to the individual ... again, thank you for wielding your power in a way that keeps our human rights secure." (Mr. Peppard gave his written consent to use his name and letter.)

## ANNUAL MEMBERSHIP MEETING AND VOTING

Exercise Your Voting Rights
Each year one third of the Board
is elected by ACLU of Idaho
members. All current members
will be receiving ballots and voting instructions by mail in
December with the election
results being announced at the
Annual Membership Meeting on
January 19, 2012.

If you are a member and do not receive your ballot by the end of December, you may request a replacement ballot by contacting the ACLU of Idaho office (208-344-9750 x201). In order to be counted, your ballot must be received at the ACLU of Idaho office by close of business January 18, 2012, or submitted by hand at the beginning of the Annual Membership Meeting.

Do you cherish your constitutional right to vote but are not a member? Become a member of the ACLU of Idaho today, and we will make sure you get to make your voice heard in the next Board of Directors election.

#### **Annual Membership Meeting**

When: Thursday, January 19th, 2012, 6 pm

**Where:** Idaho Education Association, 620 N. 6th St., Boise, Idaho 83701



## ...PROMISES, CONTINUED FROM PG 1

back forcefully and comprehensively against this unparalleled onslaught on our civil liberties, but also to move issues forward proactively.

#### The Year Ahead— With Your Help

n the year ahead, we have a window of opportunity to make major progress on issues that we have been working on tirelessly. We can build on the enormous strides we've made to achieve equality for lesbian, gay, bisexual, and transgender people most notably to add four simple words "sexual orientation and gender identity" to the Idaho Human Rights Act. In our work for criminal justice reform, we have a unique opportunity to capitalize on the current economic crisis to end the needless imprisonment of hundreds of thou-

ADD FOUR SIMPLE
WORDS: "SEXUAL
ORIENTATION AND
GENDER IDENTITY"
TO THE IDAHO
HUMAN RIGHTS ACT.

sands of people that occurs at enormous taxpayer expense and seek sane solutions and smart reform to our criminal justice system. We will do this by continuing to advocate for prisoner's rights but also advocating for a more adequate public defense system and fairer sentencing laws in the coming year.

These extraordinary times call for extraordinary measures and extraordinary support. Your increased support of our work at this crucial time will allow us to strike back against these threats to our civil liberties and build on our hard-won victories to achieve results that once seemed unimaginable.

The ACLU has played a critical role in nearly every major civil liberties battle of the past century. With your help, we will continue our long-standing commitment to make the promises of the Constitution real for everyone in this country.

## FIRESIDE DISCUSSION WITH ACLU REP.

BY BRIAN LAWATCH,

DEVELOPMENT COORDINATOR/

EXECUTIVE ASSISTANT

Crump traveled to Boise last week to speak to local educators about the impact of new technologies on First and Fourth Amendment rights, specifically how those technologies affect privacy. She was then welcomed into the home of Marilyn Shuler, for an evening party of food, fun, and lively discussion.

Throughout the evening, Catherine highlighted many of the issues she has worked on for the ACLU, taking questions and encouraging debate. For example, she discussed a case where police used GPS on a citizen's vehicle to track where the car went without obtaining a probable cause warrant. This was a violation of the Fourth



Staff Attorney Lea Cooper, Executive Director Monica Hopkins, Development Asst. Brian Lawatch pictured with host Marily Shuler and volunteers Yaser Alsabti and Michele Slay

Amendment, she argued, which protects Americans against unreasonable search and seizure.

At the end of the night, guests had a fuller understanding of their rights in relation to privacy and technology. In addition, we all came away from the event with a strong reminder of the passion many Idahoans have about protecting their civil liberties, as evidenced by guest participation.

We saw several new faces at the event, including new members and volunteers. We would like to thank those volunteers, Yasser Alsabti, Michele Slay, and Dale Slay for their service to the ACLU.

Additionally, we would like to thank Tapia Family Catering for the wonderful food, Marilyn for hosting the party in her lovely home, and Catherine for travelling all the way to Idaho to share her work.

## **INVESTING IN THE ACLU**

BY DONNA YULE,
ACLU OF IDAHO BOARD PRESIDENT

was so proud when the Corrections Corporation of America settled the lawsuit brought by the ACLU of Idaho last month. I was especially proud because I was a big part of it.

No, I'm not a lawyer or a judge, and I wasn't standing in that courtroom when the decision came down, but I was there just the same. And, as great as our staff is at the ACLU of Idaho, and as great as the ACLU National staff attorney is, and as great as our amazing volunteer attorney is, (and they are all great) they couldn't have done it without me.

And here's why: I invest in the work of the ACLU every single month by donating my hard earned dollars. My monthly donation isn't big, but my annual giving is far more than I ever would have dreamed just a couple of years

THE BIG PAYOFF IS
THAT YOU WILL FEEL
YOU'RE STANDING IN
THAT COURTROOM ...
BECAUSE YOU ARE
ONE OF THE "ANGEL
INVESTORS" MAKING
SUCCESS POSSIBLE.

ago. That's because I decided a few years ago that giving to the ACLU of Idaho was going to be a top priority for me. So I set up a recurring monthly payment from my checking account. Now, no matter what emergency expenses come up, like whether I need new tires or whether my washing

machine breaks down, the ACLU of Idaho always receives an automatically generated check from me every single month. You know what? I hardly even notice anymore.

The ACLU needs and certainly appreciates every dollar that we send its way. Maybe you have more discretionary money than I do, and you choose to give a large donation at the end of every year. Thanks so much! Or maybe you're an attorney who gives volunteer time serving on our legal panel and you donate attorney's fees back when you win an award on an ACLU case. Thank you!

But maybe you're more like me. You want to be part of the great work the ACLU is doing, but you simply don't have a lot of money. I challenge you to do what I'm

doing. Arrange for a regular monthly donation to the ACLU of Idaho regardless of how small. You can set it up yourself in your checking account, or you can contact the ACLU office to find out how they can charge your debit or credit card every month. Start small, and then, after a few months when you realize you haven't missed that \$15 a month, bump it up to \$20 and try on that amount for a while.

I can guarantee you that soon you will surprise yourself by how much you are giving. You'll discover that it doesn't hurt a bit. And the big payoff is that you will feel like you're standing in that courtroom, or in the legislature, or anywhere else that the ACLU staff is standing, because you are one of the "angel" investors making success possible.

## **VOLUNTEER SPOTLIGHT CORNER**

BY KATHY GRIESMYER,
PROGRAM COORDINATOR

s a way to highlight the dedicated volunteers that help support the ACLU of Idaho, we would like to introduce our Volunteer Spotlight Corner, honoring one of our outstanding volunteers and their commitment to defending civil liberties in Idaho.

Let me introduce Chris "Equality" Cooke, a student at Idaho State University and vocal activist for LGBTQ equality across the state. He first became involved with the ACLU of Idaho by meeting staff members at a conference in Portland. He quickly realized that his interests aligned with the ACLU's efforts and since then he's been hooked! He has mostly recently helped

organize a weekend of trainings and outreach for the organization, helping the ACLU make community connections in Pocatello while also keeping us updated on key civil rights movements in Eastern Idaho.

He enjoys volunteering for the ACLU because while there may be few people on the ground working to advance civil liberties across the country, the organization on the whole has left a lasting mark on American history. He appreciates that the ACLU works to educate people on the law and their rights, and that through its work it shapes culture and has a large impact on society. As an activist, his favorite civil liberties issue is freedom of speech and that it protects everyone's opinion regardless if you agree or disagree with a person's statements or beliefs. He also feels very passionately about advancing equal rights for the LGBTQ community and believes in fighting for their rights so that those with this status are no longer viewed as second class citizens.

On behalf of the ACLU of Idaho, we want to thank Chris for all his hard work with our organization and encourage him to continue fighting to defend freedom across the state!

#### What You May Not Know About Me

- I am a big treckie fan! I have seen every Star Trek episode at least twice.
- I am addicted to any movie that has a superhero with a



Chris "Equality" Cooke, LGBTQ activist superpower. If I could have one superpower, it would be the ability to control time

- I was adopted.
- I once played chess on the beach for money in Acapulco and I won!

#### **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 Dinner.

To join sign up on our website at www.acluidaho.org/enewsletter 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 x201

#### **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 Kathy at (208) 344-9750 or at kgriesmyer@acluidaho.org

- Web design volunteer
- Digital Camera
- Outdoor canopy
- Projector and Projector Screen

## **FORWARD AND ONWARD:**

### **NEW COMMUNICATIONS STAFF JOINS ACLU**

BY LEO MORALES, PUBLIC EDUCATION/
COMMUNICATIONS COORDINATOR

here was a sparkle in my mother's eye and a sense of pride in my father's voice when I communicated to them the news of my employment with the ACLU. For my immigrant parents who have spent more than half of their life as farm workers, good news from their children is an accomplishment for them. In her native Spanish and with her soft motherly voice my mother succinctly expressed her emotions in one sentence. She said, "Congratulations! I am proud of you." She hugged me. My father echoed my mother's sentiment and then proceeded to elaborate on the concept of upward mobility; his way of communicating to me that he was proud to hear the news. He is not much of a hug-type of guy.

I share my parent's experience here because they are part of my story and help define who I am today. It's indeed a humbling experience to take the helm of Education/Communications Coordinator at ACLU of Idaho; a position I will fully immerse myself in

and with the ACLU team continue to move the organization forward.

I bring a set of relationships and skills from my previous position as the Lead Organizer with the Idaho Community Action Network (ICAN) where I was employed for the past 8 years. During my tenure at ICAN I helped propel the organization to be one of the most highly regarded community organizing/issue advocacy organizations in the state and region. In 2006 at the height of the immigrant rights movement, I helped organized over 12,000 immigrants and supporters to peacefully march downtown Boise to demand justice for immigrants.

During 2005-2006 I led a tough accountability campaign on the issue of pesticide safety after an incident where 30 farm workers were negligently exposed to dangerous pesticides while working in an onion field in Canyon County. Through much press work and pressure, the Idaho State Department of Agriculture conducted a full investigation of the incident and levied large fines that



ultimately were used toward increased education for farm workers.

As I settle into my new position at the ACLU of Idaho you can bet I bring the same passion and ethic toward ensuring that the civil liberties and civil rights of Idahoans are respected. I look forward to expanding our public education profile and elevating our work in local and national issues critical to safeguarding our civil liberties. To be true to the mission of our organization, not only must we share common values, but we must also take collective action. I invite you to call me and let's make some ruckus together!

## BOARD OF DIRECTORS ELECTIONS

ach year our Board Development Committee carefully considers the applications of potential board members to join the group of people who govern and direct the Idaho affiliate of the ACLU. If you would like to be considered for nomination by the Board Development Committee, you must be a member in good standing and submit a brief statement of interest.

Nominations may also be submitted by petition. Nomination petitions must

include a statement of interest with a short statement of petitioner's background and qualifications and be signed by ten (10) current ACLU of Idaho members that includes the name and address of the nominee. The submissions must be received in the ACLU of Idaho office at PO Box 1897, Boise, ID 83701 by November 30, 2011. This information shall be summarized and included on or with the ballot to the same extent as is such information of persons nominated by the nominating committee.

Members of the ACLU of Idaho Board of Directors serve three year terms and are voted in by the membership. All ACLU of Idaho members will receive their ballots and voting instructions by mail in December with the election results being announced at the Annual Membership Meeting on January 19, 2012.

For more information, or if you do not receive your ballot by the end of December, please contact our offices at (208) 344-9750 ext. 201 or admin@acluidaho.org.

## ABOUT THE ACLU OF IDAHO

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 guaranteed to all people in this country by both the Constitution and the Bill of Rights.

The ACLU of Idaho began as an independent affiliate in 1990 to work on constitutional issues that are pertinent to Idahoans. Our project priorities include immigrants' rights, LGBT equality, and prisoner rights.

## THE UNION & THE FOUNDATION

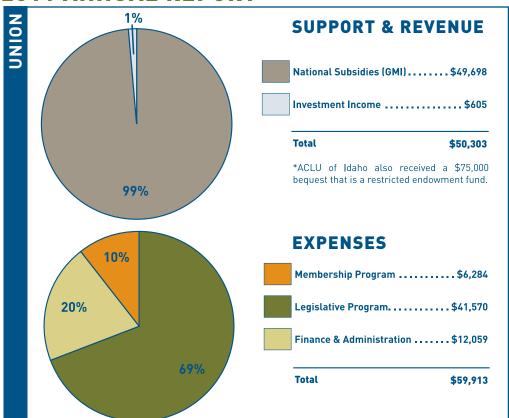
Did you know there are two separate ACLU entities in Idaho?

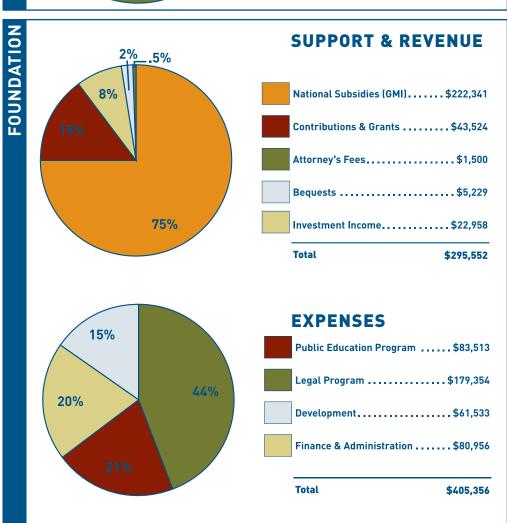
Union — The ACLU of Idaho, Inc. is the non-profit organization to which membership dues are paid. Dues paying members who reside in Idaho are automatically members of both the ACLU of Idaho and the national ACLU. Membership donations and other contributions to the ACLU of Idaho, Inc. or national ACLU support our legislative and lobbying work and are not tax-deductible.

Foundation — The ACLU Foundation of Idaho is a non-profit organization that provides legal assistance and conducts educational programs. Donations to either the ACLU of Idaho Foundation or the national ACLU Foundation are tax-deductible.

Both the ACLU of Idaho and the ACLU of Idaho Foundation are part of the same overall organization — the ACLU. However, it is necessary to have two separate organizations to enable us to do the broad range of work necessary to protect civil liberties.

### **2011 ANNUAL REPORT\***





<sup>\*</sup>Fiscal year ending March 31, 2011. Audited statements available from the ACLU-ID office.

AMERICAN CIVIL LIBERTIES UNION OF IDAHO FOUNDATION PO BOX 1897 T/208-344-9750

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## SAVE THE DATE

## **ACLU ANNUAL EVENT WITH GLENN GREENWALD FEBRUARY 11TH, 2012**

he cofounded. Following us too?

e are pleased to his time litigating, he began announce that to write for various news Salon.com con- sources including The New tributor and vocal civil York Times and The Los rights supporter Glenn Angeles Times. He has also Greenwald will be our key- written several books covnote speaker at this year's ering a variety of legal and 2012 Annual Bill of Rights constitutional rights issues. Dinner. Prior to writing for We are pleased that Glenn Salon.com, Glenn was a will be joining us for a wonconstitutional and civil derful evening full of delirights lawyer in New York cious food, great company, City working for Greenwald and thought provoking con-Christopher PC, a firm that versations. Won't you join



**NOVEMBER 10TH: FILM SCREENING "HOW** TO DIE IN OREGON", FIRST CONGREGATIONAL UNITED CHURCH OF CHRIST, 2201 WOODLAWN AVE., BOISE, 7PM

**NOVEMBER 15TH: GIVING THANKS-VOLUNTEER APPRECIATION EVENT,** SOLID: GRILL & BAR, 405 S. 8TH ST., BOISE, 6:30-8:30PM

JANUARY 19: ANNUAL MEMBERSHIP MEETING, IDAHO EDUCATION ASSOCIATION, 620 N. 6TH ST., BOISE, 6-8PM

FEBRUARY 11: ACLU OF IDAHO ANNUAL EVENT WITH KEYNOTE SPEAKER GLENN GREENWALD FROM SALON.COM, TBA (WRITE UP)

FEBRUARY 20: ACLU LEGISLATIVE LOBBY DAY TRAINING, TBA