



# ACLU

Idaho

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## WHAT'S INSIDE?

Vindicating the Human Right to Housing  
Advancing Fair Chance Employment in Idaho  
Uplifting Our Voices

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## Table of Contents

- 03** Amid COVID, We Remain Strong and Forge Ahead
- 05** Joining the Team: Lauren Bramwell
- 07** Advancing Fair Chance Employment in Idaho
- 10** Vindicating the Human Right to Housing
- 14** Uplifting Our Voices
- 16** Bilingual Voter Rights
- 19** 2021 Board of Directors Election

### Interested in joining our Board of Directors?

Members of the ACLU of Idaho Board of Directors serve three-year terms and are voted in by the membership. Learn more on page 19.

# AMID COVID, WE REMAIN STRONG AND FORGE AHEAD

**LEO MORALES**  
Executive Director

**TWENTY-TWENTY** Twenty-twenty was supposed to be our year to celebrate—and celebrate big. The ACLU turned 100 years-old. The global COVID-19 pandemic put a kink in our plans, but it did not change our commitment to advance critical work in securing liberty, protecting our democracy and ensuring justice for all Idahoans.

When COVID hit Idaho, we became very vigilant and turned our attention to prisons, jails and the detention of immigrants. These communities remain extremely vulnerable populations due to the conditions in their living quarters and limitation on their freedoms.

In March, we immediately moved to action, calling on the Governor, the Idaho Department of Correction (IDOC) and Department of Juvenile Corrections, in addition to county jail officials, sheriffs, police, and judges, asking them to release vulnerable people from jails and prisons, deprioritize certain arrests that would result in jail time, and put measures in place to protect at-risk staff and people in their custody. We organized non-litigation advocacy and considered litigious action as we monitored the effects of the virus in Idaho. We translated our COVID advocacy information into Spanish, Bosnian, Arabic, French, Swahili, and Nepali, recognizing that the pandemic impacts all communities in Idaho.

During the early months of the pandemic and throughout the summer we turned our attention to the issue of housing and eviction protection as well. With scores of Idahoans losing their jobs and a growing number of families facing eviction, we partnered with Idaho Legal Aid Services to

protect the constitutional rights of Idahoans. Initially, we turned to the federal CARES act as a defense against eviction. Shortly after, we pivoted to challenging an unconstitutional Idaho statute that stripped Idahoans of their right to a jury trial in evictions proceedings. That law had been on the books since 2006. We were successful in both efforts.

Finally, we coordinated with the Intermountain Fair Housing Council and ILAS in helping Idahoans seek relief through the Center of Disease Control moratorium on evictions.

Late spring and summer months we found ourselves back in court on different issues unrelated to the pandemic. First, to challenge Idaho passing a law that banned transgender girls, women and intersex individuals from competing in school sports. Then, in August, a federal judge granted a preliminary injunction to allow threatened athletes to continue participation in school sports. We argued in front of the Idaho Supreme Court on appeal in *Cover v. Idaho Board of Corrections* to hold the Idaho Department of Correction accountable for its secrecy around the lethal injection drugs used in state executions. We also filed a human rights complaint to bring about justice for Jax Perez, an employee of the City of Boise public library system, who experienced employment based discrimination based on their gender identity.

Over the summer months, our communications and advocacy staff worked on two projects to uplift the personal narratives of individuals from immigrant communities and individuals living in prison.



Dubbed DACamented and Stories from The Inside, these powerful narratives center the human experiences that make up the heart of our work.

The late summer and fall months we transitioned to securing the right to vote. With an unprecedented election amid a global pandemic, and with so much uncertainty and democracy on the line, the ACLU invested millions of dollars across the country to protect our fundamental voting rights. In Idaho, through the support of our national office, we brought on board a one-year voting rights fellow to provide the necessary capacity to increase our voting rights work. We published fully bilingual webpages related to voting rights. We also engaged with coalition partners to hold Lincoln County accountable in providing voting materials in Spanish and English, as required under the federal Voting Rights Act.

On non-programmatic work, COVID had an impact of postponing staff hiring. We had hoped to hire three staff but the summer: a policy strategist, an additional attorney and a paralegal. With uncertainty in the market we held off on staffing up until the fall months. In late October we welcomed Policy Strategist Lauren Bramwell

to the team and are in the process of filling a long-term position for our Community Intake Coordinator. We'll also be moving forward with the hiring of a second attorney and paralegal over the next several months.

The organization is in transition as we grow in staff. Despite the global pandemic, I remain hopeful about the future of our work. Much credit to the resiliency of our staff, who have worked from home and have all done incredible work to advance our cause for justice. The ACLU of Idaho, through the support of our membership, national office, board and dedicated staff, are really in a moment of opportunity to become even stronger as we grow in numbers and rise to new challenges. And regardless of the national presidential election results, one thing remains very clear to us: our unfettered conviction to securing liberty, fighting for human rights, and holding government accountable to the promise of the Constitution and our civil rights. Thank you for your commitment and partnership along the way as we enter the next 100 years of the ACLU.

## JOINING THE TEAM: LAUREN BRAMWELL, PUBLIC POLICY STRATEGIST

**LAUREN** Bramwell is the newest member of ACLU of Idaho, having joined the team as our Public Policy Strategist this October.

Lauren grew up in a low-income home in rural Idaho where she was raised by a single mom. She later went on to obtain her undergraduate degree at Boise State University where she majored in Communication and Political Science with an emphasis in public law and political philosophy. During her undergraduate career, she was President of the Talkin' Broncos Speech and Debate team and was honored as a 2015 Top Ten Scholar.

During her last year of undergrad and shortly after graduation, Lauren served as a legislative outreach volunteer and criminal justice fellow with the ACLU of Idaho, where she organized against the death penalty and fought against the telemedicine and admitting privileges bills introduced in the 2015 legislative session.



After her fellowship, Lauren became a guest lecturer and Interim Assistant Director of Forensics at Boise State University. Moved by her commitment to serve incarcerated populations, Lauren founded the Boise State Prison Debate Initiative. The Initiative is an inside-out modeled classroom at the Idaho State Correctional Center that offers Boise State students and people imprisoned at ISCC an opportunity to further develop skills in communication, presentation, debate, and advocacy. "I was tired of seeing criminal justice reform conversations happening without incarcerated folks being at the table," Lauren said. The Prison Debate initiative was an opportunity to increase educational opportunities for incarcerated people and bridge community to inspire collective healing and advocacy.

In 2016, Lauren was accepted to the University of Washington School of Law and was selected as a Gates Public Service Law Scholar. During her law school career, Lauren served as president of the Innocent Project NW Student Chapter and was the Chief Articles Editor of the Washington Journal of Environmental Law and Policy.

# “ I AM EAGER TO SUPPORT AND AMPLIFY THE VOICES OF IDAHO’S IMMIGRANT COMMUNITY”

— LAUREN BRAMWELL,  
PUBLIC POLICY STRATEGIST

She was also member of the Tulalip Tribal Public Defense Clinic where she practiced both criminal and dependency law. Lauren later interned with a limited license at King County Department of Public Defense, where she ultimately began her legal career as a public defender.

Working in the trenches of the criminal punishment system, Lauren became deeply acquainted with the systemic injustices laced throughout the criminal legal system— from public defender caseloads and rampant due process concerns, to police brutality and conditions of confinement, the violence inherent in the system was frequent, and frankly, devastating. “Some days I would get out of court and sit in my car and just sob— sure, people can and do make terrible mistakes, but the system’s lack of regard for my clients’ humanity was heartbreaking. It solidified my deep commitment to fighting against mass incarceration.”

Lauren is eager to join forces to defend, preserve, and advance civil liberties here in Idaho as our Public Policy Strategist. “We have seen a rise of hateful rhetoric and more frequent attempts to strip away rights from Idaho’s most marginalized communities— I am eager to support and amplify the voices of Idaho’s undocumented and immigrant community;

I’m ready to stand with community to vehemently oppose anti-trans legislation; I’m determined to zealously fight against Idaho’s sustained commitment to ineffective carceral solutions that disproportionately effect low-income Black, Brown, and Indigenous communities; and I’m ready to fight like hell for reproductive self-determination.”

When she isn’t dreaming of world without borders and prisons, Lauren enjoys all things nature. She also loves poetry, furry critters, and hot beverages (with a particular affinity for cider and lavender lattes).

Welcome, Lauren!



## ADVANCING FAIR CHANCE EMPLOYMENT IN IDAHO

Written By RUBY MENDEZ-MOTA, Campaign Strategist

**DURING** During the 2020 Idaho legislative session, we partnered with legislative bill sponsors Senator Cherie Buckner-Webb (D-19) and Representative Lauren Necochea (D-19) to reintroduce the Fair Chance Employment Act for the second time at the Idaho Legislature. SB 1318, the Fair Chance Employment Act, was an opportunity for the state of Idaho take meaningful first steps towards addressing our high recidivism rate. The legislation would have expanded employment opportunities and removed discriminatory hiring practices for formerly incarcerated individuals who seek to reintegrate back into their communities upon release from prison or jail. The bill passed in the Senate

Judiciary & Rules Committee and full Senate after advocates shared their testimony, recounting first-hand experiences of navigating life post-incarceration.

We unfortunately hit a barrier coming into the House Judiciary, Rules & Administration Committee, where we determined SB 1318 needed to be amended to address the concerns of those who were opposing the bill. To our horror, an additional amendment was added without consulting the bill sponsors or the ACLU of Idaho. With our support, bill sponsors Sen. Buckner-Webb and Rep. Necochea, decided it would be best to withhold the proposed Fair Chance Employment Act from

**“ As discouraging as it was to not see SB 1318 make it to the governor’s desk, the commitment to see it though during the 2021 legislative session is at an all-time high.”**

a full vote because it would compromise the integrity of bill, while also harming other Idaho communities. As a result, the bill did not pass out of the Idaho House of Representatives.

As discouraging as it was to not see SB 1318 make it to the governor’s desk, the commitment to see it though during the 2021 legislative session is at an all-time high. The community leaders and individuals whom would be most impacted by SB 1318 gathered in an effort to build awareness in Idaho small businesses by collecting endorsement letters, sharing their stories about their own experiences with lawmakers and regularly meeting as a group to strategize and identify the people, business and organizations that would be willing to advocate for Fair Chance Employment legislation in 2021.

As part of our continued efforts to elevate the need for an inclusive workforce through the fair chance employment policy, we collectively organized our very first Virtual Fair Chance Employment Town Hall in August, offering an opportunity for community members and stakeholders to learn in detail about the substance and potential impacts of SB 1318. The conversation was community centered

and led with an excellent panel of speakers who elevated the importance of giving all job applicants a fair chance at employment through their experiences, knowledge and expertise. Our panel included criminal justice advocate David Lund, who shared his experiences in seeking employment post-incarceration and moderator of the town hall, employment attorney Erika Birch, who provided legal perspective and guidance on complying with EEOC guidelines; Idaho State Representative Lauren Nechochea, who shared what the proposed policy does and implementation and business owners Joe Howell and Gene Saldana, shared how embracing fair chance policy hiring practices has resulted in a 10-year success record of training probationers and parolees in new careers.

### **2020 VIRTUAL FAIR CHANCE EMPLOYMENT TOWN HALL**

- More than 50+ invited virtual guest participated that included legislators, small businesses, local nonprofits and general public.
- We hosted the town hall live on our social media which reached 1.2K people on Facebook alone.
- The panelist elevated the importance of this policy and how it will be implemented, and invited the audience to join our efforts. Find out how you can get involved by visiting [acluidaho.org/legislation](http://acluidaho.org/legislation).

All organizing efforts year are thanks to our dedicated volunteers and community leaders who have a strong commitment to seeing this legislation have forward, eventually making it to the governor’s desk for passage into law.





# VINDICATING THE HUMAN RIGHT TO HOUSING

WRITTEN BY RITCHIE EPPINK, Legal Director

AS COVID-19 struck this March, Idaho's unemployment rate more than quadrupled. More than 100,000 Idahoans were unemployed by the end of April. By May, Idaho's unemployment insurance system was overwhelmed, with one of every four claims delayed. The number of Idahoans without enough to eat had tripled.

Idaho Legal Aid Services, our state's only civil legal aid provider, was inundated. Even before the pandemic, Idaho had an affordable housing crisis:

45% of Idaho renters were burdened with housing costs exceeding a third of their income. And about half of these rent-strapped families had less than \$10 in savings going into 2020. By the beginning of June this year, less than halfway through 2020, Idaho Legal Aid had already given legal help to over 300 families facing eviction—nearly as many as it had throughout all twelve months of 2019. Though the Idaho Supreme Court briefly halted evictions in the spring under a temporary emergency order, it lifted that

order at the beginning of May—despite that courthouses across the state remained closed, and despite that people accused of crimes sat in jail because the Idaho Supreme Court concluded that it was not safe to hold jury trials. With no end to the virus in sight, Idaho's judiciary flung open their Zoom rooms to protect landlord's private investments at the expense of children, out-of-work families, and the public health.

Housing is a human right. At the ACLU of Idaho, our advocacy to defend that right has a long history. As soon as the Coronavirus reached Idaho we joined in coalition with Idaho activists and advocates to demand an eviction moratorium and rent relief, only to watch state leaders pass the buck and point the finger at other public officials. In May of 2020, we joined Idaho Legal Aid Services in filing emergency amicus “friend of the court” briefs in eviction cases throughout Idaho, warning of grave constitutional problems with prioritizing eviction proceedings during a global pandemic—especially as a federal eviction moratorium remained in place. In June, we joined as co-counsel with Idaho Legal Aid Services to take the State to court.

In unmistakable terms, the Idaho Constitution has guaranteed since 1889 that “The right of trial by jury shall remain inviolate.” But since the 1990s, that had not been true in eviction court. The Idaho Legislature passed a statute in 1996 purporting to prohibit jury trials in most evictions. Legal Aid lawyers and other

tenant attorneys sometimes challenged the statute in individual cases. But landlords, faced with arguing over constitutional law in the midst of what they probably expected to be a rubber-stamp process, would inevitably settle rather than risk a precedent-setting ruling against them.

The State's hypocrisy when COVID hit put the unconstitutional 1996 jury prohibition in the civil rights bullseye. Judges too fearful to hold in-person hearings were the same judges empowered to command sheriffs to turn families out into the streets by force. And yet the same State government that gave the green light for theme parks and nightclubs to reopen still claimed it was too dangerous to hold any jury trials, as thousands of defendants awaiting trial languished in jail indefinitely. A ruling that vindicated tenants' right to jury trial would help bust up these double standards: evictions could be put on hold at least until the courts determined it was safe for jury trial to resume. At the beginning of June, dozens of eviction cases were set to go forward across Idaho. So on June 8, 2020, as counsel for Idaho Legal Aid itself, we filed Idaho Legal Aid Services v. State of Idaho, seeking an expedited ruling and injunction.

Evicted families are especially likely to contract—and spread—COVID-19. Forced out of their homes, many must go to emergency shelters, couch-surf, or sleep in cars and outdoors, all places where social distancing and good hygiene is difficult or impossible. Plus, even just the threat of eviction increases stress and anxiety, weakening the immune system. Compounding it all, eviction decreases access to medical care.



Halting evictions, on the other hand, keeps COVID from spreading and saves lives. A new study from Johns Hopkins, University of California, and Wake Forest researchers finds that lifting eviction moratoriums can more than double mortality from the virus and increase the number of people who contract it by 50%.

On behalf of the ACLU, I argued our case before the court—by Zoom, of course. During the argument, the State grasped at straws to avoid the Constitution’s guarantee. The Attorney General’s office argued for the State: the same Attorney General’s office that issued a legal opinion letter in 2019 agreeing with us: asked whether the 1996 jury prohibition statute violated the Idaho Constitution, the office unequivocally said “Yes,” because “legislation cannot trump constitutional matters.”

But in court, the office disavowed its own legal opinion, telling the judge “that decision was incorrect.” Callously, the State also tried to convince the judge to dismiss the case by arguing that Idaho Legal Aid, which has

struggled to assist hundreds of families facing eviction this year, shouldn’t be allowed to file suit on its own behalf to protect its clients’ rights in court. The argument, sadly, is consistent with our state’s abysmal efforts to ensure access to justice for all Idahoans. Idaho is one of only two states in the country that provide zero funding to Idaho Legal Aid or any other organization for civil legal help.

The court in *Idaho Legal Aid Services v. State of Idaho* saw through the State’s arguments. Though the 1996 statute had stood in place for 24 years, finally on July 20, 2020, the court struck it down, holding that the Idaho Constitution means what it says, that tenants do have a right to a jury, and that the 1996 law is unconstitutional.

Our victory staved off evictions as the COVID summer wore on. Then, in surprise news, the CDC issued a nationwide eviction moratorium at the beginning of September. The moratorium is an important step but, without rent relief, only kicks the can down the road to New Year’s Day 2021, when the CDC moratorium expires.

The federal government, the State of Idaho, and counties and cities all must act now to protect renters and the fundamental human right to housing.

In the meantime, the ACLU of Idaho and Idaho Legal Aid will continue to monitor the threat of an eviction crisis. If you or anyone you know might be evicted, seek help now. Call the Idaho Legal Aid housing hotline at (208) 746-7541. Don’t wait: even if you haven’t gotten an eviction notice yet, you should ask for help now.

### Stay Up to Date

Stay informed on our legal program throughout the winter under the “Our Work” tab at [www.acluidaho.org](http://www.acluidaho.org)!



# UPLIFTING OUR VOICES

Written By **ROSSELI GUERRERO**, Advocacy Fellow

## #DACAMENTED

DACAmented, an ACLU Idaho story project, is focused on elevating the voices of Idaho DACA recipients. DACA (Deferred Action on Childhood Arrivals) is a program, announced on June 12, 2012 that protects the children of immigrant parents by shielding them from deportation, providing work authorization, the ability to obtain a driver's license and many other benefits. It is important to note that DACA provides lawful presence but it does not provide lawful status and is a program fought for and won by undocumented immigrants. With DACA under constant attack we understand how important it is to humanize what DACA is about and show people why we need to advocate for a more permanent solution.

So far, we've interviewed around ten people who have agreed to share their story. We hope that when people read these stories, they see how DACA recipients are not just a number in the immigration system. They are our doctors, cooks, neighbors, friends, teachers. They don't deserve a

life in a limbo. We also hope that when other Dreamers read the DACAmented stories, they realize they are not alone in this battle. We've begun translating the DACAmented series and releasing Spanish versions and have also shared the story project on Idaho's Radio Voz Latina 91.9 FM and La GranD 106.3 FM to discuss this project. You can read these stories on our website at [acluidaho.org/news](http://acluidaho.org/news)

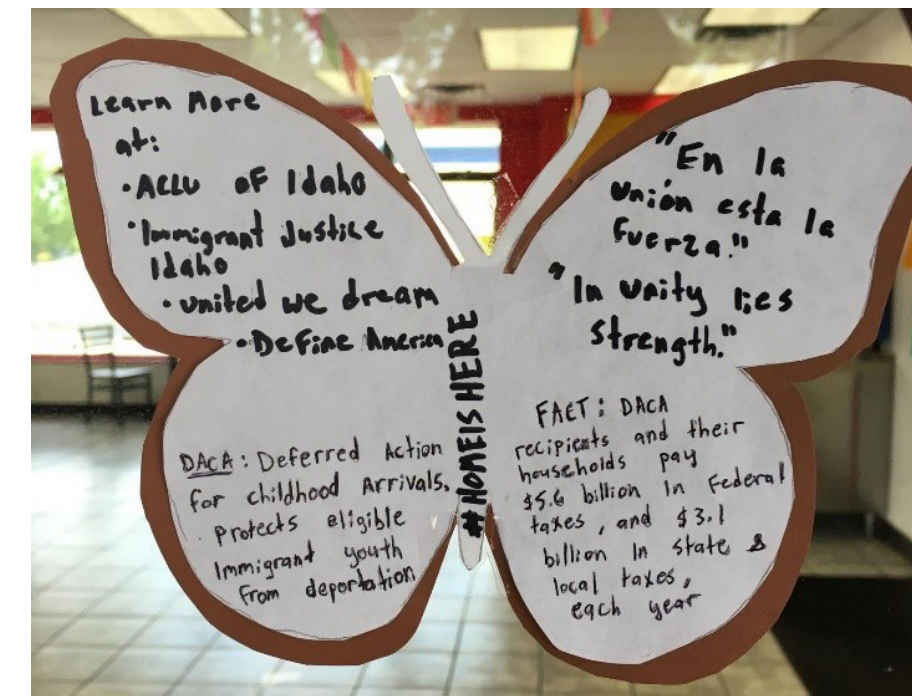
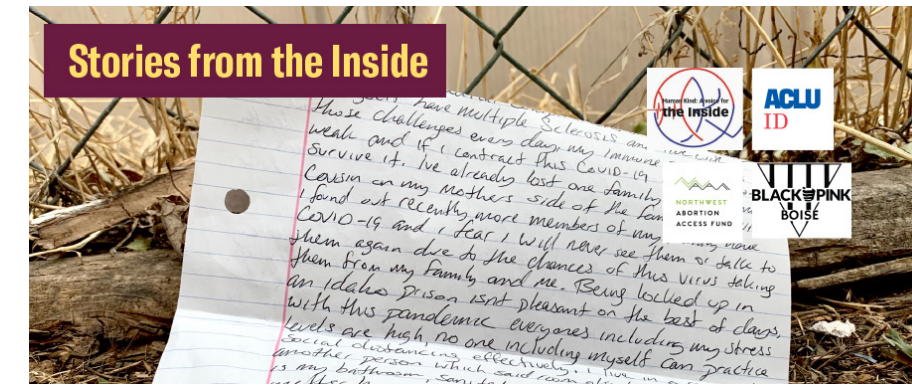
## STORIES FROM THE INSIDE

Human Kind: A Voice for the Inside, the ACLU of Idaho, Black & Pink Boise and the NorthWest Abortion Access Fund have come together in partnership to build an awareness and accountability campaign to amplify the experiences of incarcerated folks during the COVID 19 pandemic. So far we've received around 20 letters from people on the inside detailing the conditions and lack of safety protocols inside Idaho Department of Correction (IDOC) facilities.

On August 24th we held a rally on the steps of the Idaho State Capitol building and at IDOC offices in Boise to voice our disappointment in how IDOC has handled the pandemic in their facilities and how their contract to ship Idaho inmates to a prison in Arizona is not a step forward in ending Idaho's addiction to mass incarceration. At IDOC, we had the opportunity to engage in dialogue with prison officials about all of our concerns and let them know that we are going to keep advocating for those who remain voiceless. Visit [acluidaho.org/news/stories-inside](http://acluidaho.org/news/stories-inside) for a glimpse into the life of people on the inside during a global pandemic.

## MIGRATION PROJECT

The Migration Project is a project focused on educating the community about the DACA program and to show support for our Dreamers. We created paper butterflies that included positive quotes, messages, facts, a brief description of what DACA is, and different organizations where people can get more information. With the help of the community, we were able to make around 300 butterflies, which were displayed at different businesses in downtown Boise in addition to California Burrito, both locations of Fiesta Chicken, and Zacoalco Market. The butterflies will be up for a week and then taken down to be displayed in other Idaho cities.







# BILINGUAL VOTER RIGHTS

WRITTEN BY LYDIA HERNANDEZ, Voter Rights Fellow

**VOTE! VOTA!** When thinking about voting, whether it is your first time or if you've lost count of how many times you've voted, it can be both overwhelming and exciting to fill out a ballot that will determine the next four years. This itself, is an experience of privilege that not everyone has the ability to be a part of. There are various communities of people who don't have the accessibility to vote. Low-income, queer, disabled, Black, Indigenous, and People of Color have experienced the effects of *voter suppression*, a term used to describe strategies, policies, and lack of voting materials put in place to limit communities from voting.

At ACLU of Idaho, we believe that language accessibility is something that doesn't need to be another barrier in the voting process. We collaborated with Conservation Voters for Idaho (CVI) and Planned Parenthood Votes (PPV) to reach Latinx, Spanish speaking voters. We began to work with local, rural communities around the state to mobilize and create awareness around the lack of Spanish voting materials in areas that needed them the most.

We began our work in Lincoln County, the only county in Idaho federally mandated by the Voting Rights Act (1965) to provide Spanish voting rights materials due to its high percentage of Spanish-speaking voters. We began by reaching out to Shoshone High School and communicating with the Lincoln County Clerk's Office to advocate for Spanish voting materials such as absentee ballots and general election ballots. We were able to present at a high school to a classroom of Juniors and share with them the many ways to get involved with their own communities. We connected with local Latinx artist, Miguel Almeida, from Boise to create an informative poster on Latinx voting rights. We shared this with volunteers interested in uplifting the Latinx community to post across their social media accounts. The process of building a more inclusive voting system was made possible by centering community in holding Lincoln County's Clerk's office accountable for their lack of Spanish materials, in addition to on-the-ground mobilization with Planned Parenthood Organizer, Yarit Rodriguez. As a result of our partnerships and advocacy, the Lincoln County Clerk's office began the process of hiring a Spanish-speaking interpreter for future elections.

Another aspect of our bilingual voting rights work, our Voter Rights Hotline, went live two weeks before the General Election and became a resource for Spanish-speaking voters needing support from bilingual ACLU staff and volunteers in navigating the voting process. The hotline was also available for Idahoans to file voting rights complaints, ask questions about polling places, or simply receive more information about their voting rights.

Counting down to Election Day, we continued to discover ways to find ways to connect the community of Spanish speaking voters with resources on voting information by partnering with CVI to raise engagement on their Get Out the Vote campaign. This was done by recruiting bilingual volunteers to make calls to Latinx and first-time voters to share voting information.

Phone-banking, social media engagement, and community outreach have all been tools in our efforts to ensure accessible voting for *all* Idahoans.



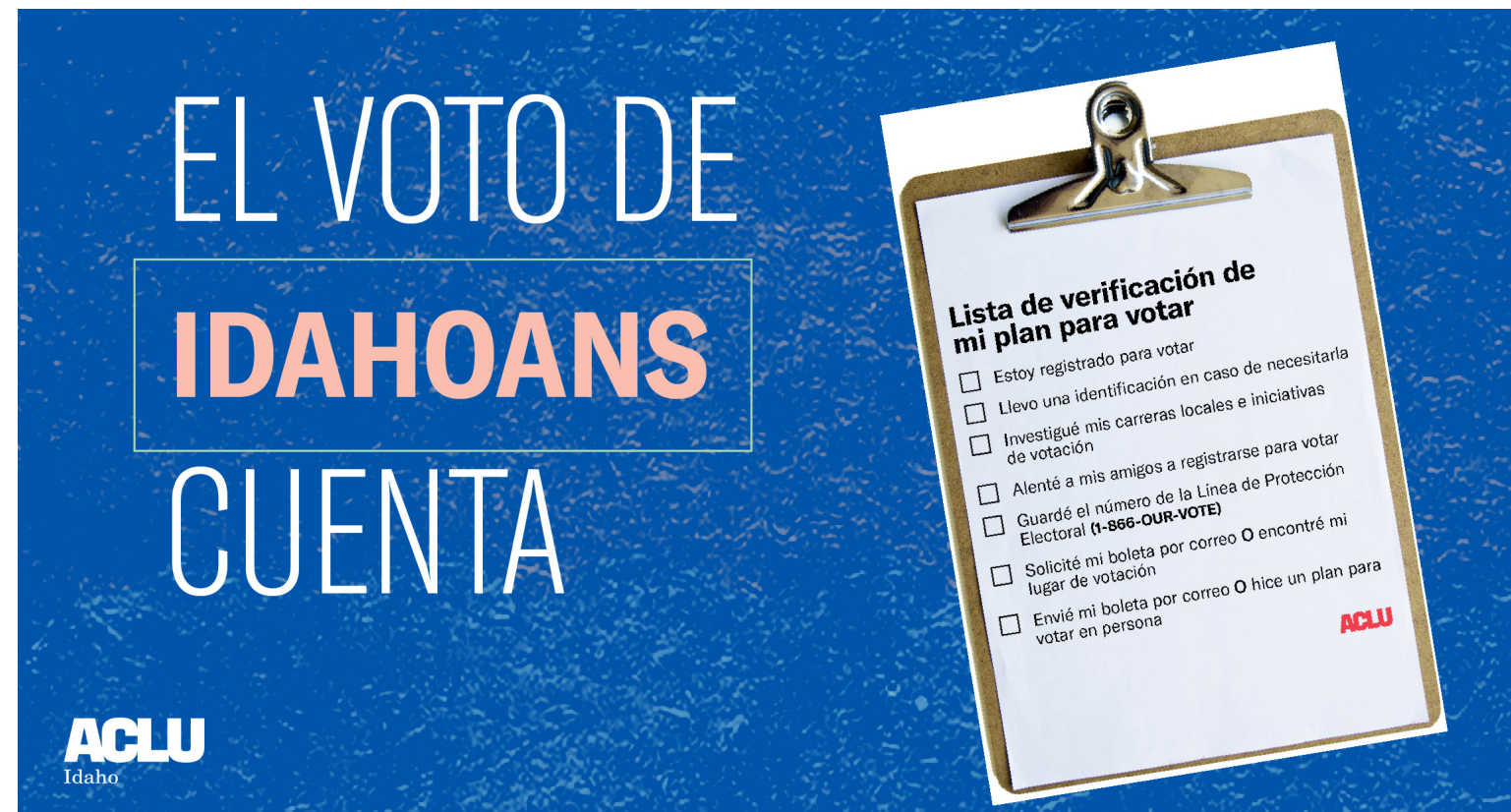
# BOARD OF DIRECTORS ELECTIONS

**EACH 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 December 6, 2020. This information will be summarized and included on 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. This year the election will be conducted online. In December, all members will receive a postcard in the mail with voting instructions and a unique code to enable secure voting. You will also have the option to request a paper ballot from the ACLU of Idaho office. The election results will be announced at the Annual Membership Meeting on January 27, 2021 which will be held virtually this year.

For more information on how to become a member, or if you do not receive your postcard by the end of December, please contact our office at **(208) 344-9750 ext. 1200** or at [acollins@acluidaho.org](mailto:acollins@acluidaho.org)



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