

IDAHO LIBERTY



IN THIS ISSUE:

- HOT UNDER OUR COLLARS (PAGE 2)
- BOARD OF DIRECTORS ELECTIONS (PAGE 3)
- GUARDIANS OF LIBERTY IN IDAHO (PAGE 4)
- LGBTQ EQUALITY (PAGE 6)
- 2012 ANNUAL REPORT (PAGE 7)

FALL / WINTER 2012

NON-DISCRIMINATION ORDINANCES

BY MONICA HOPKINS, CFRE, EXECUTIVE DIRECTOR

Ask any Idahoan why they live in Idaho and more often than not they will respond, "For the quality of life." What could be more fundamental to one's quality of life than secure housing, employment and participating fully in community life?

The Idaho Human Rights Act (IHRA) embodies the 1964 Civil Rights Act that prohibits discrimination based on an individual's race, color, religion, sex, age (over 40), disability and national origin. In employment related matters religious organizations are granted an exemption allowing them to prefer members of their own faith in hiring. This exemption's purpose is to permit a religious organization to require those who carry out its work to share its faith.

continue to deny consideration of such legislation, they might learn a lesson not only from Sandpoint and Driggs, both cities in our own state, but also from any of the over 15 states and 125 cities around the nation that have implemented inclusive non-discrimination state laws or local ordinances. In our state there is plenty of public support for giving legal recognition to gay and transgender people that would protect them from discrimination.

discrimination in housing, employment and public accommodations. In the Pocatello/Idaho Falls area the percentage remains high at 71% and in Ada County that percentage raises to 86%.

- 93% of Idahoans believe a person's skills and abilities, not their sexual orientation or gender identity, should be the basis of employment.
- 73% of Idahoans believe amending the IHRA will reduce harassment, verbal abuse and physical threats based on sexual orientation and gender identity.
- 69% of Idahoans support amending the Idaho Human Rights Act to include sexual orientation and gender identity.

By enacting non-discrimination ordinances city leaders are exercising the proper role of government by protecting its community members from discrimination and codifying values of equality and fairness. City leaders value the diversity of their cities. Indeed they understand that discriminatory practices impede social and economic progress by preventing all people from contributing

CONTINUES ON PAGE 3



IN OUR STATE THERE IS PLENTY OF PUBLIC SUPPORT FOR GIVING LEGAL RECOGNITION TO GAY AND TRANSGENDER PEOPLE...

In December 2011 - because of the generous donations of our members and donors - we commissioned a survey of Idaho voters about the IHRA and non-discrimination protections for gay and transgender people. The survey was completed by Moore Information, pollster for Governor Otter and Congressman Labrador and a short summary of the findings include:

- 78% of Idahoans would accept legal recognition for gay and transgender people that would protect them from

For the past six years, the ACLU and countless community members and organizations have sought to amend the IHRA to include sexual orientation and gender identity in non-discrimination protections. While Idaho legislators

HOT UNDER OUR COLLARS: THE LEGAL DEPARTMENT IS BARKING

BY RITCHIE EPPINK, LEGAL DIRECTOR

"MY LAW-ABIDING NECK GETS WARM UNDER ITS LAW-ABIDING COLLAR THESE DAYS AT THE EXTRAORDINARY VIOLATIONS OF FUNDAMENTAL LAWS WHICH ARE BEING PUT OVER."

That was Albert DeSilver, a pro-WWI patriot, Yale graduate, and Skull and Bones member who ended up co-founding the ACLU and donating over half of its budget in the early years. Some 95 years later, the ACLU of Idaho Legal Department rabidly reports that we are straining at our collars here, too.

Since May, the Department's capacity has shot up by 33% by swapping in a full-time Legal Director where a three-quarter-time attorney had been. By the

turn of the year, we hope to have welcomed a full-time paralegal in place of the part-time litigation support we have right now, also.

across the state against the Idaho Department of Health and Welfare, which tried to hide the reasons it cut their health care services by claiming they were "trade secrets." The federal district court has already rejected that argument and issued a preliminary injunction protecting these vulnerable Idahoans' due process rights.

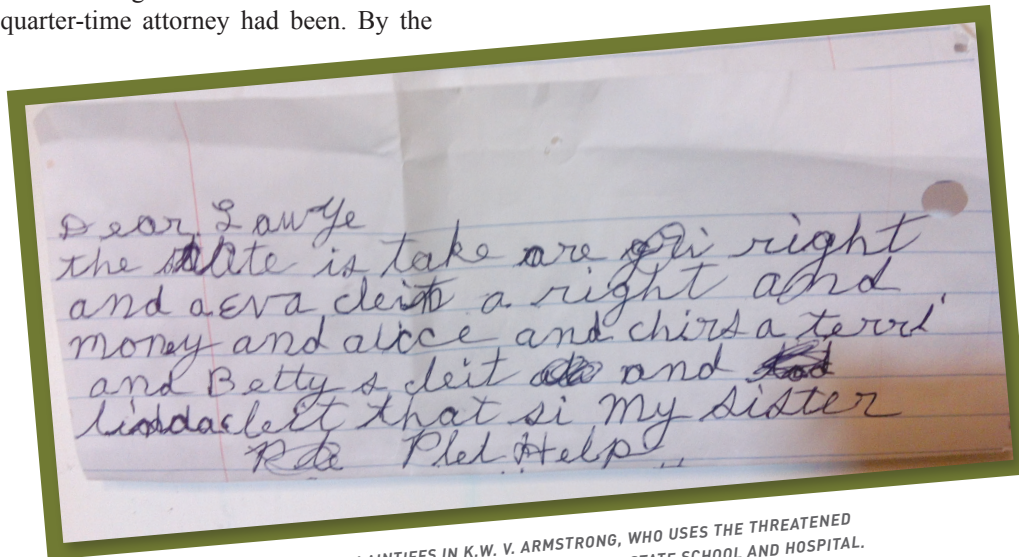
- Core First Amendment rights to protest and dissent in view of the capitol building are at stake in *Watters v. Otter*, a federal lawsuit challenging new, retaliatory rules limiting speech and assembly around the statehouse in Boise. The suit, brought on behalf of Occupy Boise and individual activists, has been some of the most successful

handbook to prevent retaliation against prisoners who exercise their First Amendment rights while in custody.

The coming year will see even more dogged vigilance over liberty and justice in Idaho, directly from your homegrown ACLU affiliate. A mounting pile of complaints about Idaho's structurally unsound indigent adult and juvenile criminal defense systems, together with new reform proposals emerging from Governor Otter's Criminal Justice Commission, compel our immediate attention. Other (classified) major litigation and advocacy projects are in the works, and they may have already spilled onto the pages of your favorite newspapers and blogs by the time this newsletter reaches you.

Autumn will also see the ACLU of Idaho complaint and intake processes overhauled and polished. We would like to think our new, party-size Legal Department will soon put an end to all civil rights violations in the state, but "the reason there are so many optimists is because there are so many idiots in the world," as Clarence Darrow put it. Instead, we want to make sure our system is detecting, monitoring, and flushing out as many violators, great and small, as our "little Legal Department that could" can.

Whenever in Boise, stop by to see us, browse through the "trade secret" and "executive privilege" documents that we've gotten courts to force our furtive state government to disclose, and honor the 43-star American flag that flew over the Occupy Boise protest encampment for seven straight months, in the shadow of the statehouse, and now hangs in my office. And from anywhere, stay up to date on our Legal Docket by clicking the "Legal" tab at www.acluidaho.org.



A LETTER TO ME FROM ONE OF THE PLAINTIFFS IN *K.W. V. ARMSTRONG*, WHO USES THE THREATENED MEDICAID SERVICES TO AVOID BEING INSTITUTIONALIZED IN THE IDAHO STATE SCHOOL AND HOSPITAL.

turn of the year, we hope to have welcomed a full-time paralegal in place of the part-time litigation support we have right now, also.

What does all this mean for civil liberties in the Prison State? Well, here's what we know so far:

- In-house litigation has increased more than a million percent, jumping from zero cases this spring to two major impact cases now pending.
- In *K.W. v. Armstrong*, we represent adults with developmental disabilities

Occupy litigation nation-wide. Thanks to our work, the State of Idaho remains subject to a federal injunction preventing it from unconstitutionally interfering with political demonstrations.

- The hard work of former Staff Attorney Lea Cooper, along with national ACLU lawyer Stephen Pevar, culminated this summer in a second major victory for those locked up at the Canyon County Jail. The July 2012 settlement in *Young v. Smith* changed guard policies and rewrote the inmate



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DISCRIMINATION CONTINUED FROM PG 1

to or fully participating in the cultural, spiritual, social and commercial life of the community, which is essential to the growth and vitality of a city’s neighborhoods and businesses. Indeed the Salt Lake Chamber of Commerce stated, “Discrimination is not only wrong, it is bad for business.”

Corporate America has already begun voluntarily implementing this type of protection – 97 of the Fortune 100 largest companies in America have policies banning discrimination on sexual orientation and gender identity, including companies such as Supervalu, Citigroup, and Hewlett-Packard, but a law is necessary to ensure everyone in our state is entitled to fair treatment.

These ordinances protect all residents in housing, public accommodation and

employment. They stop employers and landlords from discriminating based on sexual orientation or gender identity. They correspond with Idaho and Federal law to provide equal protections for all because everyone has a sexual orientation and gender identity.

“DISCRIMINATION IS NOT ONLY WRONG, IT IS BAD FOR BUSINESS.”

-Salt Lake Chamber of Commerce

We continually hear stories of discrimination, such as those being collected in Boise and Pocatello. But they are mostly anonymous. By publicly telling one’s story about discrimination, gay and transgender people risk losing their homes, their jobs or their sense of community – their Idaho quality of life. Would you take that risk?

City leaders should be commended for taking a stand for American principles of equality and fairness. We remain hopeful our legislators will do the same.

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 November 19, 2012. 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 24, 2013.

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*.

GUARDIANS OF LIBERTY IN IDAHO

BY LEO MORALES
PUBLIC EDUCATION/COMMUNICATIONS COORDINATOR

NINETEEN YEARS AGO THE ACLU OF IDAHO TOOK ROOTS IN THE STATE WITH THE MISSION TO PROTECT AND ADVANCE THE CIVIL LIBERTIES AND CIVIL RIGHTS OF ALL IDAHOANS. TODAY WE CONTINUE TO VIGOROUSLY DEFEND THE FUNDAMENTAL RIGHTS GUARANTEED TO US BY THE CONSTITUTION AND BILL OF RIGHTS.

Over the summer we have been active in the courts, have had a strong presence in the community and have directly challenged the government to serve its proper role of being a referee with regards to our civil liberties.

In the courts, we settled our suit with Canyon County in *Young v. Smith*, we became co-counsel in the Occupy Boise suit in *Watters v. Otter*, and our Legal Director remained lead counsel in a Due Process challenge against the Idaho Department of Health and Welfare in *K.W. v. Armstrong*. You can read more about these cases in our Legal Director's section.

Our presence in the community was primarily led by Program Coordinator, Kathy Griesmyer, who logged hundreds of miles and shared thousands of smiles through her presentations at community events, jobs fairs, university campuses, and high schools. A cadre of dedicated members, volunteers and interns provided additional support to help cover shifts during the different events. During the months of June, July and August, we held our second Annual Law and Liberty Speaker Series, where we discussed the most heated issues of our time. We reached well over 100 community members and attorneys who earned legal education credits for participating in the lecture series.

The summer also kicked-off our Let Me Vote campaign, an initiative to register voters and educate the community on the voting process via know-your-rights brochures. Our bilingual materials, English and Spanish, have been disseminated widely, including county



jails where prisoners with a misdemeanor conviction have a right to vote via an absentee ballot. As the Election Day nears, we've also put particular emphasis on educating the general public about the Voter Identification component at the polls on election day. Some residents and possibly even county poll workers have interpreted the voter photo I.D. as a requirement to vote. However the photo identification is one option to access the ballot, the other option is to sign a Personal Identification Affidavit (PIA). The PIA was specifically placed as an alternative to the photo I.D. request to ensure voters are not disenfranchised simply because they don't have a form of photo identification. No eligible voter should be turned away from voting, unless they elect not to sign the PIA.

In addition to our external work, I am excited to announce that our internal communications tools have also received some attention. In particular, we have contracted with a small firm to develop a comprehensive communications strategy that will help the organization have a more visible statewide presence—critical to ensuring that Idahoans know that we are the ACLU in Idaho. Among the tools include a brand new, user friendly website, built on a content management system that will allow staff to easily update content. The new website will also be more user friendly for Idahoans

to navigate and be able to report abuses of civil rights statewide. It will also include a more comprehensive “know your rights” resource section so that every Idahoan has access to information on how to defend their constitutional rights. Be on the lookout for the new website to go public toward the beginning of the new year.

The fall months will soon give way to winter and with it comes the busy pre-legislative season. Newly elected politicians will be competing for leadership positions as the legislature organizes its committees. The big unknown now is what kind of impact the legislature and policy will have on our civil liberties as a result of so many new faces in



the legislature. One thing is for sure however, regardless who is in office, the ACLU of Idaho will continue to fiercely defend the principles of the Constitution and ensure that our civil liberties are protected. To be successful we invite our members to be active participants and be involved in the process. Remember we must be the guardians of liberty because freedom can't protect itself.

CONSIDER RUNNING FOR THE ACLU BOARD... WE NEED YOU!

DONNA YULE,
BOARD PRESIDENT

Serving on the Board of Directors of the ACLU is such a great experience. Our meetings are so stimulating because everyone has an opinion, and we are all happy to share ours. The discussion is great, and even when it gets heated, at the end of the day we all pull together to do what needs to be done to protect civil liberties in Idaho.

For instance, the ACLU of Idaho hasn't issued a position statement on the 2nd Amendment. And, why is that, you may ask? Because in spite of our many discussions on the topic, no consensus is to be had.

If you enjoy meaningful and lively discussion about extremely important issues, then you should consider running for the ACLU Board. A couple of our long-time board members have decided to step down, and we need people who care deeply about civil liberties to step up and replace them.

We always struggle with recruiting Board members from all over the state to keep our Board from becoming too "Boise-centric". Our Board currently meets once every two months on a Saturday morning, and the meetings last a couple of hours. Board members from outside Boise usually call in on a conference line. We know that's not ideal, and we are exploring a range of options including video conferencing. Please, if you live outside Boise, don't let that keep you from volunteering.

We also need more lawyers. We attempt to strike a balance between lawyers and non-lawyer board members. There have been times in the past when we have had a Board consisting entirely of lawyers, but then you can run into problems with "group think". On the other hand, the ACLU's mission is to defend the Constitution, so it stands to reason that we need the expertise of lawyers.

We consider a good balance to be about half lawyers, and half non-lawyers. To keep a good balance, right now we need lawyers.

We also try to achieve a diverse Board: Equally divided between men and women, Ethnic diversity comparable to the demographics of Idaho, LGBT diversity, etc.

We know that achieving all of those components is a ridiculously tall order, but we try! But that doesn't mean if you're a straight, white guy, non-lawyer, living in Boise, that you are not needed on our Board. The main thing is that you care about protecting civil liberties in Idaho.

We need you! Those people counting on the ACLU to defend their civil liberties also need you! Please contact the ACLU of Idaho office if you are interested in serving on our Board.

VOLUNTEER SPOTLIGHT CORNER



DARIN MCINTYRE is known around the office as canvasser extraordinaire. From registering voters, to coordinating volunteers, and his constant presence out in the community, he has helped elevate our Let People Vote campaign to soaring heights. And because of his dedication to protecting people's right to vote, he is the star of our Volunteer Spotlight Corner.

Darin graduated from Boise State University in May 2012 as a History major and Political Science minor. He first became involved with the ACLU of Idaho through BSU's Pre-Law society and attended our volunteer training that

was held in April. After that, he was hooked! As a History major, he has seen a trend of people not exercising their civil rights and wanted to work with an organization that would help people become aware of their rights and how to defend them.

After his first volunteer outing educating people about the voter I.D. laws in Idaho prior to the May Primary election, Darin became a fixture with the program. His commitment to his work comes from his strong belief that everyone should know about their right to vote and how to hold their elected officials accountable to the issues they promised to tackle in office. As the November election approaches, he wants to get a large group of diverse voters to turn out on Election Day so we, as a community, can have a large impact in our local government. Particularly with the voter suppression laws that have been passing across the country, he believes that it is even more critical that we all know the voting laws and processes here in Idaho.

FIVE FUN, NOT-SO-SECRETIVE FACTS ABOUT DARIN

1. *He competes in a very serious fantasy football league that gives out a rather creative trophy at the end of the season: a gold painted jock strap with everyone's team mascot on it.*
2. *He loves backpacking and hiking – Stanley and the Sawtooth Mountains are his favorite spots here in Idaho and he hopes to visit Scotland soon to explore the land of his ancestry.*
3. *He has a road rage problem, but chooses to vent constructively by educating the mislead driver about how their driving skills are a problem, even if they can't hear him.*
4. *He will be opening a Dutch Bros coffee shop soon. Discounted Milky Ways for ACLU members who show off their membership card, loud and proud.*
5. *His favorite civil liberty is freedom of speech. Darin believes that we need to find a balance where people can exercise their right to free speech while respecting other's right to share their own opinions, especially if they are sharing a contrary opinion.*

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 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 x201 or at kgriesmyer@acluidaho.org.

- Digital Camera
- New Computers
- Adobe Creative Suite

IDAHO PRIDE SCHOLAR JOSH PARRISH STICKS UP FOR LGBTQ EQUALITY

BY STEVE MARTIN, PRIDE FOUNDATION’S REGIONAL DEVELOPMENT ORGANIZER IN IDAHO

It doesn’t take long after meeting Pride Foundation Idaho Scholar Josh Parrish that you begin to realize that he has a thing for collecting stickers—all sharing the common theme of creating LGBTQ equality.



The stickers blanket Josh’s laptop: Human Rights Campaign, National Center for Transgender Equality, It Gets Better, and two related to projects he works on while attending American University in Washington, D.C.—the *Safe Space Sticker Program*, where he helps train students and faculty about LGBTQ-related issues, and *Red is in the Rainbow*, a student-led advocacy group campaigning for the repeal of the U.S. Food and Drug Administration’s 1983 policy banning men who’ve had sex with other men from donating blood.

At only 18, Josh has already accomplished much, including founding the first Gay-Straight Alliance club at his high school in Nampa, Idaho, interning at the National Gay and Lesbian Task Force in Washington, D.C., and working with AU’s GLBTA Resource Center. This is the second year in a row he’s been awarded Pride Foundation scholarships, and he’s currently working during the summer for the *American Civil Liberties Union of Idaho* as part of the *Pride Foundation Fellowship Program*, which seeks to cultivate leaders and strengthen the Northwest LGBTQ community.

“Having a Pride Fellow in our office is an exciting opportunity for us to advance LGBT

equality in our state,” said Monica Hopkins, executive director of the ACLU of Idaho. “Pride Foundation should be commended for supporting and sustaining LGBT leadership development through programs like this. The caliber of leadership developed and organizational capacity supported is integral in advancing justice and equality.”

“Since the moment Josh showed up in our office, he jumped in to do whatever needed to be done—from creating a Statue of Liberty costume for the Boise Pride Parade to meeting with religious leaders, building partnerships with the religious community,” she said. “Josh is an incredible asset to our team. His knowledge of the issues we are working on combined with his willingness to work independently and think creatively have helped us build our network of non-traditional coalition partners. By the time he returns to school at American University, he will have helped us create an LGBT non-discrimination toolkit to educate the public and train leaders in advancing equality for all Idahoans.”

“DISCRIMINATION HATE AND PREJUDICE DON’T SERVE A PURPOSE IN SOCIETY. I WANT TO CHANGE PEOPLE’S MINDS.”

“My passion is equality,” said Josh, a political science major at AU minoring in French with aspirations to travel to experience and continue learning from other cultures. “Discrimination, hate and prejudice don’t serve a purpose in society. I want to change people’s minds.”

He’s off to a promising start, beginning with his mother, Deana, a single mother who Josh came out to as a gay man at 15. The road to educate his mother that his sexual orientation is not a choice was a rocky and emotional journey, he said, but “she’s an advocate now, and that has given me a lot of hope.”

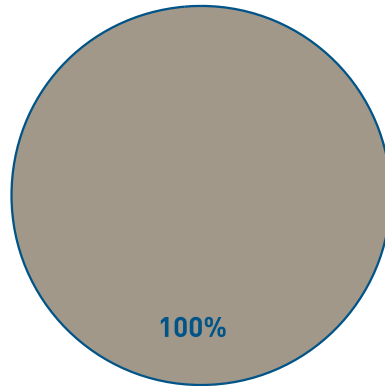
2012 ANNUAL REPORT*

ANNUAL AMICUS CAMPAIGN OFF AND RUNNING

As the litigation capacity of the ACLU of Idaho expands, so too does our need for vigorous funding that enables us to continue pursuing important cases and use the power of law to protect Idahoans. Every year we engage in an Amicus Campaign. Taken from the term, "amicus curiae," which is legal Latin for "friend of the court." Our Amicus campaign solicits contributions from "friends"—Idaho attorneys and firms that respect the legal work of the ACLU. This annual campaign hopes to raise \$8,000 through vigorous attorney-to-attorney solicitation with the help of ten volunteer attorney Cabinet Members.

The Amicus Campaign runs through November 16. During that time, staff and volunteer attorneys will be calling their legal colleagues all over Idaho. Are you an attorney that wants to be part of the Amicus Campaign? Does your firm want to support the critical legal work of the ACLU? Contact our office at (208) 344-9750 x 207 to learn more about how you can support the Legal Department of the ACLU of Idaho.

UNION

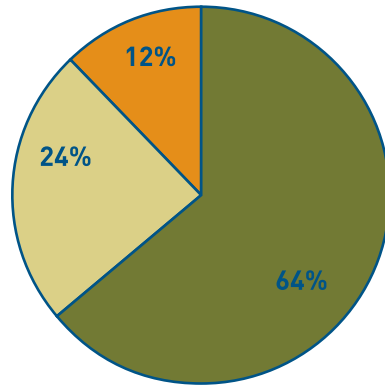


SUPPORT & REVENUE

National Subsidies (GMI)	\$46,551
Investment Income	\$215

Total **\$46,766**

*ACLU of Idaho also received a \$75,000 bequest that is a restricted endowment fund.

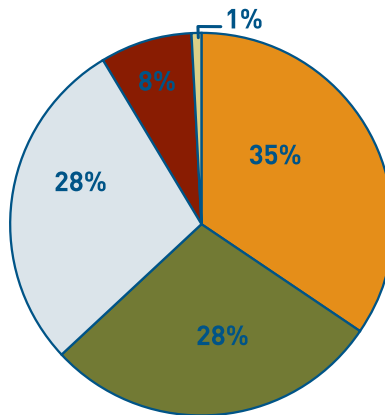


EXPENSES

Membership Program	\$6,038
Legislative Program	\$31,566
Finance & Administration	\$11,474

Total **\$49,078**

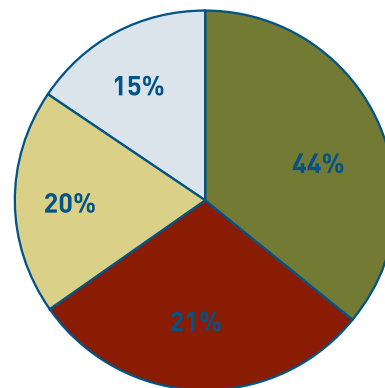
FOUNDATION



SUPPORT & REVENUE

National Subsidies (GMI)	\$203,868
Contributions & Grants	\$43,391
Attorney's Fees	\$167,729
Bequests	\$167,423
Investment Income	\$4,208

Total **\$588,619**



EXPENSES

Public Education Program	\$125,451
Legal Program	\$153,424
Development	\$65,490
Finance & Administration	\$81,210

Total **\$425,575**

*Fiscal year ending March 31, 2012. Audited statements available from the ACLU-ID office.

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LET ME VOTE

KNOW YOUR VOTING RIGHTS: IDAHO

Election Day is Tuesday, November 6, 2012

- ★ 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 does not affect your ballot choice. All voters, regardless of party affiliation, will be given the same ballot on Election Day.

For more information about voting or if you need help, contact:

ACLU Voter Protection Hotline (877) 523-2792
Idaho Secretary of State Hotline (208) 334-2852

SAVE THE DATE

MAKE SURE TO MARK YOUR CALENDAR FOR THESE UPCOMING ACLU EVENTS!

NOVEMBER 6TH
ELECTION DAY –
DON'T FORGET TO GO OUT AND VOTE!

JANUARY 24
ANNUAL MEMBERSHIP MEETING,
BOISE

FEBRUARY 8
ACLU OF IDAHO 20TH ANNIVERSARY
CELEBRATION

FEBRUARY 18
ACLU LEGISLATIVE LOBBY DAY
TRAINING

MARCH 18TH
GIDEON V. WAINWRIGHT
ANNIVERSARY

INFORMATION ABOUT EVENTS CAN
BE FOUND ON OUR WEBSITE AT
<http://acluidaho.org/newsevents.php>

WOULD YOU SPEND \$1, \$2 OR \$3 PER DAY TO PRESERVE, PROTECT AND DEFEND THE CONSTITUTION?

You recognize the strength of the attack on civil rights and liberties and your monthly gift helps make sure no challenge to any of our rights goes unanswered. Monthly gifts are invaluable as the ACLU of Idaho struggles to meet the costs of increased litigation, expanded grassroots mobilization, and alerting all Idahoans to the growing threats to our freedom.

**We need 100 people to commit \$30/month
– just \$360/year – by December 31st to
sustain our work.**

Become a monthly donor now!

To become a monthly donor, please visit our website at www.acluidaho.org/supportus or call (208) 344-9750 x 207.

