

Nomination of Ross C. “Rocky” Anderson for
The American Association of Justice
Leonard Weinglass Civil Rights Award

Ross C. "Rocky" Anderson has lived his adult life fighting for the civil and human rights of people in his community and throughout the world. After graduating from college and starting graduate school in Philosophy, Rocky committed to a life of action and bringing about positive changes. He also committed to take action based upon studying, contemplation, and becoming familiar with the situations of people who were exploited, abused, or otherwise deprived of justice.

In 1974, Rocky attended an Amnesty International program in San Francisco featuring Joan Jara, the widow of Victor Jara, a Chilean folksinger killed during the U.S.-backed military overthrow of Chile's president, Salvador Allende. Rocky was appalled by the complicity of the C.I.A. in the coup led by Augusto Pinochet, which led to more than 15 years of a brutal military dictatorship in Chile. Rocky was so moved by those events he decided to attend law school so he could help fight for the civil and human rights of people who suffered from the abuses of governmental and corporate power.

Rocky was inspired by the selfless work on behalf of the common man and woman—people without privilege or special status—by Ralph Nader and by the moral courage of Daniel Ellsberg in risking everything to disclose the truth about the disastrous U.S. war in Vietnam through leaking the Pentagon Papers. For Rocky, there was, and is, no higher mission than to help achieve justice and the truth, particularly on behalf of people who have been victimized by those with privilege and power.

During his time at George Washington Law School, Rocky marched with thousands of others in protest of the assassination in 1976 of Orlando Letelier, a leading opponent of Augusto Pinochet, by Cuban mercenaries hired by the Pinochet regime. He also joined a protest at the White House against the Shah of Iran, who was placed in power by the U.S. after the C.I.A.-orchestrated the overthrow of the democratically elected Iranian government of Mohammad Mossadegh.

After returning to Salt Lake City to practice law, Rocky joined a law firm renowned for its work on behalf of plaintiffs in antitrust lawsuits. Soon after he started practicing law, Rocky wrote a letter to the editor in the major state daily newspaper calling for the resignation of a judge who had reversed a jury's rape verdict because the judge felt the victim had "invited" the rape by wearing flimsy clothing and accepting drinks and a ride home by the rapist.

Rocky was then invited to join the Board of the Utah A.C.L.U. and to serve as its volunteer Legal Panel Director. His service to the Utah A.C.L.U. included reviewing the complaints coming to the one-person staff of the organization and lined up pro bono lawyers to handle numerous cases that would not otherwise have been pursued. Rocky served on the boards of the Utah A.C.L.U., Planned Parenthood Association of Utah, and Utah Common Cause for several years, eventually serving for two years as President of the A.C.L.U. Board. He later served for 15 years, two of which were as President, on the Board of Guadalupe School, which included remarkable mentoring for new immigrants and a kindergarten and K-3 school providing extraordinary educational opportunities for economically disadvantaged children.

Rocky handled several cases on a pro bono basis in those early years of his legal practice. He was successful in obtaining a consent decree, resolving a class-action strip search case brought against jailers on behalf of women who had been taken to jail for minor traffic violations.¹ He also led a successful challenge against a municipality that denied Planned Parenthood an occupancy certificate for a remodeled building on the grounds that it provided contraceptive services and abortion counseling.

In the 1980s, Rocky was a leader in the resistance against the Reagan Administration's human rights outrages in Central America. He engaged in two televised debates with Adolfo Calero, the Commander-in-Chief of the Contras, the terrorist organization organized and funded by the United States. He also debated a State Department representative concerning U.S. Central America policies at a major foreign policy conference. Recognizing the deceptions of the Reagan Administration about El Salvador and Nicaragua, and the perpetuation of the deception in the mainstream media,

¹ <https://www.acluutah.org/legal-work/resolved-cases/item/177-regan-v-county-of-salt-lake>

Rocky organized two trips to Nicaragua, during which dozens of people from the U.S. joined him to tour the country, interview supporters and opponents of the Sandinista government, and learn the truth that had been impossible to find in most of U.S. media.

After a televised debate in which he engaged with the Executive Director of the Utah Department of Corrections, Rocky learned of many abuses of inmates at the Utah State Prison and founded a grassroots education and advocacy organization, Citizens for Penal Reform. He also filed several lawsuits challenging the conditions of confinement and the deprivation of medical care for serious medical conditions. In the seminal case of *Bott v. DeLand*,² he was successful in creating far greater protections for Utah inmates than is provided under the U.S. Constitution by invoking the prohibition in Utah's Constitution against unnecessarily rigorous treatment of arrestees and inmates.

His constitutional attack against a Utah statute prohibiting actions by incarcerated people for negligence against governmental employees was defeated in a 3-2 opinion of the Utah Supreme Court. A dissenting Justice characterized the majority opinion as treating prisoners "as a subspecies of the human race who are not entitled to reasonable, competent medical care."³ Rocky remains committed to having the abhorrent majority decision in that case overruled or persuading the Utah Legislature to repeal the statute.

After Michael Valent, a prisoner with severe schizophrenia, died of a pulmonary embolism after being strapped naked in a restraint chair for 16 hours, Rocky made certain the public was made aware of the medieval treatment of prisoners, including severely mentally ill people, at the Utah State Prison. He provided a video tape of Mr. Valent's outrageous treatment to Geraldo Rivera, who produced a powerful special program on the treatment of mentally ill people in U.S. jails and prisons. As part of a successful settlement of a lawsuit Rocky pursued on behalf of Michael's mother, Rocky ended the use of the restraint chair at the Utah State Prison.

Rocky's other victories during those years included jury verdicts and successful settlements in several excessive use of force cases against police

² 922 P.2d 732 (Utah 1996).

³ *Ross v. Schackel*, 920 P.2d 1159, 1168 (Utah 1996).

officers, a large jury verdict in a tragic case involving a man's death in a jail resulting from medical indifference, and a successful resolution of a case against a guard who had sex with a prison inmate. He also won an important First Amendment victory on behalf of the news media seeking the disclosure of deposition testimony in a mine disaster case.⁴

After 18 years of practicing law, Rocky won a hard-fought battle in a primary election and was the 1996 Democratic nominee for Congress in Utah's Second Congressional District. Because Rocky stood solidly for marriage equality—a rarity among candidates of either party, or almost anyone else, in 1996—he was defeated by a candidate who relentlessly touted his "traditional Utah family values."

In Rocky's view, he won by losing that race, because in 1999, he handily won the race for Salt Lake City Mayor and was re-elected for a second four-year term in 2003. (A cover article in *The Nation* described many facets of Rocky's leadership as mayor.⁵) After creating the most comprehensive restorative justice program in the country, becoming a leader in the climate protection movement (reducing greenhouse gases in city operations by 31% in three years⁶), receiving the first Profiles in Courage award from the League of United Latin American Citizens for his work toward compassionate immigration reform, receiving the World Leadership Award for his environmental programs, being recognized as one of the nation's top straight allies of the LGBTQ community, being the only majority mayor to advocate for the impeachment of George W. Bush, and aggressively opposing the illegal war against Iraq (including speaking at a Washington, D.C. rally attended by hundreds of thousands of people), Rocky announced he would not run for a third term so he could focus his energies on building grassroots awareness and advocacy for the protection of human rights.

⁴ *Carter v. Utah Power & Light Co.*, 800 P. 2d 1095 (Utah 1990).

⁵ Sasha Abramsky, *The Other Rocky*, THE NATION, December 17, 2006, <https://www.thenation.com/article/other-rocky/>

⁶ *An interview with Salt Lake City mayor and green innovator Rocky Anderson*, GRIST, February 7, 2007, <https://grist.org/article/anderson1/>; Greg Hanscom, *Rocky's road: One of the country's greenest mayors guns for the White House*, GRIST, January 31, 2012, <https://grist.org/election-2012/rockys-road-one-of-the-countrys-greenest-mayors-guns-for-the-white-house/>.

Film-makers Rhea Gavry and Doug Monroe followed Rocky for ten years and have released five segments of what will be a ten-part documentary series on Amazon Prime, reflecting much of Rocky's work for economic, environmental, and social justice.⁷

Rocky founded High Road for Human Rights and served for almost four years as its director, raising awareness of, and organizing advocacy against, human trafficking, torture, climate chaos, the death penalty, and genocide. High Road's mission was to educate people about several human rights issues and organize them to coordinate and direct their voices, collectively, to bring pressure to bear on Congress, the President, and the U.N. Committee Against Torture. While working with High Road, Rocky persuaded the Chair of the House Judiciary Committee to hold a hearing on criminal misconduct by the George W. Bush administration and he testified at the hearing.⁸

In 2011, Rocky co-founded the Justice Party and served as its nominee for President of the United States in 2012. Rocky participated in the three "Expanding the Debate" programs of Democracy Now! with Amy Goodman,⁹ on whose program Rocky has frequently appeared. He debated other third-party candidates, once with Larry King moderating¹⁰ and another with Ralph Nader (who endorsed Rocky) moderating. Rocky co-authored an article in the *Notre Dame Journal of Law, Ethics & Public Policy* urging that climate protection be recognized as a human rights imperative.¹¹

⁷https://www.amazon.com/Citizen-Rocky-Chapter-Henry-Bacon/dp/B0793LL789/ref=sr_1_2?keywords=rocky+anderson+documentary&qid=1570588386&sr=8-2

⁸<http://rockyanderson.org/media/videos-2/high-road-for-human-rights-videos/>

⁹https://www.democracynow.org/2012/10/4/expanding_the_debate_exclusive_third_party;
<https://www.democracynow.org/shows/2012/10/17?autostart=true;>
https://www.democracynow.org/2012/10/23/exclusive_as_obama_and_romney_agree

¹⁰ <https://www.youtube.com/watch?v=e0vE5CTTSFI>

¹¹ Ross C. Anderson & P. A. Thronson, *Achieving Climate Protection: Fostering an Essential Focus on Human Rights and Human Impacts*, 27

For two semesters, Rocky taught popular courses at the University of Utah on truth and deception in the news media and how our constitutional republic is being undermined. Then Rocky returned to the practice of law.

Among his several recent endeavors has been a lawsuit against the National Security Agency for the warrantless surveillance of the texts of emails and the metadata of all telephone calls in the Salt Lake City area during the 2002 Winter Olympic Games.¹² He successfully challenged a state statute prohibiting certain First Amendment-protected depictions in businesses serving alcohol.¹³ He also successfully pursued a lawsuit against a police officer who shot an innocent bystander, believing the bystander to be a man who had earlier shot at the officer.¹⁴

Rocky also devoted hundreds of hours to a Fourth Amendment challenge to the entry of a police officer into a private, enclosed backyard, where the officer shot the occupant's dog—although the officer had no reason to believe the person for whom he was searching was on the premises.¹⁵ Currently, Rocky is deeply involved in a lawsuit against the Salt Lake County Jail for the lack of any medical care for a woman who died a torturous death of peritonitis.¹⁶ He is also challenging a legislative override of a citizen initiative providing for medical cannabis¹⁷ and advocating for

NOTRE DAME J.L. ETHICS & PUB. POL'Y 3 (2013). Available at: <http://scholarship.law.nd.edu/ndjlepp/vol27/iss1/2>.

¹² https://www.washingtonpost.com/sports/former-nsa-executive-agency-used-blanket-surveillance-during-2002-olympics/2017/06/02/95d288fc-47e6-11e7-98cd-af64b4fe2dfc_story.html?noredirect=on&utm_term=.160eaf8eb752

¹³ <https://www.sltrib.com/news/2017/09/01/brewvies-wins-judgment-against-utah-in-deadpool-first-amendment-case/>

¹⁴ <https://archive.sltrib.com/article.php?id=5509661&itype=CMSID>

¹⁵ <https://fox13now.com/2018/06/29/u-s-supreme-court-asked-to-hear-case-over-dogs-shooting-by-slecpd/>

¹⁶ <https://www.deseretnews.com/article/900013714/lawsuit-jail-inmate-died-after-staff-failed-to-care-for-her.html>

¹⁷ <https://gephardtaily.com/local/rocky-anderson-files-lawsuit-against-gov-gary-herbert-for-disregarding-prop-2/>

the constitutionality of a statute reviving claims for child sexual abuse that were previously time-barred by a prior statute of limitations.¹⁸

In his personal life, as a lawyer, working in the non-profit sector, and as an elected official, whether on the local or national stage, Rocky Anderson has, for nearly all of his life, fought and successfully advocated in many arenas for the protection of vulnerable people. His tenacious, effective actions and advocacy have shown many common men and women that they have a champion who will fight for them with everything he has against those who abuse their privilege, money, and power.

Respectfully submitted,

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¹⁸ Ann E. Marimow, *Former D.C. chief judge seeks dismissal of lawsuit alleging sexual assault*, THE WASHINGTON POST, June 30, 2016, https://www.washingtonpost.com/local/public-safety/former-dc-chief-judge-seeks-dismissal-of-lawsuit-alleging-sexual-assault/2016/06/30/8ff57360-3eda-11e6-84e8-1580c7db5275_story.html; M.L. Nestel, *Serial Killer's Survivor: Prosecutor Raped Me During the Trial*, DAILY BEAST, March 17, 2016, <https://www.thedailybeast.com/serial-killers-survivor-prosecutor-rape-d-me-during-the-trial>; Robert Gehrke, *Victims of sex abuse should be able to sue the perpetrator, even if the case is decades old*, <https://www.sltrib.com/news/politics/2018/05/13/gehrke-victims-of-sex-abuse-should-be-able-to-sue-their-abusers-even-if-the-case-is-decades-old/>.