

August 31, 1998

Ira Glasser
Executive Director ACLU Foundation
125 Broad St.
New York, NY 10004

Dear Mr. Glasser:

I am writing to implore the ACLU to help- the opportunity to help others where I was refused assistance by the ACLU in 1988. During that year, I was denied the opportunity to apply for a position as a juvenile probation officer in the state of Arizona. The local ACLU refused to help. Here is my story.

I had impeccable credentials to work in juvenile probation. A Masters degree in Special Education, with an emphasis in Behavior Disorders, and prior teaching experience. My work in Alaska, for the District of Attorney in Anchorage, had me working daily as a victim advocate, working with victims of sex crimes, many of whom were juveniles. In a letter of reference, the District Attorney called me the "single best hire he had ever made."

I had moved to Arizona to be with my boyfriend, Jim, who had found a job in Arizona. We had been together since 1981, even purchasing a home together in Anchorage. We had no children, and did not wish to marry.

I had always wanted to be a juvenile probation officer, so quickly did the preliminary job application requirements- which included a written examination, which I passed. I was contacted in 1988, about the opportunity to do an oral interview- the final stage to getting hired. Before I could attend the interview, however, the Probation Dept. sent me a 6 page affidavit that they required to be completed before I could be scheduled for the oral interview. The questions seemed easy. I was not a child molester, nor arsonist, nor had I ever been arrested for robbery or theft. However, on the final page, I was asked, "Are you living in open notorious cohabitation?"

I could not believe what I was reading. I was cohabitating, although quietly. Certainly they couldn't be serious- to compare with real serious crimes. I contacted the Probation Department and was told that cohabitation was against the law in Arizona. Further research found it listed as a misdemeanor sex offense.

I was shocked, angry and hurt. But, probation was firm. I started to do research- first into the Arizona law, then others. I found an article about a deputy sheriff in northern Arizona, who was living in polygamy- a crime listed in the Arizona constitution. How could he work, and I couldn't? I applied for a job as a child protection worker, for the same county. Surprisingly, a few months later, I was offered the job. I disclosed my cohabitation in the interview and was told half the people in the office were cohabitating- that the law was not enforced for their department. So, I could not be a juvenile probation officer, but I could do child protection work in the same county?

Not being able to find other work, I found a job as a talk radio producer. It paid only \$12,000 a year. I eventually contacted Louis Rhodes, who was in charge of the ACLU in Phoenix. I shared my story, offering to be arrested, if that would help end this form of marital discrimination, and asked if the ACLU could take my case. Mr. Stokes told me the ACLU could not help me. I did not have funds to pursue my own attorney. Later, I was able to talk to many notable attorneys and legislators in Phoenix, all expressing shame at the law, but not having any answers, or insisting they did not have the political support needed to get the law changed.

In early 1989, I spoke to a woman who was a Dean at the local law school, who also sat on the Board of the ACLU. She had not been told about my case- it was never formally brought before the local ACLU board for consideration. She urged me to reapply, but I was already moving out of Arizona. I would not live in a place that discriminated against me and considered me a sex offender. Nor would I ever trust the ACLU.

I have included several of the articles I collected ten years ago- that demonstrate the variety of ways that marital discrimination can still happen, so that you can understand that what happened to me was not an isolated case. The cases have happened all over the country in different contexts. Cohabitation laws are still on the statute books in several states, waiting to be used against us. The statutes I copied were in effect in 1988; they may still be the law.

I urge the ACLU to become a leader in fighting this type of marital discrimination, through a systematic national campaign. Just before I had requested help from the ACLU in 1988, the ACLU received a lot of publicity for assisting a group of Nazi's in their efforts to obtain a parade permit to march in Skokie, Illinois. I remember thinking that if the ACLU helped Nazi's, certainly they could help on my case, that potentially impacts so many cohabitating people. I was wrong. The ACLU of 1988 cared more for the small group of Nazi's than those of us cohabitating in Arizona. I eventually moved to California. For a while I had a speciality bumper sticker on my car, "Refugee from Arizona Laws". I still feel that status.

I am very bitter towards the ACLU, and their refusal to help. Although some time has passed, the issue of marital discrimination remains of great significance to me. I do not want a person's marital status used against them in employment, or in other ways, as it tears at the heart of what a free society is suppose to be. I hope that under your direction, the ACLU will join efforts with other groups in working to end marital discrimination.

Very truly yours,



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cc. Nadine Stroussen
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