

# Restoring the Balance

**ACLU**

American Civil Liberties Union of Colorado  
ACLU Foundation of Colorado

2005 - 2006 Annual Report

# Restoring the Balance

The theme for our 2005-2006 Annual Report is *Restoring the Balance*. Our constitutional system of checks and balances is based on the fact that potential abuses of power are deterred by the ability of the other two branches to take corrective action. Today, we see assaults on those checks and balances that result in the erosions of our personal rights and freedoms. Our fundamental values of privacy, equal protection under the law, due process and freedom of speech, association and assembly are disappearing under the guise of safety and security.

The ACLU of Colorado has protected and preserved civil rights and civil liberties for all people in Colorado for more than 54 years. We work diligently, with the support of our donors and members, to maintain the balance of power among the branches of government and for the people of Colorado. Throughout this annual report, you will see how we work toward this end through our legislative programs, litigation and legal advocacy and educational programs that span the state and include audiences that are diverse in age, ethnicity, race and religion. In this report, we have used the balance scale to graphically demonstrate how our work has restored balance in our mission areas.



## Restoring the Balance

**"No fight for civil liberties ever stays won." - Roger Baldwin**

Restoring the Balance



# Protecting Freedom for all Coloradans

Dear Friends of Freedom,

For more than a half century, the ACLU of Colorado has worked to safeguard civil rights and civil liberties for all people in Colorado. Now, more than ever, as our personal rights and freedoms are being eroded, the ACLU of Colorado must remain vigilant in **Restoring Balance** among the branches of government and the people of Colorado.

Governmental abuse of power is rampant in the federal government, as well as in our own state government. The Colorado ACLU worked diligently to protect your rights during the 2006 legislative session, monitoring 75 bills and testifying on more than 25 of them. We supported bills that ensure continued open access to public education for all children in our state, that increase access to voting, and, except for a gubernatorial veto, would have eliminated employment discrimination based on sexual orientation.

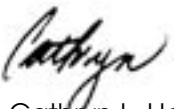
We believe that 2006 may be a watershed year both for Colorado and for our country. There is evidence that Coloradans and other Americans finally may have had enough of the violations of their freedoms. In April, the ACLU of Colorado hosted a spectacular town hall meeting on National Security Agency (NSA) spying and abuse of power. The auditorium was packed with participants and more than 3,500 computers nationwide were tuned into the live webcast to hear former U.S. Senator **Gary Hart, Bruce Fein**, an attorney in the Reagan administration, National ACLU Executive Director, **Anthony Romero** and Colorado ACLU's Legal Director, **Mark Silverstein**, discuss the government's continuing violations of our privacy. Former first lady **Dottie Lamm** moderated the discussion.

We have taken our campaign to **Restore Balance** to Pueblo, Salida, Alamosa, Durango, Fort Collins, Boulder and Colorado Springs, urging Coloradans to take action. One exciting result of this Rock n' Road show is the formation of a new chapter of the ACLU of Colorado in Pueblo. This is the first new chapter in Colorado in nearly a decade, and Pueblo members are already at work protecting freedoms through forums, meetings and community events.

In the legal arena, the ACLU Foundation of Colorado (ACLUF) has been working to restore the right to freedom of expression. Last fall, we filed a lawsuit on behalf of two people who gained national attention after White House event staffers ejected them from a meeting because of an anti-war bumper sticker on their car. This event was billed as a presidential town hall conversation on Social Security reform and was paid for and open to the public. The Colorado ACLU wants to protect our constitutional rights and inform the public. This case does both; it illustrates how those rights are being curtailed—how governmental power is being abused.

It is your support that allows us to continue to protect individual rights, to preserve your freedoms and to **Restore the Balance** of power in Colorado. This campaign is ongoing, but with your help, we can succeed.

Sincerely,



Cathryn L. Hazouri  
Executive Director

# Litigation & Legal Advocacy



Litigation and Legal Advocacy protect and extend civil liberties through court litigation as well as legal advocacy outside the courtroom. Legal programs include our **intake and referral program** that handles inquiries for assistance. On average, we receive nearly **1,000 requests each month** from people who believe that their civil rights or civil liberties have been violated.



## Freedom of Expression

In February 2006, the ACLU Foundation of Colorado successfully defended the freedom of speech rights of a **Littleton High School** junior after he was suspended and nearly expelled for posting satirical commentary about the school on the Internet. Once threatened with a First Amendment lawsuit, school officials chose to settle and allow the student to continue his education without facing any more punishment. According to **Hugh Gottschalk**, a cooperating attorney on the case, “A student’s right of expression is protected by the First Amendment. (While) school authorities have some ability to regulate students’ expressive activities on school grounds and at school-related functions, school authorities do not have the right to impose discipline for statements that students make off campus, especially when, as in this case, those statements do not cause any material disruption of the educational process.”

In March of last year, the ACLU Foundation of Colorado was successful in “restoring the balance” to an art exhibit that Lakewood city officials had censored a month earlier on the ground that they believed it was “anti-American” and “anti-military.” The artwork, now restored to its original condition, is an array of small ceramic stones,

one of which featured a quotation attributed to **Bill Maher** reading, “A real coward is someone who drops a bomb from a protected space several thousand feet up.” We contend that this artwork is a form of expression that is protected by the Constitution, regardless of whether government officials disagree with the message they believe it communicates.

## Rights of Prisoners

In July 2006, the ACLU Foundation of Colorado stood up for the civil rights of Colorado prisoners by filing a class action lawsuit against the **Garfield County Jail**. This lawsuit was filed after an investigation into complaints from the facility revealed unacceptable and inhumane practices such as strapping naked prisoners into restraint chairs for up to 12 hours, shooting prisoners with pepper ball pellets for very minor infractions and deliberately delaying necessary medical attention. We are also challenging and investigating similar practices by other correctional facilities in Colorado, such as the **La Plata County Jail** where several common restraint practices are against the facility’s own policies.

In the case of **Sheline v. Ortiz**, the ACLU Foundation of Colorado filed a lawsuit on behalf of **Timothy Sheline**, an Orthodox

Jewish prisoner in the **Colorado Department of Corrections (DOC)**. His sincerely-held religious beliefs require that he maintain a kosher diet, which the DOC revoked after a guard reported that Mr. Sheline was caught putting food in his pocket. Just two days after the lawsuit was filed, the DOC agreed to immediately restore Mr. Sheline's right to kosher food. According to ACLU Legal Director **Mark Silverstein**, "The DOC certainly has a right to enforce its dining hall rules and to sanction prisoners who violate them. But it cannot do so by infringing on and burdening the right of prisoners to practice their religion."

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## LGBT Rights

In 2003 the ACLU of Colorado filed a lawsuit on the behalf of the **Palmer High School Gay-Straight Alliance (GSA)** against Colorado Springs School District 11 after the District refused to recognize the newly formed GSA. Shortly thereafter the school board announced a new "two-tier" policy for student clubs. This policy granted full privileges to clubs deemed to be related to the curriculum, but denied many privileges to a new category of student clubs called "Independent Student Groups," including the GSA. In November 2005, the ACLU reached a settlement with the School District. Consequently District 11 has agreed that all student clubs will be treated equally. According to Mark Silverstein, the ACLU

Legal Director, "This is a welcome relief not only to the GSA, but to all other student groups that were treated less favorably under this now-abandoned two-tier policy."

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## Open Government

In an effort to reign in some of the current administration's abuses of power, the ACLU Foundation of Colorado filed a lawsuit on behalf of two members of the "**Denver 3**" after White House event staffers ejected them from an event that featured the President. The event was open to the public, paid for by taxpayer funds, and advertised as a town hall "conversation" on Social Security reform. The lawsuit in the case of **Weise v. Casper** asserts that the ACLU's clients were removed because of a bumper sticker's message that event staffers thought disagreed with the President. The ACLU believes their exclusion is a result of policies formulated by federal officials.

In the case of **Nash v. Whitman** the ACLU Foundation of Colorado filed suit on behalf of **Stephen and Vickie Nash**, seeking the disclosure of documents connected with the Denver Police Department's internal investigations in the Denver Spy Files controversy. This case stemmed from a citizen complaint filed by the Nashes in 2002, charging the police department with unjustifiably monitoring and keeping files on their lawful political activities. After **Denver**

**Police Chief Whitman** refused to disclose any documents and a daylong evidentiary hearing was held, **Judge Catherine Lemon** ordered the disclosure of almost all of the requested documents, noting that the police department's "blanket denial of Plaintiff's (our) request for these documents and their wholesale assertion of privilege were 'arbitrary and capricious.'"

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## Police Practices

In a notable victory in a civil rights battle spanning almost four years against the Federal Government, the City of Pueblo, individual officers from the Drug Enforcement Administration, the State of Colorado and the Pueblo Police Department—the ACLU Foundation of Colorado and cooperating attorneys from Gibson, Dunn & Crutcher LLP obtained a large settlement for the **Unis family** of Pueblo, Colorado. The settlement arose from lawsuits filed after several SWAT officers of the Pueblo Police Department, in full gear, without a warrant and under the auspices of a federal drug task force, stormed the family's home in late summer of 2000 and arrested the family's two teenage sons, even after realizing they had broken into the wrong house. We hope that the case will set a strong example to deter such civil liberty infringements in the future.



## Privacy

In May of 2006, the ACLU of Colorado sent a request to the **Colorado Attorney General** and the **Colorado Public Utilities Commission** demanding a formal investigation into whether telecommunication companies have been violating the law by turning over private phone records to the NSA. This request is part of a broader action being undertaken by the National ACLU and ACLU affiliates in nineteen other states in order to ensure that such egregious privacy violations are not occurring.

## Immigrant Rights

In the case of **Nguyen v. Gonzalez**, we are assisting a **refugee** from Vietnam who had been living as a lawful permanent resident in the United States for over 20 years. In July 2003, he was ordered removed on the basis of a 1985 theft conviction for which he had completed his sentence. However, Vietnam has no repatriation agreement with the United States, making his removal virtually impossible. He has been incarcerated in an immigration detention facility ever since. The government argues that it can continue to hold him indefinitely, as a psychiatrist classified him as “specially dangerous” because of his mental health diagnosis. The ACLU Foundation of Colorado has consequently filed a lawsuit contending that the government does not have

the legal authority to detain this individual indefinitely because that is a violation of basic human rights and due process of law.

## Voting Rights

In November 2005, the ACLU Foundation of Colorado filed a class action lawsuit in order to restore the right to vote for Colorado’s parolees. The case of **Danielson v. Dennis** challenged a Colorado statute that was passed in the early 1990’s and forbids those on parole from voting or registering to vote. This lawsuit came in response to the fact that over **6,000 parolees were wrongfully prevented from going to the polls** after having paid their debt to society. Article VII, Section 10 of the Colorado Constitution states that persons who are incarcerated as a result of a criminal conviction should lose their right to vote. However, it also states that their civil rights should be automatically restored upon completion of their “term of imprisonment.” Unfortunately, the District Court for the City and County of Denver disagreed with us on the intent of this law and we lost on appeal to the Colorado Supreme Court.



# Education and Outreach

## Speakers Bureau

The Speakers Bureau continued to **restore the balance** of power to the people of Colorado by informing and mobilizing around issues of freedom, civil rights and civil liberties. Recruiting more volunteers, developing tools to assist these volunteers and reaching out to new audiences are always top priorities for Colorado ACLU's Speakers Bureau. We trained more than 20 new volunteers this year and added people who are fluent in Spanish, Korean and Arabic.

Because the work of the ACLU is often misunderstood, the general overview of the ACLU remained the most requested topic. Other popular topics included NSA spying, torture and rendition, religious freedom and students' rights. This year, speakers bureau volunteers reached more than **90 audiences**, totaling over **7,500 people**.

We are happy to announce that our **Colorado Springs** chapter has started its own Speakers Bureau. This program allows the chapter to broaden and strengthen their outreach in the Pikes Peak Region.

You can help raise awareness in your community about the ACLU by becoming a volunteer speaker! We provide each of our speakers with training, tools and support to make it fun and enjoyable. If you would like

to request a speaker or find out more about the Speakers Bureau program, please access our website at [www.aclu-co.org](http://www.aclu-co.org).

## Cheltenham Elementary School Project

The **5<sup>th</sup> graders Bill of Rights program**, a collaborative effort between ACLU volunteers and **Hogan & Hartson** attorneys, celebrated its second successful year. Designed to get students excited about their freedoms and expand their understanding of how our government works, the program has volunteers visit the school throughout the year to work with students on fun and educational activities.

The program kicked off again on **Constitution Day** where volunteers worked with students for three consecutive days, developing a skit about one of the amendments and ending with students performing skits for their classmates and volunteers. The students, teachers and volunteers all raved about their experience, which is why the Colorado ACLU will be looking to expand this program into other schools in the near future.



**“Liberty without learning is always in peril and learning without liberty is always in vain.” - John F. Kennedy**





"I want to meet people who feel as passionately as I do about our freedoms and who want to work together to protect them. The ACLU of Colorado Young Professionals Group gives me this opportunity."  
- Perla Gheiler, YP Member



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## Young Professionals

Launched this year in both Denver and Boulder, the ACLU of Colorado's **Young Professionals Group (YP)** fosters a community where young professionals can meet and take action on issues promoted by the ACLU. YP helps strengthen our base of members between 25 and 45 years of age.

Events are held at different art galleries and museums to provide participants an opportunity to get to know their cultural community. Each meeting features an expert speaker, such as **U.S. Rep. Diana DeGette** or Colorado House Speaker **Andrew Romanoff**. Speakers talk about a current civil liberties issue, take questions from the audience and always end with a call to action.

Art, wine, expert speakers and tangible ways to make a difference, landed the Colorado ACLU a \$2,000 grant from our National office and has won over young professionals. Thus far, the groups have had remarkable success, with more than **400 participants** attending YP meetings.

Despite being new, the Young Professionals meetings have produced hundreds of calls to elected officials, **60 letters** to the administration calling for the closing of the Guantanamo Bay Detention Center, **50 complaints** filed with the Colorado Public Utilities Commission and sparked other grassroots activities that have helped

protect and defend our freedoms. For more information about the Denver and Boulder Young Professionals Groups, please access our website at [www.aclu-co.org](http://www.aclu-co.org).

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## Youth Education Program

For the past five years, the **Youth Education Program (YEP)** has been assisting students from around the state organize ACLU clubs at their schools. The focus of the clubs has been to help students develop an interest in civil liberties and encourage life-long interest in protecting those rights. These young students are the future protectors of our freedoms and their involvement will ensure that **balance is restored** and maintained for the people of Colorado for generations to come.

This year YEP has made even greater strides in its outreach to young people by applying for and receiving an **\$8,000 "Youth Grant"** from ACLU National to help further their goals. As a testament to YEP recruitment and support, in 2005 - 2006 clubs were running in the Denver School of the Arts, Rocky Mountain High School, Fort Collins, George Washington High School, Denver, Niwot High School, Longmont, and Summit County High School, Frisco.

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## Colorado Youth Civil Liberties Exposition

In the fall of each year, Colorado ACLU **high school clubs** meet at Colorado Youth Civil Liberties Exposition (CYCLE) to discuss key civil liberties issues. Last November, ACLU clubs met at the University of Denver (DU) law school for the **third annual CYCLE conference**. Bringing together students from all over the state, it was a fun filled, educational experience that challenged students to explore and understand their rights more thoroughly through workshops and discussion. Speakers from the community and law professors covered a broad range of topics including marijuana regulation, gay marriage, criminal law and procedure, and international law and human rights.

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## Student Award Programs

ACLU Awards have been established both to encourage and honor students' involvement in civil liberties. The **Rights Project for Teens Awards** include a cash prize and give high school students an opportunity to **express their personal views on civil liberties**, the Bill of Rights, or a specific right guaranteed by the Bill of Rights. Students are encouraged to express themselves in any print or journalistic format including, but not limited to, editorial pieces, investigative reports, black and white political cartoons

and photographs. **2006 Winners: Ryan Brown**, 1<sup>st</sup> Place Winner, Denver School of the Arts, for her essay, "*Governor Ralph Carr: A Study in the Protection of Civil Liberties*," highlighting Governor Carr's fight against Japanese internment camps during World War II. For their photo essays, **Jessica Povenmire and Kelly Blose**, who both attend Lewis-Palmer High School in Monument, were 2<sup>nd</sup> and 3<sup>rd</sup> Place Winners.

**Trailblazer Award** – This annual award recognizes the efforts of one student leader whose energy and hard work "**blazed the trail**" in school by advocating civil liberty causes, organizing the school's ACLU club and promoting awareness of civil liberties and constitutional rights among students.

This year's award went to the **ACLU Club at George Washington High School**. In deliberation, the prize committee was unable to separate the high level of achievement of the group from the individual. They therefore decided to award the entire club for creating their own website, achieving high levels of attendance and having a smooth transition of club leadership.

**2006 ACLU National Scholarship Award Winner**–This year, ACLU National recognized **Hannah Picasso-Hobin** for her outstanding work in promoting civil liberties at her high school and in her community. In reward for those efforts, ACLU National gave her a



**"We are a nation of many nationalities, many races, many religions bound together by a single unity, the unity of freedom and equality."  
- Franklin D. Roosevelt**





“If all that Americans want is security, they can go to prison. They’ll have enough to eat, a bed and roof over their heads. But if an American wants to preserve his dignity and his equality as a human being, he must not bow his neck to any dictatorial government.” - Dwight D. Eisenhower



\$4,000 college scholarship. This is the second time that a student from Colorado’s ACLU high school clubs has won an ACLU National Scholarship. It is a testament to the high level of enthusiasm in the clubs.

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## Educational Events

**Town Hall Meeting** – In April, the ACLU of Colorado hosted a **Town Hall** meeting on **National Security Agency (NSA)** spying and governmental abuse of power. The Colorado History Museum auditorium in Denver was packed, and more than 3,500 computers nationwide were tuned into the live webcast of the event. The expert panel included **Bruce Fein**, an attorney in the Reagan administration, former U.S. Senator **Gary Hart**, National ACLU Executive Director **Anthony Romero** and **Mark Silverstein**, Colorado ACLU’s Legal Director. **Dottie Lamm**, former first lady of Colorado, served as moderator.

The panelists addressed questions about the legality and constitutionality of the warrantless NSA spying program. Gary Hart, who had been a member of the **Church Commission** that uncovered domestic spying in the 1970’s, brought a unique perspective based on his experience. Bruce Fein, a Reagan appointee to the FCC, presented the harshest criticisms of the current administration’s attempt to grab power from Congress and the courts

to further its illegal acts. Anthony Romero spoke eloquently about the governmental actions in **Guantanamo**, in particular the use of “enemy combatant” to avoid compliance with the Geneva Conventions and sending prisoners to jails in foreign countries where torture is the rule, not the exception. Mark Silverstein equated our local work with the **Denver Police SPY FILES** and the FBI’s Joint Terrorism Task Force to the federal government’s current abuses of power.

These violations of our freedom are illegal, regardless of what government officials say! The ACLU of Colorado is watching out for your rights. We want to **restore the balance** of power for the people of Colorado and we remain ever vigilant in leading the fight to make sure that all of your constitutionally guaranteed rights remain solidly in place.

**Movie Nights** – During the year, we presented the **Freedom Files** series, ten 30-minute episodes produced and directed by award-winning filmmaker Jeremy Kagan, that explore pressing issues threatening the civil liberties of all Americans. ACLU supporters gathered at the Colorado ACLU office to view pieces on women’s rights, youth issues, religious freedom, voting rights, and the Supreme Court, among others. The Freedom Files provide a unique combination of interviews, documentary footage, comedy, drama, music and animation to engage viewers and alert them about these critical civil rights issues.

We hosted two Colorado ACLU Movie Nights. The first movie, **“Good Night and Good Luck,”** allowed us to explore, with the more than 70 attendees, the similarities of government abuse of power between the McCarthy Era and the current administration in Washington, D.C.

The second film, **“The Abortion Diaries,”** a documentary about women who have had an abortion, was shown in cooperation with Planned Parenthood of the Rocky Mountains, NARAL Pro-Choice Colorado, and the Latina Initiative.

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## Rock n’ Road Show

Again this year, we have taken our campaign of **restoring balance** across the state, to reach out to our more than 11,000 members. The **Rock n’ Road Show** continues to be an effective way to engage members and Colorado communities outside the metro Denver area in our mission.

We hosted town hall meetings in **Pueblo, Durango, Salida** and **Alamosa** and each event was well attended. In fact, more than 150 people came to the Pueblo meeting. The themes for this year’s events were executive abuse of power, NSA spying, torture and rendition, presidential signing statements and the illegal gathering of Coloradans’ private records. Every meeting ended with a call to action and resulted in countless contacts to elected

officials, letters to the editor, signed petitions and a even a new ACLU Chapter.

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## Colorado Public Utilities Commission Petition Drive and Rally

On May 11, 2006, *USA Today* newspaper reported that phone companies turned over millions of American’s private phone records to the NSA without a court order. In response to this egregious privacy and consumer rights violation, the ACLU sent letters to the **Colorado Public Utilities Commission (CPUC)** and the Colorado Attorney General requesting an investigation into this alleged practice.

After the CPUC stated it would delay any investigation, the ACLU decided to take action and launched a **“Demand the Facts”** petition campaign. More than 1,800 Coloradans signed our petition calling on the CPUC to investigate. On August 23, over forty ACLU members, staff and concerned citizens rallied to support ACLU Staff Attorney **Taylor Pendergrass**, while he presented the signatures to the CPUC commissioners at their weekly meeting. Our efforts were covered by many of the major media outlets in Colorado and sent a strong message to the CPUC – that we take our privacy rights seriously!



# Legislative Program

The **2006 Legislative Session** was one of dramatic juxtaposition, with many bills being introduced that directly opposed each other. During the session, the ACLU of Colorado monitored over 75 bills and testified on more than 25 of them. In addition, both the legislature and the public proposed many ballot measures. As a result, fourteen ballot issues, referenda and initiatives were placed on the November 2006 ballot.

From January to May each year, the **ACLU of Colorado** tracks legislation in Colorado to ensure equal access, protection and representation under the law. Our contract lobbyist helps us shape our testimony on bills affecting civil rights and freedoms. Volunteer committee members and staff decide whether to monitor a bill (especially if it could endanger civil liberties), or whether to support, actively support, or oppose a bill. The last two categories are the bills that usually require ACLU staff testimony. Sometimes, through our testimony and input, a bill we do not support is amended to be more consistent with the Constitution. This happened on such legislation as the "Right to Rest in Peace" bill.

For the last two years, we have published a legislative scorecard, **Eye on Colorado**, which demonstrates the work of the Colorado State Legislature, as well

as that of individual legislators who have the responsibility and power to vote on legislation so vital to us all.

**In the 2006 session, we scored major victories:** Seventeen bills we opposed died in committee following our testimony; five bills we supported were approved and signed into law; one bill we supported, HB 1344, (known as the Domestic Partnership Act) to determine what rights gay and lesbian couples have in Colorado, appeared on the November 2006 ballot. Only five bills that we supported were lost during the session.

**Bills we supported that became law** increase access to voting and ensure continued open access to public education for all children in our state. We also supported a bill to require sign language interpreters for the deaf at all civil and criminal proceedings, thereby providing the deaf equal rights in legal proceedings.

Bills that the ACLU of Colorado supported and were signed into law include:

- A bill that changes a Colorado law from sentencing juveniles to lifetime incarceration without the possibility of parole, to allowing them to be eligible for parole after serving 40 calendar years of their sentence.
- A bill that, until amended, allowed registered voters in uniformed services *and*

"The only sure bulwark of continuing liberty is a government strong enough to protect the interests of the people, and a people strong enough and well enough informed to maintain its sovereign control over the government."  
- Franklin D. Roosevelt

missionaries overseas to vote by electronic means. After the ACLU's advocacy, it was amended to exclude missionaries because other overseas workers and volunteers had been excluded in the original bill.

- A bill that clarifies voter registration procedures, identification requirements and questions voters must answer on registration forms. This bill also allows state employees to take administrative leave with pay to serve as election judges.
- An immigration bill that creates a class 3 felony offense for human smuggling. The bill originally contained the language "for the purpose of evading immigration laws" and, after the ACLU's advocacy, was amended to "in violation of immigration laws."

**Bills we opposed that were defeated** include several key measures that likely would have resulted in racial profiling, such as a bill that would have authorized law enforcement officers to identify, process, and, when appropriate, detain a person *suspected* of an immigration offense. There were no provisions for adequate training for local police.

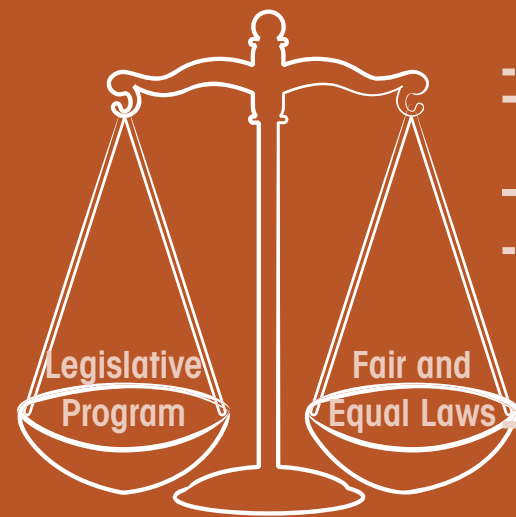
Bills that the ACLU of Colorado helped defeat either in committee or in floor votes:

- A bill that made abortion, in certain circumstances, a class 1 felony offense.
- A bill that required the governing board of each state institution of higher educa-

tion to adopt a post-tenure review policy for periodic review of its tenured faculty members, without providing for an appeal.

- A bill that required a person to show proof of citizenship in order to register to vote without any provision for those who cannot get birth certificates (e.g. documents were destroyed in a flood or fire), especially elderly and low income Coloradans.
- A bill that limited the circumstances in which a proxy decision maker for medical treatment may withhold or withdraw artificial nourishment or hydration for a patient unable to make the decision.
- A bill that allowed the governor to authorize the use of lethal force by the National Guard to protect property.

The ACLU of Colorado will continue to work on a number of bills that promote civil rights and civil liberties but have not passed or, after passage, were vetoed by the governor. These include two bills passed during the 2006 session, later vetoed by the governor. One bill would have allowed women to receive emergency contraception prescriptions directly from licensed pharmacists, and the other would have eliminated employment discrimination based on sexual orientation.



# Legislative Program



“If liberty and equality, as is thought by some, are chiefly to be found in democracy, they will be best attained when all persons alike share in the government to the utmost.” - Aristotle



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## Colorado Springs Chapter

- Maintained **community response** line to address the civil rights concerns of the public.
- Informed the public by conducting a series of **public forums** on the theme of “Civil Liberties in the Second Term.” Forums were held on *Liberty in a Time of War*, *The Patriot Act - Liberty, Security, and Fear*, *The Supreme Court After 9/11*, and *Civil Liberties and the Schools*. In addition, the *Colorado Springs Independent* published an eight-week series of articles intended to raise public awareness about the ACLU and its purpose, on subjects ranging from the Supreme Court to school vouchers.
- Continued a strong community presence by maintaining several **task forces**. Among these are the legal affairs group, the religious liberties group and the schools group. Each of these groups monitor events related to issues in the community, and make recommendations to the chapter’s board for possible actions.
- Fostered discussion between important **government agencies** by bringing together representatives from the Air Force Academy, District Attorney’s office, the Public Defender’s office, the Sheriff’s office and the Police Department to discuss civil liberties issues and ways these entities could collaborate with the ACLU to keep Colorado Springs both safe and free.

# Chapters

- Encouraged ACLU and community members to **take action** by writing to Senators Allard and Salazar while the Senate was considering important issues like the abolition of the filibuster.

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## Boulder County Chapter

- Defended the **First Amendment** rights of Boulder County employees who were faced with threats and intimidation for trying to organize as the Service Employees International Union (SEIU). The chapter also participated in a panhandling taskforce and was able to prevent the passage of a proposed ordinance, which would have severely encroached upon the rights of many in order to satisfy the concerns of the relatively few business owners.
- Helped protect the **privacy rights** of parents and students from overzealous military recruiters at the Boulder Valley School District by working with the District’s administration to develop policies that appropriately limited the visits and permissible actions of recruiters.
- Worked to ensure **fair elections** by successfully lobbying for more public participation in Boulder County’s decision process for the purchase of direct recording electronic voting systems (DRE’s).

The chapter's efforts influenced the County's decision to defer any purchases of the systems due to remaining questions about their reliability and accuracy.

- Reached out to the **community** by participating in events like the Cinco de Mayo festival and hosting a free public education event on the First Amendment. Helped to establish the **Wally Lovelace Civil Liberties Library** within the Boulder Public Library, to serve as a resource for all those interested in sharing civil liberties information with others.

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## University of Colorado (CU) Law School Chapter

The ACLU CU Law School Chapter has grown over the last year, increasing chapter membership, events and partnerships with other organizations in an effort to inform the law school community about the ACLU.

- Raised **awareness** about prisoners' rights, NSA wiretapping, torture and rendition, increasing attacks on individual rights and government secrecy by hosting speakers during lunch hours.
- Partnered with Public Interest Student Association, National Lawyers Guild and OUTLaw (GLBT group) on various **educational and social events**.
- Helped with **fundraising** for the ACLU of Colorado AMICUS (attorney sup-

porters) program by asking local attorneys to donate the amount of one or two billable hours to the organization.

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## University of Denver (DU) Law School Chapter

The DU Law School Chapter is credited with playing a major role in the following event: **Conference on State Accountability in Male Domestic Violence Cases** - "*Castle Rock v Gonzales - Some are Guilty, All are Accountable: State Accountability in an Age of Denial*"

The University of Denver's Sturm College of Law, the ACLU Women's Rights Project, the ACLU Foundation of Colorado, Legal Momentum and the Center for Battered Women's Legal Services presented a conference on March 16 and 17, 2006 to examine the question of accountability after **Castle Rock v Gonzales**. The honored guest and opening speaker was **Jessica Lanahan (Gonzales)** mother, courageous fighter and petitioner in *Castle Rock v Gonzales*. For more information on this case, go to [www.aclu-co.org](http://www.aclu-co.org), and you can find the case under Equal Protection of the Law.

**Update:** After the Supreme Court ruled against Ms. Gonzales and the ACLU, the National ACLU Women's Rights Project filed a complaint with the International Human Rights Court. That matter is still pending.





“You can only protect your liberties in this world by protecting the other man’s freedom. You can only be free if I am free.” - Clarence Darrow



## Pueblo Chapter - NEW!

On March 22, 2006 the ACLU of Colorado hosted a town hall meeting on the NSA spying program and made a general call to the crowd to bring the ACLU to Pueblo. With more than 150 people in attendance, 30 came forth and expressed their desire to form the first new ACLU of Colorado Chapter in many years.

- Activated and energized members hit the ground running to form the **first ACLU Chapter in Pueblo**. Two organizational community meetings were held to identify activities and issues that the newly formed chapter would work on. It was decided the top priority would be to inform and cultivate support for ACLU issues.
- Fifteen members stepped forward and made an essential commitment to the ACLU by joining the chapter’s **Board of Directors**. The board set ambitious goals to inform community members about civil rights and mobilize them to take action on behalf of ACLU issues. To manage these efforts the board formed policy, education and public relations committees.
- Board members and ACLU volunteers staffed booths at the community Chile and Frijole Festival in Pueblo and at Old Settlers Day in La Junta.
- Hosted an inaugural **Annual Members** meeting at the Historic Union Depot. A

packed room of civil libertarians gathered to meet the chapter’s new board of directors, find out how to get plugged into chapter projects, and listen to featured speaker **Lisa Graves**, National ACLU Senior Counsel for Legislative Strategy. Ms. Graves gave an impassioned speech about the unparalleled assault on our freedoms since 9/11 and how important it is for the ACLU to broaden its reach through chapters like the one formed in Pueblo.

- **Gibson, Dunn & Crutcher (GDC)** attorneys commended the new Pueblo Chapter. A team of GDC attorneys represented Dan Unis and his family after Pueblo police raided their home without warrants. Their work on this case prompted GDC to give the Unis legal team an award that allowed them to give \$2,500 to a charitable group of their choice. They chose the Pueblo Chapter because, as GDC attorney Greg Whitehair said, “When I attended its first annual meeting last month, I saw a commitment and enthusiasm that was inspiring.”

# Events

## Liberty Run, Walk & Festival of Rights

Nearly 500 patriots once again “exercised their rights” and showed their support for the ACLU of Colorado by lining up early in the morning at Washington Park for the fifth annual 4th of July Liberty Run, Walk & Festival of Rights. A kid’s fun run kicked off the event, and at the finish line of the four-mile run/one-mile walk was the Festival of Rights.

The Festival once again showcased the **GrafFREEti Wall**, constructed by local Colorado elementary, middle, and high school students. Each year, this popular and growing program reaches out to students and helps foster understanding and appreciation of the ACLU’s defense of civil liberties.

The traditional children’s games, face painting and watermelon were as popular as ever. The adults enjoyed the beer garden and the live band, **Stoned Emotion**, whose tunes produced a festival atmosphere throughout the park.

The event raised \$25,000 for our education programs, and featured 23 sponsors, including five media sponsors such as Channel 4 TV, 760AM Boulder’s Progressive Talk and 1280 AM – KBNO (Que Bueno) radio. The *Urban Spectrum* and *Washington Park Profile* were also sponsors of the event.

## Carle Whitehead Memorial Award Dinner

More than 400 people packed into a downtown Denver Marriott ballroom for the 2005 Whitehead Dinner. **Wilma M. Taylor**, co-founder of the Colorado Black Women for Political Action, was awarded the Whitehead Award for her lifetime dedication to civil rights and civil liberties.

Attorneys **Don and Mary Hoagland** were each presented with the Sherman Award for their lifetime of work in protecting civil rights and liberties in the legal arena. The dinner featured keynote speaker Dr. James Thomson of the RAND Corporation, an expert on global security and terrorism.

The dinner and silent auction raised over \$100,000 for the ACLU Foundation of Colorado. Many thanks go out to the evening’s sponsors and attendees.

## Annual Meeting

The 2006 Annual Meeting featured a presentation by former ACLU of Colorado Board Member **David Akerson**. Akerson, a prosecuting attorney for the International Criminal Court at The Hague, discussed cases involving mass genocide in Rwanda and the trial of Slobodan Milosevic of the former Yugoslavia.



Events



Executive Director Cathy Hazouri delivered the State of the Affiliate address, detailing ramped-up educational litigation, outreach, and legislative programs, a growing staff, and a statewide membership now exceeding 11,000.

**“Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it’s the only thing that ever has.” - Margaret Mead**



## Other Programs

As an effective way to provide people with an opportunity to learn about civil rights and freedoms, we participated in many local events across Colorado. Among these are the Cinco de Mayo celebrations, the Capitol Hill People’s Fair, the Highland Street Fair, the Spring Spree in Colorado Springs, the Chile and Frijoles Festival in Pueblo, the Farmer’s Market in Boulder and PrideFest celebrations with the LGBT (lesbian, gay, bisexual and transgender) communities.

### Cooperating Attorneys

Chantell Taylor  
Norton Cutler  
Elizabeth Woodcock  
Megan Lennox  
Norman Mueller  
Ty Cheung Gee  
Gail Johnson  
Jim Salvator  
Martha Tierney  
Jerremy Ramp  
Alfred T. McDonnell  
Michael Rollin  
Timothy MacDonald  
Andrew Kelley  
Maureen Eldredge  
Christopher P. Beall  
Steven D. Zansberg  
Edward T. Ramey  
Mari Newman  
Marcy Glenn

Bruce Jones  
Valerie Simons  
Gregory Russell Piche  
Steve Masciocchi  
Hugh Q. Gottschalk  
Gwen Young  
Alissa Hecht  
Sean Coutain  
J. Gregory Whitehair  
Jonathan M. Warner  
Monica K. Loseman  
Lino S. Lipinsky De Orlov  
Julie Tolleson  
Kenzo Kawanabe  
Kate Hanley  
Tom Nichols  
John A. Culver  
Dean H. Harris

### Cooperating Law Firms

Perkins Coie LLP  
Haddon Morgan Mueller  
Jordan Mackey & Foreman,  
P.C.  
Kelly Haglund Garnsey &  
Kahn LLC  
Arnold & Porter LLP  
Reilly Pozner & Connelly LLP  
Faegre & Benson LLP  
Isaacson Rosenbaum P.C.  
Killmer, Lane & Newman,  
LLP  
Holland & Hart LLP  
Wheeler Trigg Kennedy LLP  
Gibson, Dunn & Crutcher,  
LLP  
McKenna Long & Aldridge  
LLP  
King & Greisen LLP  
Davis Graham & Stubbs  
Benezra & Culver, LLC

# Development and Financial Support

Only with the help of our donors and members, through your contributions and membership dues, can we **Restore the Balance** of power to the people of Colorado. We thank you for your continuing support for civil rights and civil liberties for all people in Colorado.

Since the ACLU Foundation of Colorado does not accept government support nor do we charge our many clients and plaintiffs for legal representation, the voluntary donations and membership dues of our more than 11,000 Colorado members provide the critical underwriting that makes possible all that we do.

Substantial financial resources are essential to pursue the wide-ranging legal, legislative and educational activities of the American Civil Liberties Union (ACLU) of Colorado. Your support is what makes it possible to take on another case like that of the **Unis** family in Pueblo, run another education program for our schoolchildren, or voice our opinions directly to state legislators to ensure fair and equal laws for every person in Colorado.

Our membership has grown by 300 percent since 2001. As our membership grows larger, our voice grows stronger. So please make sure that, as you renew your membership, you invite your friends and that you ask your family members to join as well.

The ACLU of Colorado and the ACLU Foundation of Colorado are separately incorporated nonprofit organizations operating in Colorado. But think of us as one group, the ACLU of Colorado, with two parts.

**ACLU Foundation of Colorado** – The ACLU Foundation of Colorado conducts legal advocacy, litigation and public education programs to protect civil liberties and civil rights for all people in Colorado. The ACLU Foundation of Colorado is a 501(c) 3, tax-exempt organization, and contributions to it are tax-deductible to the extent allowed by law. The ACLU Foundation of Colorado must raise substantial financial support every year, and does so through the energetic and dedicated work of committed board members and volunteers, with the support of staff.

**American Civil Liberties Union of Colorado** – The ACLU of Colorado is a membership organization, one of 53 affiliates of the National ACLU. The ACLU of Colorado conducts membership outreach and organizing, legislative advocacy and lobbying. Membership dues are its primary source of support. It is a 501(c) 4 organization, which is tax-exempt, but donations to it are not tax-deductible.



**“They who would give up an essential liberty for temporary security, deserve neither liberty or security.” - Benjamin Franklin**



## ACLU Foundation of Colorado Operating Income/Expenses April 1, 2005 - March 31, 2006

### Support and Revenue

Contributions	\$447,752
Donated Cooperating Attorney Services	733,413
Bequests	25,962
Events (Net of Cost)	91,763
In-Kind Contributions - Salaries	56,560
Grants	72,235
Court Awarded Fees	412,141
Other Income	8,277
Interest and Investment Income	32,374
National ACLU Share	(179,998)
<b>Total</b>	<b>\$1,700,479</b>

### Expenses

Litigation and Legal Advocacy	\$1,104,662
Education	156,056
Outreach	24,663
Fundraising	135,525
Management & General	37,055
<b>Total</b>	<b>\$1,457,961</b>
<b>Change in Assets</b>	<b>242,518</b>
<b>Beginning Net Assets</b>	<b>1,002,022</b>
<b>Ending Net Assets</b>	<b>\$1,244,540</b>

## American Civil Liberties Union of Colorado Operating Income/Expenses April 1, 2005 - March 31, 2006

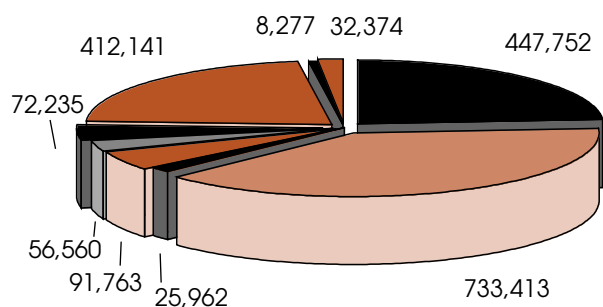
### Support and Revenue

Membership Dues	\$220,601
In-Kind Contribution - Salary	12,000
Other Income	130
<b>Total</b>	<b>\$232,731</b>

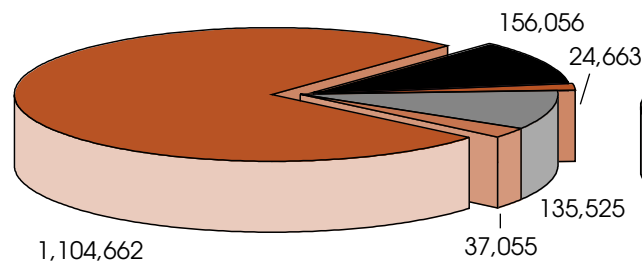
### Expenses

Legislation and Advocacy	\$92,431
Outreach	91,297
Management & Member Services	32,586
<b>Total</b>	<b>\$216,314</b>
<b>Change in Assets</b>	<b>16,417</b>
<b>Beginning Net Assets</b>	<b>318,651</b>
<b>Ending Net Assets</b>	<b>\$335,068</b>

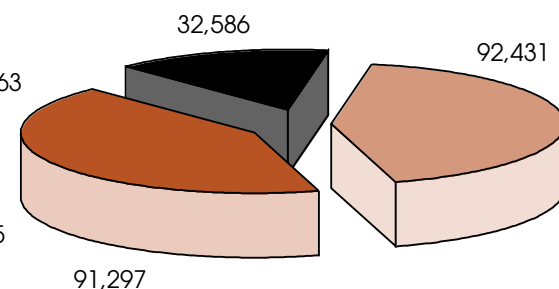
ACLU Foundation of Colorado  
Revenue & Income



ACLU Foundation of Colorado  
Expenses



American Civil Liberties Union of Colorado



## Legacy of Liberty: The DeSilver Society

DeSilver Society members have made a lasting commitment to defend civil liberties by naming the ACLU Foundation of Colorado in their wills or through other long-term means of giving.

## Legacy of Liberty Challenge: Through December 31, 2006

**There's still time!** Make a commitment in your will or living trust to the ACLU Foundation of Colorado, and a generous donor will make an immediate cash contribution of 10 percent of the value of your commitment, up to \$10,000. Your gift will sustain us in the future while the matching gift will support our efforts now. For more information or to find out if your existing provision is eligible for this Legacy Challenge, contact Mohammad Zaidi at (877) 867-1025 or email [LegacyChallenge@aclu.org](mailto:LegacyChallenge@aclu.org).

### DeSilver Society Members

Paul & Sara Jane Barru  
Lawrence G. Bauman  
Laurie Bennett  
Michael Brewer and Lloyd Kemena  
Stephanie Bryan  
Kenneth H. Burrows  
James & Connie Calaway  
Robert D. Clark  
Ursula M. Cowgill  
Nancy Crow and Mark Strotzki  
Christopher D. Dugan  
Mr. & Mrs. William Freeman  
Marvin L. Gatch  
Richard & Marianne Hershcopf  
Susan & Jeremy Karpatkin  
Isadore & Lita Katz  
Anjuli Kelotra and Charles Owen  
Diane S. King  
William B. Law  
Estate of August Levine  
Jane Lewenthal  
Estate of Charles Malcolmson  
William C. Methven  
David H. Miller

Robert & Sarah Moench  
William & Sue Mohrman  
Jeffery R. Moser  
Estate of Lady Myra  
James & Corrine Nieburger  
Elizabeth M. Pace  
Bruce Pech and Wendy Weiss  
Bruce & Martha Sattler  
Constance Sawyer  
Carl Shushan and Patricia Hill  
Mr. & Mrs. David Sonnabend  
Ruth Steiner and Clifford Robinson  
Franklin & Caroline Stern  
Joseph Stern  
James & Matilde Taguchi  
Pauleta A. Terven  
Peter & Judith Trenholme  
Estate of Charles Tuthill  
Brendan M. Watt  
Marta Webster  
Courtenay White  
Jo Lynne Whiting  
Edwin & Mary Wolff  
Anonymous (3)

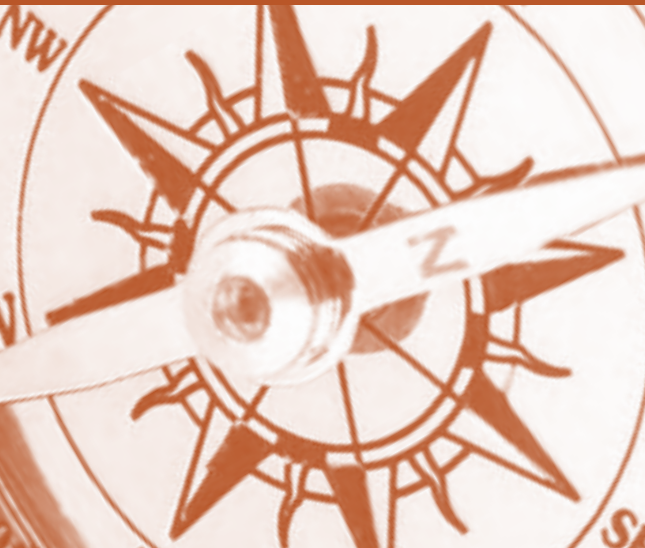
**"The future of human  
liberty means the  
future of civilization."  
- Henry Hazlitt**



# Looking Ahead - *Preserving the Balance For the People of Colorado*



**“It is possible to read the history of this country as one long struggle to extend the liberties established in our Constitution to everyone in America.” - Molly Ivins**



**F**or more than 54 years, the ACLU of Colorado has been working to safeguard freedoms and liberties for all people in Colorado. We stand alone in our defense of civil liberties, which have an impact on the daily lives of every Coloradan in a myriad of ways. As we celebrate our **55<sup>th</sup> anniversary in 2007**, we will continue this battle with every tactic and tool at our disposal, and with the unstinting commitment of our colleagues in the fight for freedom: you, our supporters. Looking ahead, our goals include:

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## **Providing protection for those who need it most**

- **Racial, Ethnic and Religious Profiling Program** - to improve access to voting rights, to end inequality in education, law enforcement and the criminal justice system.
- **Colorado Jail Project** - to rectify inmate abuse and the shameful, inhumane conditions in many Colorado county jails.

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## **Educating and involving young people for the future**

- **Adding ACLU clubs** in high schools and undergraduate programs across the state,

while strengthening our mentor programs, will ensure that more students will become aware of the importance of protecting freedoms.

- **Developing a curriculum** for teachers to use in high school civics and government classes.
- **Expansion of our Bill of Rights curriculum** into more elementary and middle schools.

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## **Increasing awareness of civil liberties issues throughout Colorado**

- **Establishing a media and communications plan** to reach broader segments of the public, and ensure audience and geographic diversity.
- **Expansion of the ACLU-CO's volunteer speakers bureau** to Spanish, Korean and to Arabic speaking audiences.
- **Improve our technology** to send updates, e-newsletters, and action alerts, along with tracking software to measure effectiveness.
- **Increasing the number of public forums and meetings** in key areas across the state.

**For information about current cases, volunteer opportunities, advocacy programs, chapters and more, visit our website, [www.aclu-co.org](http://www.aclu-co.org).**

## Board of Directors

### 2005 - 2006 (Combined)

David H. Miller – Chair

Michael Brewer – Vice Chair and Secretary

Marco Antonio Abarca – Treasurer

Les Berry, Judy Calhoun, Jan Conklin,

Roberto Corrada, Lawton Cummings, Jim

Donaldson, Selena Dunham, Bill Durland,

Timothy P. Fox, Gordon Gamm, Paula

Greisen, Norma-May Isakow, Sueanna

Johnson, Robert J. Jones, Irene Taylor

Kawanabe, Anjuli Kelotra, Michael A. Levy,

Lino Lipinsky de Orlov, Tom Mink, William

Mohrman, Tom Mowle, Jason Mundy, Anne

Murdaugh, Beth Murdaugh, Mari Newman,

Tim O’Connor, Brett Parnes, Pat Pascoe,

Greg Petner, Dan Recht, Richard Rivera,

Bruce Sattler, Martha Sattler, Gil Selinger,

Catherine Smith, Gwen Thomas, Jess Willis,

Kelly Zuckowsky

**General Counsel** - Greg Eurich

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**Mark Silverstein**, Legal Director

**Mary Lynn Korch**, Associate Director

**Rachel Chaparro**, Manager of Education  
and Development

**Taylor Pendergrass**, Staff Attorney

**John Aden**, Manager of Communications

**Debra Woods**, Legal Assistant

**Alison May**, Staff Associate

**Hilary Hammond**, Database Assistant

**Arlette Baer**, Membership Coordinator

(Volunteer)

**Beth Roll**, Bookkeeper

**Edward Carlson**, 2006 - 07 Year-Long Fellow

**Will Harrington**, 2006 - 07 Year-Long Fellow

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Kira Lapin

Mary Ann Meyers

Kay Miller

Dave Sonnabend

Ruth Steiner

Marta Webster

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Anamika Dwivedi

Benjamin Bilewski

Christiaan Kutasuskas

Christy Sweaney

Jessica Jones

Jessica White

Joey Miller

Joshua Fitzpatrick

Justin Markow

Kathryn R. Laughlin

Lauren Fontana

Leticia Rezende

Lindsey Boothby

Mindy Barton

Rebecca Clark

Rex Delinas

Stephen Avin

Yaro Hetman





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