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A GIFT TO THE ACLU IS A GIFT TO THE FUTURE



THROUGHOUT COLORADO, ACLU supporters are advancing our organizational work and lifting the people around them through grassroots activism. The ACLU cannot defend against attacks on civil rights and civil liberties without financial support, and we certainly cannot do this work without the collective concern and activism of people throughout the state.

Residing in Carbondale, a community that has rallied to support their immigrant and refugee neighbors in courageous ways, Sue Edelstein and Bill Spence advance civil rights through their financial support of the ACLU and their longstanding commitment to community activism.

“Civil rights and adherence to the Constitution are fundamental to our belief system, and we deeply respect how ACLU is willing to fight for these causes. We each found and have respected

the ACLU since the '70s. As we became financially able, we began to provide support. Our recent travels remind us how fragile societies can be when the ruling few abuse or get out of touch with their constituencies. ACLU works to protect individual rights and keep the separation of powers as the founders originally envisioned. This work is extremely important, especially at this time in our nation’s history.”

–Sue Edelstein

As the ACLU turns 100 and our democracy is tested, please consider elevating your support with a gift today by visiting <https://action.aclu.org/give/support-aclu-colorado> or contacting Rachel at rpryor-lease@aclu-co.org or 720-402-3105.

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NIGHTMARES AND TRAGEDIES IN IMMIGRATION DETENTION

KAMYAR SAMIMI died in the custody of U.S. Immigration and Customs Enforcement on December 2, 2017, 15 days after ICE agents arrested him. Mr. Samimi held a green card and had lived in the U.S. for more than four decades. Within days of his death, ACLU of Colorado sent ICE a request under the Freedom of Information Act for records related to his arrest, detention, and subsequent death.

It took 17 months and a federal lawsuit for ICE to produce its report about Mr. Samimi's death. The report confirmed our worst fears about why ICE kept the public in the dark about this tragedy for so long. It paints a gruesome picture of the conditions inside the Aurora detention facility operated by GEO Group, Inc., a for-profit prison corporation; and a gruesome picture of how our government treats immigrant detainees.

Medical staff at GEO were ignorant about how to treat Mr. Samimi's opioid addiction and apathetic about his overall care. The physician's decision to cut Mr. Samimi off methadone was medically unjustifiable. To make matters worse, nurses failed to provide him with the correct doses of medication designed to treat the subsequent brutal withdrawal symptoms and to monitor his condition appropriately. They ignored his desperate pleas for medical attention because they thought he was faking it. Mr. Samimi became suicidal. As his deteriorating condition drew him closer to death, the nurses didn't follow suicide-watch protocols or contact the physician, who apparently ignored calls when he wasn't at the facility.

Mr. Samimi's tragic death reflects deeper issues within immigration detention. He is one of 24 people to die in ICE custody since Trump took office, a number that does not include the seven children who have died in the custody of U.S. Customs and Border Protection since December. In Colorado, we hear constant stories of woeful medical care for the detainees at GEO, the vast majority of whom are refugees who lack legal representation.

Ultimately, Mr. Samimi didn't take

his own life. It was snuffed out by a broken system. After vomiting blood and collapsing, Mr. Samimi stopped breathing. He was finally taken to a hospital and pronounced dead. Later, the coroner's autopsy would cite emphysema and gastrointestinal bleeding as contributing factors in his death. The forensic pathologist wrote that methadone withdrawal could not be ruled out as the cause of death.

In response to the gross mistreatment of human beings in its care, ICE rewarded GEO with 500 additional beds in February 2019. There is no indication of any effort to address the medical understaffing noted in the report on Mr. Samimi. At the time of Mr. Samimi's death there were around 800 people at GEO and one physician on staff who never examined Mr. Samimi. Today, one physician is responsible for 1,365 lives.

"People are dying and we can't wait a moment longer."

At the same time GEO was undergoing major expansion, there were multiple outbreaks of mumps and chickenpox. As of May 2019, 152 detainees were under quarantine. Congressman Jason Crow, in whose district GEO is located, recently said of ICE, "The agency's lack of transparency and accountability put the health of the public and detainees at risk. We're seeing similar situations occur across the country fueled by ICE's culture of secrecy. . . People are dying and we can't wait a moment longer."

Unfortunately, the Trump administration isn't fueled by the same sense of urgency, but rather deliberate cruelty. It seems determined to keep locking immigrants in cages and to stuff the coffers of private prison corporations, which are unable or unwilling to provide adequate medical care. While this administration isn't interested in holding ICE and GEO accountable, we are. Our work on behalf of detainees whose lives are at stake continues.

—Arash Jahanian, Staff Attorney



Right: Ana Temu at a GEO detention center vigil, May 6. © Dave Russell.

SEPTEMBER 2018 was a time of celebration and new beginnings for my family. We had just baptized my nephew, my niece turned 2 years old, and I got engaged. Life was good. Until one day, at a stop light on Colorado Boulevard, my joy was replaced with dread by a phone call that would change everything. In a low, crackly voice my sister-in-law said, "They got him. ICE got him."

This was the call I'd been dreading for months. My mind raced in so many different directions, from, "I have to call a lawyer," to, "I have to gather up bail money." Who else could help? Should I start a petition? But mostly I just thought, "How

do I get him out? How do I get my brother back?"

While my mind raced, my body stopped moving — even breathing. A honk from the car behind me brought me back to the present moment, to a stop light on a warm, sunny Colorado day. Except now there was no music, there was no joy, and the peace and happiness my family felt for a short time came to a screeching halt. I could barely see the road in front of me because of the tears in my eyes. All I could feel was pain for what seemed like an eternity.

The following week was a blur of lawyer meetings,

family meetings at McDonalds with a play place so my niece wouldn't hear our conversations and visitations at the Aurora GEO Detention facility. Time seemed to stand still and nothing happened fast enough until a week later when I received another life-altering call. This time from a Mexican phone number.

"*Hola hermana,*" is all I heard from my brother, now a heartbroken man. That moment wasn't the ending to our family separation, but rather the beginning of our fight for reunification.

—Ana Temu, Immigration Campaign Coordinator

Save
the date:
September
26, 2019

2019 BILL OF RIGHTS DINNER

THE RITZ-CARLTON

1881 CURTIS ST., DENVER

Join us as we celebrate our work to protect civil rights and civil liberties for all and honor our 2019 Civil Rights Award Honorees at the ACLU of Colorado Bill of Rights Dinner.

THIS YEAR'S CIVIL RIGHTS AWARD HONOREES



Carrie Ann Lucas, a former ACLU board member and disability rights activist whose fierce advocacy for disability justice and health care reform had an impact

across Colorado and nationwide, will posthumously receive the Carle Whitehead Memorial Award.



Former Colorado House Representative Joe Salazar will receive the Ralph Carr Award for his many years of tireless,

innovative work on civil rights in the Colorado legislature.

The Durango Herald will receive the Larry Tajiri Media Award for its journalistic integrity and willingness to take on tough civil rights issues, including homelessness and the death penalty.



Leading death penalty abolitionist, **Sister Helen Prejean** will deliver our keynote address on Colorado's flawed and broken death penalty system and

why it is inconsistent with our Constitution and Colorado values.

For ticket and sponsorship info go to aclu-co.org/events

LETTER FROM THE EXECUTIVE DIRECTOR

REMEMBERING CIVIL LIBERTIES CHAMPIONS

DURING ITS 99 YEARS OF HISTORY, ACLU has had the honor of collaborating with individuals who've shared its dedication for protecting civil rights and civil liberties for all. This year we lost several civil liberties champions. With gratitude for their work, ACLU of Colorado remembers those we've lost.

Jim Calaway founded the Houston affiliate of ACLU and was a former national ACLU Treasurer. Jim was a community leader in Carbondale, Colorado. As national treasurer, Jim helped turn around the finances of the ACLU at a critical time in its history. Jim was famous not only for his philanthropy but also for his joyful "Jim-isms" like, "I'm just a beggar for a great cause," and "The highest priority is education for all."

Jaren Ducker believed that an educated public was the cornerstone of democracy. Concerned that not everyone participates in our country's freedoms equally, she steadfastly applied herself to the work. Jaren was a former leader of ACLU of Colorado's board of Directors, a Planned Parenthood Board member and honoree of the 2003 Carle Whitehead Award for her lifetime contribution to civil liberties.

Former leader of ACLU Colorado Springs Chapter, **Bill Hochman** passed away at 97. Bill had a passion for teaching American history, the Bill of Rights, and constitutional principles. A long-time teacher and organizer of Colorado College's Freedom and Authority program, he founded a program on war and peace studies and was a frequent speaker at local civic and bar association gatherings. Bill was still giving guest lectures at Colorado College just weeks before his death. His last talk earned him a standing ovation.

A fierce champion for the rights of people caught in the criminal justice system, the **Rev. Tammy Garrett-Williams's** Above Waters Project has been deeply rooted in the lives of people directly impacted by mass incarceration and the criminal legal system. Her activism was widely visible across the community, from the NAACP to the Greater Metro Denver Ministerial Alliance. While there is still a long journey ahead to dismantle our systems of mass incarceration and the harms to people that result, Garrett-Williams helped move us forward on that journey and closer toward a more just and fair system for all.

Finally, as an ACLU board member, **Carrie Ann Lucas** brought her personal experience and a passion for justice that enhanced our own awareness and commitment to disability rights. Other civil liberties issues intersect with disability rights in complex ways, and Carrie Ann brought important insight in those cases. Carrie Ann was a teacher, an ordained minister and an attorney who championed representation for parents with disabilities. She founded Disabled Parents Rights and received national acclaim for her health care advocacy with ADAPT. Her fierce advocacy for disability justice and health care reform had an impact across Colorado and nationwide, and her personal life exemplified her values.

ACLU of Colorado owes a debt of gratitude to the lives of these activists, community leaders and friends. May we all aspire to leave legacies as powerful as these and as Jim Calaway said, may we "Work hard, be nice," and "Find something that is good in every person."

—Nathan Woodliff-Stanley, Executive Director

MEET OUR NEW STAFF



Before becoming the **Public Policy Associate** at ACLU of Colorado **Helen Griffiths** interned at the American Embassy in Mozambique and for Congresswoman Diana DeGette and Senator Michael Bennet, and was a research assistant for the Marshall Center for European Security Studies and the Colorado College Political Science department. She received multiple awards for her immigration research in France.



Deanna Hirsch is the **Media Strategist** at the ACLU of Colorado. Deanna graduated from Columbia Journalism School and Metropolitan State University of Denver, where she was the editor-in-chief of *Metrosphere* magazine and co-host/producer of *Daytime Duo*. Deanna wrote and helped publish *Not Who I Pictured*, a collection of short stories, and reported for *Evergreen* newspapers and the *Uptowner*.



Kassandra Rendón-Morales is the **Reproductive Rights Campaign Coordinator**. Before joining the ACLU, she worked with COLOR, a Latina-led, Latina-serving reproductive justice organization. She taught comprehensive sexual education, organized campaigns and worked with Latina youth. She graduated from the University of Nevada, Reno.

BILLS, BILLS, BILLS

2019 LEGISLATIVE WRAP-UP



Gov. Jared Polis signing HB-1119, Police Officer Internal Investigations Open Records, into law. Second from left Public Policy Director Denise Maes. April 4.

MUCH HAS BEEN WRITTEN about Governor Polis' agenda and his wins on health care, full-day kindergarten, and transportation. There has been little noise about the strides made in criminal justice reform, voting rights, juvenile justice, and immigrant rights. Here is that report.

The ACLU plotted an ambitious legislative agenda with 14 proactive bills of which 13 passed and have been signed by the Governor. Our one defeat was our inability to repeal Colorado's death penalty. But no worries: we'll be back.

Our main legislative focus was pretrial reform. We know from data that a majority of people in jail are innocent, meaning they are in jail pre-trial. They are in jail because they cannot afford to pay the money it takes to get out. Generally speaking, regardless of the crime you are alleged to have committed, if you can post your money bond, you go free; if you can't, you remain incarcerated.

Bail reform is a priority for ACLU across the country. In Colorado, we made significant gains through the passage of **HB19-1225**, which eliminates money bond for certain low-level offenses, and **SB19-191**, which eliminates the fees that are placed on top of the bond and often keep people behind bars longer. SB19-191 also requires prompt release from jail once bond is posted.

SB19-036 creates a state-wide, text-based court reminder program. **HB19-1297** mandates detailed data collection from county jails, in part to track the impact of pre-trial reforms. Although presented as a juvenile justice bill – and it is that – **SB19-108** includes extremely strong language limiting circumstances in which youth can be detained. This language will set the stage for similar language around adults held pretrial.

HB19-1263 shifts simple drug possession from a felony to a misdemeanor. It was one of the most controversial of our affir-

mative bills. It faced significant opposition from prosecutors and law enforcement, even though the bill still provides for jail time. It emphasizes treatment, however, over current punitive practices. The other controversial bill that we worked hard to pass was **HB19-1032**, comprehensive sex education.

In our fight for juvenile justice reform, we championed legislation that eases the expungement of juvenile criminal records and a bill that expands a pilot program within the Department of Youth Services. The pilot will emphasize non-punitive approaches to disciplining youth, a focus on treatment, and ways to transition youth back into their communities.

Colorado has some of the most progressive voting laws in the country. We made additional strides in that area with the passage of **HB19-1266**, which will extend voting rights to parolees. There are currently approximately 10,000 Coloradans on parole.

HB19-1124 is not as bold on immigrants' rights as we had hoped because the Governor was reluctant to support such daring legislation. The bill, nonetheless, is progress. It limits state probation from cooperating with U.S. Immigration and Customs Enforcement, ends the unconstitutional practice of Sheriffs relying on warrantless ICE detainers to enforce federal civil immigration violations, and protects the rights of all Coloradans by ensuring that everyone receives an advisement of rights before being questioned by federal immigration authorities.

ACLU's public policy team is proud of the work it accomplished this legislative session and we know that this work is not possible without all the great talent we have in our office. This work is also not possible without your support and I genuinely thank you for your efforts.

–Denise Maes, Public Policy Director



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REAL SEX ED

I SUPPORT REAL SEX ED.

ACLU CO

ACLU OF COLORADO and Planned Parenthood of the Rocky Mountains championed reproductive rights legislation to bring comprehensive sex ed to more Colorado classrooms than ever before. HB 19-1032, the “Comprehensive Human Sexuality Education” bill was introduced on the first day of session, and passed in the final hours of the last day of session. This was a hard-fought battle made possible by a coalition of more than 30 organizations from fields in public health, education, reproductive freedom, and sexual violence prevention.

HB19-1032 removes a ban on state funding for comprehensive sex ed, allocates \$1 million in state funds to a grant program on an annual, ongoing basis, and closes a loophole that enabled abstinence-only instruction to continue. Now, sex ed must include lessons on consent and sexual violence prevention. The new law also affirms ALL youth belong, by expanding LGBTQIA inclusion requirements and prohibiting the use of stigma and gender stereotypes. Lastly, HB19-1032 requires schools teach abortion as acceptable of an option when facing an unplanned pregnancy as parenting and adoption.



Students Jacqueline Jimenez, left, and Astrid Flores testifying at the HB19-1032 Senate Committee Hearing. February 28.

The most critical voices in the effort to pass the bill belonged to young Coloradans. Youth activists testified openly about what comprehensive sex education meant to them. They shared personal experiences of surviving sexual violence, bullying, and rejection because of who they are, with grit and grace. Their voices humanized the bill for lawmakers and challenged them to act on behalf of all Colorado youth. We honored these young folks with the Civil Rights in Action Award at our Annual Meeting on May 14, 2019.

ACLU is working hard to ensure parents, students, and districts have the resources and guidance they need to comply with the new requirements and take advantage of the recently available state funding. Stay tuned for the August launch of a dedicated website with all this info and more. Onward!

–Lizzy Hinkley, Reproductive Rights Policy Counsel
and Cassandra Rendón-Morales, Reproductive Rights Campaign Coordinator

TRANS PEOPLE BELONG: AN INTERVIEW WITH ACLU CLIENT DASHIR MOORE

ON FEBRUARY 11, 2019 ACLU filed a discrimination lawsuit on behalf of Dashir Moore, a 32-year-old transgender man who was denied health care coverage for treatment of gender dysphoria and subsequent transition-related care. Insurance carve-outs for transition-related care are illegal, yet two days after surgery Mr. Moore was informed that his insurance company had denied the claim. He began receiving bills from the hospital totalling nearly \$30,000. In May, we spoke with Mr. Moore about his experience.

Deanna Hirsch: Tell us a little bit about who you are and what brought you to the ACLU.

Dashir Moore: I moved to Colorado from Atlanta about two years ago for the trans-inclusive healthcare. I heard a lot of good things about Denver Health and their trans healthcare excellence award. I had my surgery, then two days later I got a call from the Denver Health care coordinator letting me know that my surgery was denied by my insurance company. I was distraught.

"I had a choice about being trans as much as I had a choice about being black."

Hirsch: Why was it so important to you to have this surgery?

Moore: From the time I was 10 years old, I knew I wanted to be a chef. By the time I was eight, I told myself I was going to be a man. So, I've accomplished both things in my life



ACLU of Colorado Administrative Assistant Julian Camera, left, and ACLU client Dashir Moore at the 2019 Denver Pride Parade. June 16.

but with being a chef before I started my transition, my co-workers, even employers, weren't focused on my culinary skill set as much as how I look under my uniform.

Hirsch: So, this surgery was really a necessary next step for you to be able to fully live as who you are?

Moore: Exactly

Hirsch: How did you feel finding out that your claim had been denied?

Moore: Every day was a bad day because when you're not satisfied with the first thing you see in the morning it kind of starts your day off wrong.

Hirsch: Why was it important for you to share publicly?

Moore: I read something where another trans guy had a situation similar to mine, but his case dropped because he decided to end his life. That right there is the reason why I decided to go public.

Hirsch: How has your experience been since you've come forward?

Moore: Working with the ACLU has been the only time I've had a moment of relief in this whole situation.

Hirsch: What are your hopes and plans for the future?

Moore: Moving forward, I plan to continue to tell my story. I want to get involved with trans advocacy. I plan on eventually opening up a food truck.

Hirsch: Is there anything else you want people to know about your experience?

Moore: People often think that being trans is a choice. I had a choice about being trans as much as I had a choice about being black. Being transgender is not a sickness. You can't catch it. It's just people trying to be the best that they can be.

Listen to the full interview with Dashir Moore and an interview with trans advocate Julian Camera on an upcoming episode of The Purple State Report.

LEGAL ROUND-UP

FREEDOM TO WORSHIP AND DISSENT

ONE CASE AT A TIME

WHILE THE FIRST AMENDMENT protects many of our basic freedoms, it is often defended one case at a time. Should a church be allowed to offer storage lockers to people experiencing homelessness? Is free speech as protected on social media as it is in public spaces? We think so, and have taken on two such cases.

The Fort Collins Mennonite Fellowship planned to provide storage lockers to the homeless but a number of neighboring residents and businesses objected. The city's solution was a series of unreasonable requirements. Those directives put an undue burden on the church and interfered with its core religious practice of serving those in need. ACLU appeared before the Planning and Zoning Commission and

City Council, and now we are in federal court. The lockers remain in place, but their use has been suspended until the litigation is over.

On May 13, 2019, we sued Colorado State Senator Ray Scott in federal court for blocking constituent **Anne Landman** from his official Facebook and Twitter pages. Landman speaks out regularly on public policy and uses social media to engage with officials. Landman was able to interact with Scott in these spaces until June 2017, when she wrote an article critical of his position on climate change and posted it on his official Facebook page. In response, Scott blocked Landman from his Facebook and Twitter accounts.

"Social media platforms are the new town halls," said Legal Director, Mark Silverstein. "Just as we would not tolerate a government agency kicking concerned citizens out of a public hearing because they disagree with an elected official, the same rules apply on the internet."

Both cases are ongoing. ACLU Colorado will continue to advocate in Fort Collins, Grand Junction and all around the state to ensure that whether you're a church or a concerned constituent, your First Amendment rights remain protected.

—Deanna Hirsch, Media Strategist

