



FALL/WINTER 2017

A FIGHT FOR LOVE AND EQUALITY AT THE US SUPREME COURT

DAVE MULLINS AND CHARLIE CRAIG met on December 5, 2010.

Two years later, they stood across from each other and made a vow to love and support each other for the rest of their lives.

Exactly seven years to the day after they first met, their vow was on display for the world to see as they entered the U.S. Supreme Court and asked the nine justices to affirm their right, and the right of all people, to fully participate in public life.

By now, you've probably heard the story. When Charlie and Dave were planning their wedding reception in Lakewood, they were referred to Masterpiece Cakeshop by their wedding planner.

They went into the shop with Charlie's mom, who was in town to help with planning the festivities. They had a binder filled with cake designs, but they never got to open it. What was supposed to be a happy day of family bonding turned into rejection and humiliation when Masterpiece owner Jack Phillips informed them that he would not make a wedding cake for a same-sex couple.

A horrible realization of what had happened to them set in. They left the shop and went to the parking lot. In the car, the three of them held each other and wept.

Charlie and Dave's experience was not unique. Thousands of gay, lesbian, bisexual and trans people are subjected to harassment and discrimination every day. Thousands more Americans are mistreated and marginalized because of their gender, their race, their religion, their disability, or some other facet of their identity.

In order to protect everyone's freedom to equally participate in



Charlie Craig and Dave Mullins.

"It's about standing up for our right to not be turned away from a business because of who we are and who we love."

public life, Colorado long ago passed a statewide non-discrimination act. It essentially says that businesses that are open to the public must be open to everyone on the same terms.

Now, that law and others like it around the country are under attack. Business owners seeking a license to discriminate are attempting to use religion as an excuse to deny service to people they do not like.

It's not a new argument. In the '50s and '60s, businesses in the South argued that their religious views precluded them from serving black customers.

Nevertheless, Phillips and his lawyers are hoping that this Supreme Court will turn back the clock and strike a devastating blow to Colorado's non-discrimination law.

On December 5th, the ACLU was there with Charlie and Dave at the Supreme Court, as we have been for every step along their five-year journey. As with all of our cases, we are fighting for our clients' rights and the rights of everyone who could potentially be affected by the outcome.

The case is in the court's hands now. As they've proven through five years of reliving the harm and humiliation of that day, Charlie and Dave's love for each other is strong enough to survive regardless of the decision.

As Charlie and Dave have said from the start, "It's not about the cake. It's about standing up for our right to not be turned away from a business because of who we are and who we love."

—John Krieger, Director of Communications and Advocacy

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COLORADO GIVES DAY A SUCCESS!

Thank you to everyone who gave so generously to the ACLU on Colorado Gives Day. If you missed Colorado Gives Day, it's not too late to make a tax-deductible gift at aclu-co.org/donate before the end of the year. Thank you for your support!



CONGRATULATIONS

to the 2017 Bill of Rights Dinner Honorees: **Harold Fields** recipient of the Carle Whitehead Memorial Award; **RMIAN** (The Rocky Mountain Immigrant Advocacy Network) recipient of the Ralph Carr Award; and **Susan Greene** recipient of the Larry Tajiri Media Award.

NEW VOLUNTEERS HELPING TO ADVANCE OUR MISSION



In response to the November 2016 election, thousands of new volunteer applications flooded into ACLU affiliate offices. As experienced program managers, we offered to help the ACLU of Colorado leverage this new energy in order to advance the organization's mission and extend their statewide reach. The response has been wonderful! Today, we have dozens of new volunteers helping in many departments across the ACLU of Colorado, including Legal, Communications, Development, and Field. This is in addition to the volunteers who have participated in phone banks, gone door-to-door canvassing, and marched and protested with us. We are grateful and humbled by the public's support of the ACLU. And as of this writing, we are beginning to recruit the next set of volunteers!

—Rosie Piller and Peggy Reed

LETTER FROM THE EXECUTIVE DIRECTOR

ONE YEAR LATER, A WEEK AT THE ACLU OF COLORADO



A YEAR AGO, after an election that raised shocking threats to civil liberties and the fundamental principles of our democracy, the ACLU promised to see Donald Trump in court, and the ACLU of Colorado promised to protect our state as a safe zone for civil liberties. Over the past year, we have kept those promises with more than a hundred lawsuits nationwide against the Trump administration and dozens of legislative and legal victories here in Colorado. Huge challenges remain, but the ACLU is at the forefront of the resistance. It is the people who have made the ACLU and our allies stronger than ever that gives me hope every day.

As an example of what you and more than 35,000 ACLU members in Colorado have accomplished, consider just one week in the life of the ACLU of Colorado, starting with this year's very different Election Day:

Voters in Douglas County rejected a pro-private school voucher slate of candidates for their school board. ACLU members and supporters in Douglas County turned out in record numbers after our canvassers and phone-bankers made thousands of contacts to educate voters about the importance of protecting public schools and stopping taxpayer money from being funneled to private, religious schools.

Meanwhile, voters in Aurora elected new City Council candidates who ran on a platform of police accountability and immigrants' rights, in the wake of multiple racial profiling cases the ACLU has brought against Aurora police and ACLU concerns expressed about Aurora's immigration policies.

On the morning of Election Day, we filed a federal lawsuit on behalf of Jasmine Still, a mother of three who was granted release from jail by a judge but was still held for nearly a month only because she couldn't afford to pay a \$55 supervisory fee. The county has since reversed its policy, which affected hundreds of pre-trial detainees in the same

situation. This case was built upon years of work to reverse unjust debtors' prison policies that punish low-income Coloradans for their poverty.

Also the same day, Colorado's Drug Utilization Review Board recommended full Hepatitis C treatment for all Colorado Medicaid patients, following our class-action lawsuit last year on behalf of impoverished Coloradans who were being denied life-saving treatment until they suffered substantial liver damage. Our fight to win access to treatment for thousands of prisoners with Hepatitis C continues in the courts.

On Wednesday of that week, ACLU staff attorneys, Rebecca Wallace and Arash Jahanian, negotiated into the late hours of the night to secure a \$210,000 settlement for four victims of warrantless searches in Longmont. Rebecca Wallace joined the mayor and city officials on the following Tuesday in Longmont to announce the settlement, which included major policy changes and a restorative-justice process for the victims.

The day before that announcement, we filed a federal lawsuit on behalf of Dwight Crews, a disabled black man who was removed from his home without a warrant in the middle of the night, forced to the ground, injured, and unlawfully arrested by Aurora police. That was our third legal action in Aurora in just the last year to combat racial profiling and excessive use of force by Aurora Police.

This is only a one-week sample of our work, and all of this is only possible with your support for the ACLU. We are in the thick of the struggle, and you can be sure we will not relent, in Colorado or nationwide.

Nathan Woodliff-Stanley, Executive Director



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OPPORTUNITIES TO ADVANCE PROGRESSIVE POLICIES

LOOKING FORWARD TO THE 2018 LEGISLATIVE SESSION

THE 2018 Colorado legislative session opens on January 10. Because it's an election year it's difficult to predict the outcome of any legislative effort. There will undoubtedly be some shenanigans, but we remain always hopeful that sound public policy will prevail over partisan politics.

Our legislative priorities will focus on the core mission of the ACLU: protecting and defending the civil liberties of all Coloradans and working toward making Colorado a civil liberties safe zone. We always hope to advance progressive legislation for civil liberties and to resist any efforts to take us backward.

As many know, we have been investigating the practices in Colorado's 200+ municipal courts, and our takeaway is that many civil rights abuses occur daily in those courts. In past legislative sessions, we have moved the ball forward in this regard, but there is more work to be done. This year, we hope to

champion legislation that will require an independent and robust public defender system in municipal courts. Public defenders are the best watchdogs against civil liberties abuses in the courts, and we need them in municipal courts.

In continuing our work on economic justice and addressing the inequities in the criminal justice system, we will be supporting legislation that will end the practice of revoking an individual's driver's license simply because they have unpaid court fines and fees. This is a typical practice that is done routinely without any regard to whether the individual can afford the particular fine or fee at issue. When people lose their license, they may also lose their ability to work, pick up their children from school or child care or to attend to needed appointments.

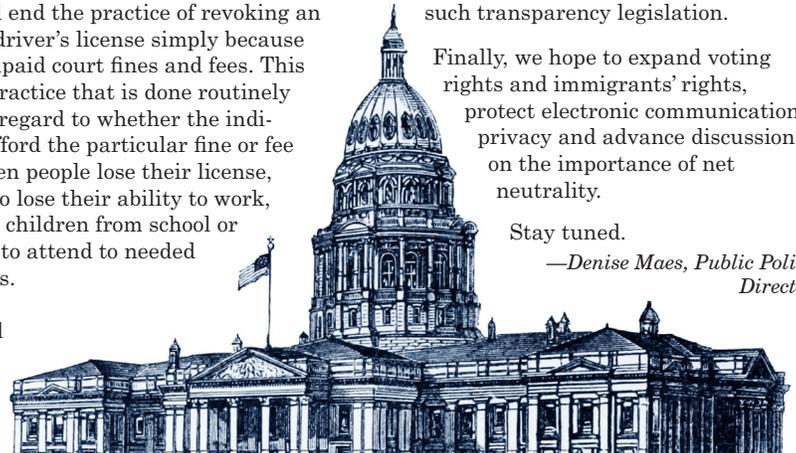
Holding local police accountable to the

people they serve has long been at the heart of ACLU's work. This session, we hope to render police Internal Affairs Bureau (IAB) investigations open to public inspection once any underlying investigation is closed and resolved. Currently, only Denver, to our knowledge, makes such files open to inspection. We hope other police departments will take seriously their accountability responsibility and stand with us in support of such transparency legislation.

Finally, we hope to expand voting rights and immigrants' rights, protect electronic communications' privacy and advance discussions on the importance of net neutrality.

Stay tuned.

—Denise Maes, Public Policy Director



INVESTIGATIVE REPORT

JUSTICE DERAILED

AN ACLU INVESTIGATION EXPOSES CONSTITUTIONAL ABUSES IN THE ALAMOSA MUNICIPAL COURT



MUNICIPAL JUDGES have incredible power over the lives of the people who enter their courtrooms. When these judges refuse to follow the law and instead run their courtrooms like fiefdoms, they can ruin lives.

For six years, the ACLU of Colorado has been investigating injustices in municipal courts. We have challenged debtors' prison practices through letters sent to several municipalities and settlements reached in Colorado Springs and Aurora. We also brought evidence to the state Capitol resulting in legislation to address debtors' prisons, the lack of counsel in municipal courts, and lengthy waits in jail to see a municipal judge when an individual cannot afford to post bond.

In a new investigative report, "Justice Derailed," we examined Alamosa's local court, which operated under the sole leadership of Judge Daniel Powell. This court stood out for the frequency and seriousness of its constitutional abuses, which most often affected low-income

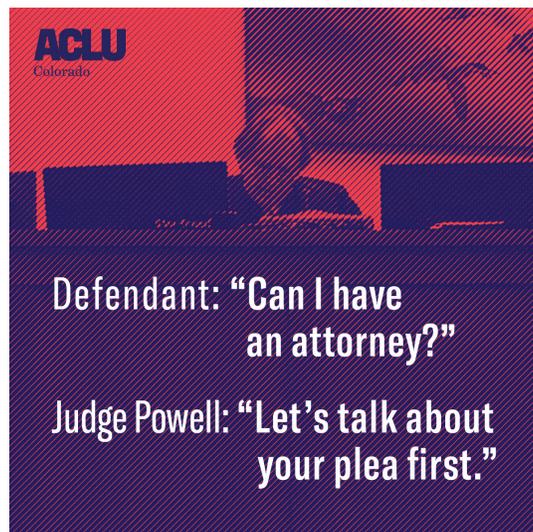
individuals. The striking inequity in treatment between defendants with means and those without revealed the unfairness of a system that is supposed to be just, but which was actually the opposite. By using transcripts, courtroom audio, and case summaries, our report demonstrates how Judge Powell violated state law and constitutional rights.

Without meaningful oversight or accountability, civil liberties violations often remain unaddressed as it is extremely difficult to bring recalcitrant courts in line. That's why we produced "Justice Derailed"—to shine a light on one municipal court to show the damage caused by unaccountable local justice systems and to call for reform.

Since the release of "Justice Derailed," Judge Powell resigned and the Alamosa City Council is actively working with us on the next steps for its municipal court.

While Alamosa was the focus of our report, it is not alone in its abuses. Colorado has more than 200 local city courts. We don't have the resources to police them all. So, this year, we'll be asking our legislators to focus on statewide reforms to make all local courts more transparent, accountable, and just.

—Becca Curry, Criminal Justice Researcher and Policy Counsel



For additional information and to read *Justice Derailed* visit our website at aclu-co.org

HOLDING AURORA POLICE ACCOUNTABLE

THE POLICE DEPARTMENT HAS AN ALARMING NUMBER OF RACIAL PROFILING AND EXCESSIVE FORCE INCIDENTS

AURORA IS one of Colorado's most diverse communities. It is home to people from many different nationalities and backgrounds.

It has also seen an alarming number of racial profiling and excessive force incidents involving police and people of color. In just the last year alone, ACLU of Colorado has taken legal action in three separate Aurora Police cases that have had disturbing similarities.

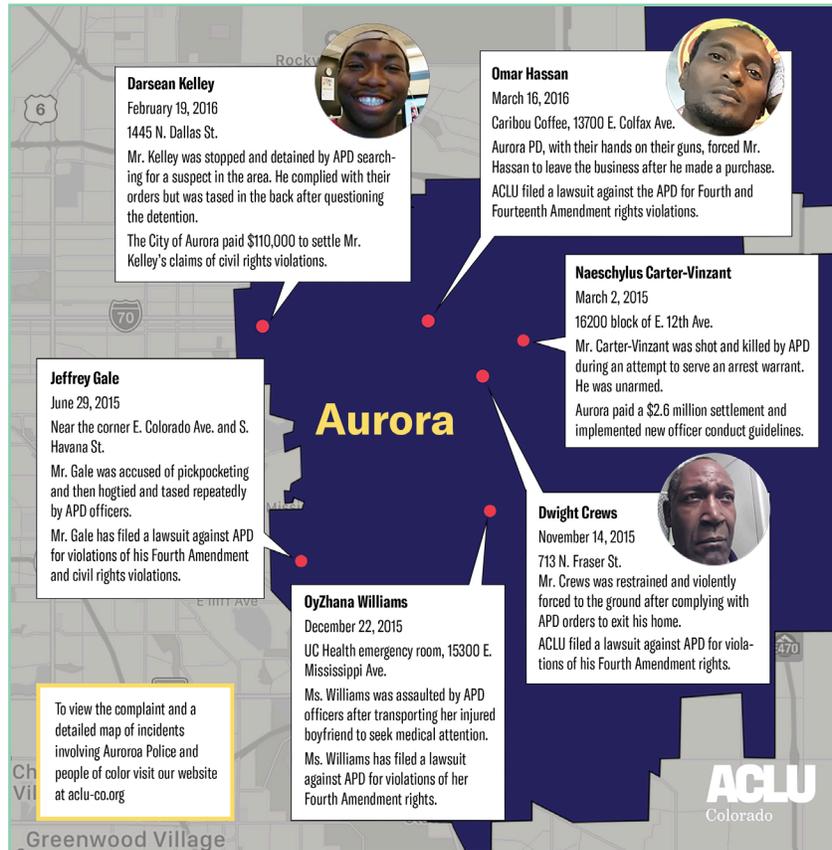
Darsean Kelley was stopped by Aurora Police one night while he was out walking with his cousin. Police had no reason to justify the stop, but they approached the two men with weapons raised and started shouting orders. When Darsean asked why he was being stopped, they refused to tell him. Just as Darsean said, "I know my rights," they tased him in the back.

ACLU represented Kelley and negotiated a \$110,000 settlement with the city, but Aurora Police refused to take any responsibility for the actions of their officers.

Omar Hassan went into a coffee shop one morning to buy a muffin. He was just coming off work and was wearing a hoodie. Two Aurora Police officers approached him with hands on their guns and told

him, "Your kind of business is not welcome here," and they forcibly removed him from the shop. Hassan got no response to an internal affairs complaint. The ACLU has filed a federal lawsuit on his behalf.

Dwight Crews, a 60-year-old disabled man, was watching TV when police arrived at his home at 2 am. Despite having no warrant, they demanded he come out. They flashed lights in his windows and threatened to kick the door down. When he came to the door, police searched him without explanation. Crews then reached to stop his cat from escaping out the front door, and the officers slammed his body to the ground on sharp, jagged rocks. The ACLU filed a lawsuit on his behalf.



In each of these cases, our clients were innocent black men who suffered intimidation, humiliation, and even bodily injury at the hands of Aurora Police, which then refused to take responsibility for their officers' actions. Besides justice for our clients, we are calling on Aurora to establish a truly independent system of citizen review, because the Aurora Police are clearly incapable of policing themselves. □

LEGAL ROUND-UP

ACLU SECURES \$210K SETTLEMENT FOR VICTIMS OF UNLAWFUL PUBLIC HOUSING SEARCHES IN LONGMONT

Our attorneys successfully negotiated a \$210,000 settlement for four residents of public housing who were subjected to an illegal, warrantless search of their residences by Longmont police officers and drug dogs. The settlement includes policy changes and an opportunity for restorative justice for the victims.

COLORADO LIFTS RESTRICTIONS ON LIFE-SAVING HEPATITIS C TREATMENT FOR 1000'S OF MEDICAID PATIENTS

Colorado removed unlawful restrictions on life-saving Hepatitis C treatment for Medicaid patients that were at the center of an ACLU of Colorado class action lawsuit. As a result,

thousands of low-income Coloradans will now get cured without being forced to wait until they have suffered serious liver damage.

DENVER'S PARK BANISHMENT PROGRAM DECLARED UNCONSTITUTIONAL (AGAIN)

The Denver District Court affirmed a lower court ruling that Denver's park banishment directive is unconstitutional because it violates due process rights. We challenged the directive on behalf of a homeless man who faced a year in jail because he entered a park a few days after he was banned by a police officer.

DOUGLAS COUNTY SCHOOL BOARD VOTES TO END UNCONSTITUTIONAL SCHOOL VOUCHER PROGRAM

The Douglas County School Board, which

includes four new members who were elected this November, voted to end a private school voucher program that was challenged by the ACLU of Colorado and declared unconstitutional by the Colorado Supreme Court, because it illegally funneled public money to private, religious schools.

ACLU SUES ON BEHALF OF COLORADO WOMAN WHO WAS HELD IN JAIL FOR A MONTH OVER A \$55 FEE

We filed a federal lawsuit on behalf of Jasmine Still, a mother of three who was jailed by El Paso County for 27 days after a judge approved her release because she could not afford to pay a \$55 supervisory fee. El Paso's policy of continuing to imprison people who could not pay the \$55 fee caused the illegal imprisonment of hundreds of pre-trial detainees.

ACLU IN THE COMMUNITY

ACLU
LOBBY DAY
MARCH 14th, 2018
SAVE THE DATE



IN 2017, some of our biggest victories weren't limited to the courtroom, thanks to the thousands of ACLU activists who helped us defend civil liberties across Colorado.

From Fort Collins to Durango, Grand Junction to Aurora—you marched with us, you stood up to local governments, you lobbied elected officials, you knocked on doors and made phone calls to educate voters.

We'll need your help in 2018 as we continue this work—including launching our landmark "Let People Vote" campaign to expand voting rights in marginalized communities.

But, for now, we celebrate all that we accomplished with your help.

Thank you,
*Alejandra Garza, Field Director, and
Delana Maynes, Reproductive Rights Campaign Coordinator*



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MEET OUR NEW STAFF

JENNIFER SAMANO (left) is our new Voting Rights Campaign Coordinator. Prior to working with the ACLU, Jennifer worked as a campaign organizer for Planned Parenthood of the Rocky Mountains to develop an accountability campaign, which worked in coalition with community partners to mobilize Coloradans in defense of the Affordable Care Act. She also organized for the 2016 election cycle in the Sixth Congressional District.

LIZZY HINKLEY (right) is our new Reproductive Rights Policy Counsel. Lizzy joins the ACLU of Colorado from her native Massachusetts, where she practiced as a legal services attorney for four years, representing indigent clients in state and federal court with a variety of civil legal issues, including housing, foreclosure, consumer protection and immigration. A 2012 graduate of University of Virginia School of Law, Lizzy clerked for Judge Frederick H. Weisberg of the D.C. Superior Court.