



# Colorado

## 2025 FALL/WINTER NEWSLETTER

### HOPE EMERGES AS OUR FIGHT FOR CIVIL RIGHTS CONTINUES

*When our rights are on the line, we fight back.*

These last few months have brought no shortage of challenges for our communities. The Trump administration continues to escalate its assault on immigrants, doubling down on brutal and harsh tactics like warrantless arrests and categorically denying bond hearings for immigrants. Emerging technologies, including artificial intelligence (AI) and automated license plate readers like Flock Safety cameras, continue to embed themselves more deeply into our daily lives with significant repercussions.

*However, we are fighting back.*

On behalf of our brave clients, our legal team sued to stop Immigration and Customs Enforcement's (ICE) lawless tactics of conducting warrantless arrests. These warrantless arrests have unlawfully ensnared our loved ones, neighbors, and coworkers in a brutal immigration detention machine that operates with little oversight or accountability. We also successfully sued ICE to free Nestor Esai Mendoza Gutierrez, a longtime Colorado resident and small business owner, and hundreds of others like him; he has since been reunited with his family.

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Legal team and plaintiffs in *Ramirez Ovando, et al. v. Noem, et al.* at the Byron White United States Courthouse in Denver, Colo. October 30, 2025.

### THE FIGHT TO STOP THE TRUMP ADMINISTRATION'S UNLAWFUL ATTACKS ON IMMIGRANTS CONTINUES IN COLORADO COURTS

*By Tim Macdonald, Legal Director*

Across the country, there has been a drastic increase in federal immigration enforcement, and discriminatory targeting of immigrants living in the United States, often in violation of federal and state laws. In 2025, the ACLU of Colorado filed six different lawsuits challenging unlawful federal government actions in Colorado. We explained some of the lawsuits filed earlier in the year in our 2025 Spring/Summer Newsletter. In the second half of the year, we filed three additional lawsuits against the Trump administration.

#### ***Ramirez Ovando, et al. v. Noem, et al.***

In October, ACLU of Colorado — with the Meyer Law Office, and Olson Grimsley Kawanabe Hinchcliff & Murray, LLC — filed a class-action lawsuit to stop ICE from conducting warrantless arrests in Colorado without probable cause in violation of federal law. On November 25, 2025, the federal court granted a preliminary injunction and provisional class certification preventing ICE and federal immigration agents from conducting warrantless arrests in Colorado without probable cause that the person is both a flight risk and is in the U.S. in violation of immigration laws.

The court also ordered ICE to document specific, articulable facts supporting probable cause for any warrantless arrests in the state. ICE must also

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## **Hope Emerges as Our Fight for Civil Rights Continues**

In addition to this litigation, our Policy and Advocacy teams are laying the groundwork to safeguard our privacy from artificial intelligence and surveillance technologies, including by releasing three policy reports focused on AI and leading the charge on a campaign to turn off Denver's Flock Safety cameras.

Despite these persistent attacks on, and threats to, our constitutional rights, we've seen a renewal of something fundamental to our democracy: hope. With hope, our communities have reasserted their rights and pushed back against the Trump administration's abuses of power. Most of all, our communities are laying the groundwork for a better and more just future.

We're still in this fight — *and we hope you are too.*



*Left: Constituents gather outside Rep. Jeff Hurd's office in Grand Junction, Colo. August 8, 2025.*

*Right: Dozens of protesters gather outside the Hudson Correctional Facility in Hudson, Colo. September 13, 2025.*

## **A COMMUNITY IN ACTION: PROTESTING THREATS TO OUR CIVIL RIGHTS**

by Jen Samano, Director of Advocacy

ACLU of Colorado is proud to have supported and organized protests and advocacy efforts across the state in response to the Trump administration's dangerous agenda. Our community-driven advocacy shows that our neighbors are willing to fight back against the federal government's ruthless attacks on our communities.

In August, dozens of Congressional District 3 (CD3) constituents gathered at U.S. Representative Jeff Hurd's office in Grand Junction to protest his vote in favor of the so-called One Big Beautiful Bill. The bill, passed in July, cut millions of dollars from life-saving programs like Medicaid, Medicare, the Affordable Care Act (ACA), and Supplemental Nutrition Assistance, at the expense of working-

class Coloradans. Most of the state's rural counties make up CD3, and according to Connect for Health Colorado, the state's health insurance marketplace, it was primarily rural counties that saw the highest increases in ACA enrollment. The protest was organized by our organization along with Indivisible Grand Junction.

In September, our organization joined Colorado Immigrant Rights Coalition, PSL Denver, No Camps Colorado, and AFSC of Colorado in Hudson to protest ICE and its plans to reopen the Hudson Correctional Facility. The privately owned Facility, which has been empty since 2014, has been proposed as a potential location for a new ICE detention facility according to contract proposal documents obtained by the ACLU. More than 100 people participated in the protest. Other protests have been organized at Rep. Hurd's office to lobby him to fight back against ICE's plans to develop three new immigration detention facilities in Colorado, three of which are within Hurd's congressional district area.

# A VICTORY FOR NATIVE AMERICAN ARTISTS AND ARTISTIC EXPRESSION IN VAIL

By Tim Macdonald, Legal Director

A victory for free speech rights and artistic expression after the town of Vail agreed to settle a lawsuit brought by Húŋkpapȟa Lakhóta artist Danielle SeeWalker. SeeWalker sued the town of Vail last year for violating her protected free speech rights. This fall, the town of Vail agreed to settle the lawsuit, which was brought by the ACLU of Colorado and the law firm Newman McNulty.

In January 2024, SeeWalker had been selected as Vail's Artist in Residence for the summer of 2024. Three months after her selection, SeeWalker posted an image of an artwork titled "G is for Genocide" to her personal Instagram account. Her post drew parallels between what is happening to Palestinians in Gaza and the genocide of Indigenous peoples in the United States. Vail then canceled her scheduled residency after receiving complaints from



Artwork "G is for Genocide." Photo courtesy of Danielle SeeWalker.

prominent townspeople about the post.

The Lawsuit alleged that Vail's actions violated the First Amendment and Colorado Constitution and perpetuated a history of censorship of Indigenous people's perspectives in Colorado and the United States.

As part of the settlement, the town agreed to significant policy changes.

These include:

- **Funding a new arts program people of Native American ancestry** and other underrepresented and economically disadvantaged groups;
- **Supporting a powwow that SeeWalker will organize annually for the next five years;** town-offered supports will include waiving rental fees and maintenance charges;
- **Sponsoring and paying for a community forum on Israel and Palestine** that will include members of Vail's Jewish community, Palestinian community, Muslim community, and other faith and community leaders; and
- **Providing an annual, Indigenous-led cultural sensitivity training** to Vail's Arts and Public Places Department employees for the next five years.

## ***The Fight to Stop the Trump Administration's Unlawful Attacks on Immigrants Continues in Colorado Courts***

regularly provide that documentation to the ACLU of Colorado which will be monitoring compliance.

### ***Mendoza Gutierrez v. Baltasar, et al.***

In September, the ACLU of Colorado filed a federal class action lawsuit challenging a recent Trump administration policy. The new policy declared that all people alleged to have entered the country without inspection be denied eligibility for bond during the entirety of their removal proceedings. Millions of immigrants in the country would be impacted, regardless of how long they have been living in the United States.

On October 17, a judge granted an emergency temporary restraining order, and our client Nestor Esai Mendoza Gutierrez was released from detention the next day. In November, the Court granted class certification which should make

thousands of immigrants detained or arrested in Colorado eligible for bond hearings.

### ***ACLU of Colorado v. ICE***

Another lawsuit that the ACLU of Colorado filed against ICE in September seeks further information about ICE's plans to develop new immigration detention facilities in Colorado and Wyoming. This is the second lawsuit the ACLU of Colorado has filed regarding ICE's expansion plans in our region; the first was filed in April.

Independent reporting has confirmed that ICE has "planning road maps" that include expanding detention in Hudson, Walsenburg, Ignacio, and Aurora. The reports indicate that these plans would more than triple ICE's detention capacity in Colorado. Despite the existence of these plans, ICE failed to provide these documents or any others in response to our most recent FOIA Request. On December 9, ICE produced the first tranche of heavily redacted documents in response to the lawsuit.



Colorado State Rep. Jennifer Bacon speaks at a press conference in support of the AI Sunshine Act at the Colorado State Capitol in Denver, Colo. August 20, 2025.

## AI, POWER, AND PRIVACY: WHAT'S AT STAKE FOR COLORADANS

by Anaya Robinson, Public Policy Director

The increased use of tools powered by artificial intelligence (AI) is presenting new threats to constitutionally protected rights to privacy, to the detriment of individual autonomy and economic freedoms. AI tools sold as efficient solutions to reduce crime are posing threats to our civil rights and data privacy. The ACLU of Colorado has been at the forefront of efforts to fight against these new threats through legislative measures and new policies that would protect Coloradans from the harms of Big Tech.

As AI proliferates throughout society, there has been a rise in consumer data harvesting by corporations — without corresponding policies to protect sensitive, private information. AI-powered algorithms can help landlords increase rent prices

and maximize profit; aggregate personal data to individualize everything from service charges to employees' wages; or harvest biometric data to expand the state's surveillance capacity. Law enforcement use of AI undermines equal protection by embedding and perpetuating racial bias; it threatens privacy and liberty interests protected under the Fourth Amendment; and it erodes procedural due process by introducing opaque, black box technologies.

In 2025, the ACLU of Colorado worked as part of a coalition of dozens of organizations to update existing Colorado law meant to regulate the negative impacts of AI-powered algorithms. The coalition is introducing bills that would strengthen current Colorado law by adding more transparency and accountability protections that would close gaps that exist in current state law. Some of those bills failed to pass, including HB25-1264 which would have prohibited companies from using algorithms for surveillance pricing and wage setting and HB25-1004 which would have prohibited the use, sale, and distribution of algorithmic devices to engage in price coordination between landlords.

Negotiations between lawmakers and policy experts surrounding a law (SB24-205) that passed in 2024, but would take effect in June 2026, continue and will also resurface in the 2026 legislative session. SB24-205 mandates impact assessments, risk management plans, and use disclosures and would regulate, to an extent, the deployment of "high risk" AI systems which are used to make decisions about employment, education, financial services, and healthcare.

ACLU of Colorado remains committed to advancing regulatory policies without infringing on Coloradans civil liberties.



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