



ACLU OF COLORADO
FOR THE PEOPLE
Annual Report 2013-2014



ACLU OF COLORADO ANNUAL REPORT 2013-2014

The staff of the ACLU of Colorado is comprised of experienced professionals and dedicated volunteers.

Listed board and staff are current. Listed volunteers and interns are for 2013-2014.

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Legal Interns

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FROM THE DIRECTORS

DEFENDING HOPE AND DIGNITY FOR ALL COLORADANS

The ACLU of Colorado had a very productive year in 2013-2014, with victories in free speech and criminal justice legal cases, significant progress on limiting the use of ICE detainees in county jails, and landmark legislation to end debtor's prison practices and the warehousing of seriously mentally ill prisoners in solitary confinement. We have worked on our own and in coalition with other organizations to protect women's reproductive rights, achieve full marriage equality, challenge racial and LGBT discrimination, implement drug law reform and shine a light on police militarization and excessive incarceration. The ACLU of Colorado is on the front lines working to end the death penalty, address issues of privacy and surveillance, uphold separation of church and state, and protect voting rights in Colorado.

All of the work we do is rooted in the Colorado and United States Constitutions, especially the Bill of Rights. It is sometimes said that the Bill of Rights is the client of the ACLU, and we do defend those fundamental rights and principles. But those principles are not mere abstractions—they touch countless lives in Colorado every day on a very personal level.

Take a look at the stories in this annual report of people who would be wrongfully incarcerated, held in isolation, separated from their families or subject to discrimination today if not for the ACLU. When people are denied due process or basic rights, it affects their careers, their children and families, and their ability to live with dignity and hope. The ACLU believes that civil liberties are for everyone, even or especially those who are the most vulnerable, the most overlooked, or the most disliked. When we win the hard cases, we protect civil liberties for everyone else, too.

We use every strategy available to us to protect and advance civil liberties in Colorado, whether through legal action, legislation, education, public media, or behind-the-scenes negotiation. We could never achieve so much without the quality staff, dedicated Board and volunteers, and generous supporters that we have, both those listed in this annual report and many others as well. Our work will never be done, but freedom and quality of life for many Coloradans—ultimately for all of us—depends upon doing that work well and never letting down our guard for civil liberties.



Nathan Woodliff-Stanley,
Executive Director



Gwen Young, Chair,
Board of Directors



ACLU IN THE COURTS

The ACLU of Colorado receives more than 2,000 requests for legal assistance every year. At any given time, our staff attorneys and volunteer cooperating attorneys manage about 30 open cases on civil rights issues ranging from freedom of speech and expression to workplace discrimination to police misconduct and brutality.



LGBT RIGHTS

Defeating Discrimination in Places of Public Accommodation

ACLU Clients Dave Mullins and Charlie Craig successfully challenged the discriminatory policies of Masterpiece Cake Shop, a Bakery in Lakewood that routinely refused to serve same-sex couples.

Dave and Charlie visited Masterpiece Cake-shop in 2012, with Craig's mother, to order a cake for their upcoming wedding reception. Masterpiece owner Jack Phillips informed them that, because of his religious beliefs, the store's policy was to deny service to customers who wished

to order baked goods to celebrate a same-sex couple's wedding.

Long-standing Colorado state law prohibits public accommodations from refusing service based on factors such as race, sex, marital status or sexual orientation.

In May 2014, the ACLU of Colorado represented Dave and Charlie at a hearing before the Colorado Civil Rights Commission, which ruled unanimously that the bakery's practices constituted unlawful discrimination.

"No one should ever have to walk into a store and wonder if they will be turned away just because of who they are." —*ACLU of Colorado client Dave Mullins*



PRIVACY AND SURVEILLANCE

In a first of its kind filing, the ACLU of Colorado submitted a motion challenging the constitutionality of the FISA Amendments Act and federal government surveillance on behalf of a Colorado man who was notified that surveillance conducted by the NSA was being used against him in a criminal trial.

RIGHTS OF IMMIGRANTS

Ending Immigration Detainers in Colorado



Photo by Justin Valas

Immigration detainers are requests from federal immigration authorities to local law enforcement to hold a person in jail for up to five days past the time when they would otherwise be released, so that the federal authorities can decide if they plan to take the person into custody. They are generally issued without a warrant or probable cause.

Between October 2011 and August 2013, ICE issued over 8,700 detainer requests to Colorado jails.

In April 2014, the ACLU of Colorado wrote to every sheriff in the state explaining that the additional detention amounts to a new arrest, which Colorado sheriffs lack the authority under Colorado law to make.

Several sheriffs responded within days to the ACLU letter by announcing that they would no longer honor the holds. Over the following months, the ACLU of Colorado advocated through letters and phone calls to the remaining sheriffs to convince them to change their policies and stop imprisoning persons on the basis of ICE detainers.

In June, the ACLU of Colorado successfully negotiated a \$30,000 settlement with Arapahoe County on behalf of Claudia Valdez, a woman who called for help in 2012 following a domestic violence incident, was arrested herself, and held for three days in the Arapahoe County Jail after a judge had ordered her release, due to a detainer request from ICE.

After months of advocacy with the sheriffs, Colorado became the first state in the country in which all county jailers reject detainer requests from ICE.



Learn more about immigration rights and other issues that affect Coloradans on the new Colorado Rights Blog at aclu-co.org/aclu-blog.



PROFILE: MIA LOPEZ

Mia Lopez had a baby in 2013. For a new mother, it's a wonderful, exciting, and challenging time. A time that she, like all women, deserved the freedom to fully recover from based on consultation with her doctor. When Cherry Creek High School, where Mia was a junior, learned that she was planning to have a child, they told her that she would have to return to school within three weeks of giving birth or she would face serious consequences, including losing all credit for the semester.

Mia had done everything she could to prepare for her time away from school. She had taken summer classes, gotten ahead in several classes, and arranged with all of her teachers to keep up with her assignments while she was gone.

Yet, the school's administrators told Mia that those arrangements would not be honored and threatened loss of credit for work she had completed if she took maternity leave of longer than three weeks, a



completely arbitrary timeline.

Mia believed that her rights were being violated, so she and her parents contacted the ACLU of Colorado.

Our legal team took quick action to inform the school of its legal duty to accommodate Mia's pregnancy. In a letter to the district superintendent, staff attorney Rebecca Wallace advised that federal law protects students from sex and pregnancy discrimination by requiring schools to allow an excused maternity leave "for so long a period of time as is deemed necessary by the student's physician."

A few days later, the school backed down from its demand that Mia return to school within 3 weeks of giving birth and agreed to a timeline based on her doctor's recommendation.

Thanks to the ACLU of Colorado's advocacy, Mia had all the time she needed as a new mother, and she was able to stay on track to finish her studies and graduate with the rest of her class.

📌 FEDERAL LAW PROTECTS STUDENTS FROM SEX AND PREGNANCY DISCRIMINATION BY REQUIRING SCHOOLS TO ALLOW AN EXCUSED MATERNITY LEAVE... 📌



REPRODUCTIVE HEALTH

The ACLU of Colorado requested an investigation into Mercy Regional Medical Center, a Catholic hospital in Durango that prohibited its doctors from discussing the option of terminating a pregnancy with a patient, even when a patient's life is at stake.

Dr. Demos, a cardiologist, was admonished for explaining to a patient that she might have a condition that would be life-threatening if her pregnancy were carried to term, and if so, the proper standard of care would be to recommend terminating the pregnancy.

Colorado law prohibits hospitals from interfering with a doctor's treatment of a patient.



DEATH PENALTY

A successful ACLU of Colorado lawsuit required prison officials to make public the policies and procedures that are used to carry out an execution through lethal injection, so that they can be evaluated against the 8th Amendment's ban on cruel and unusual punishment.

The death penalty is broken in Colorado. It's unequal, immoral, and expensive. Each death penalty trial costs taxpayers millions of dollars more than a trial for life without parole. We are committed to ending the death penalty once and for all in Colorado.



PROFILE: **CLAUDIA VALDEZ**

The evening of June 28, 2012, Claudia Valdez called the police for help. She had been fighting with her husband. The fight had turned physical, and she feared for the safety of herself and her three young children. So, she ran to her neighbor's house with her kids in tow and asked her neighbor to call the police for help.

Arapahoe County law enforcement arrived and arrested Claudia on a domestic violence charge that was dismissed soon afterwards.

Claudia saw a judge the next morning. Her husband admitted in open court that he was the aggressor, and the judge ordered Claudia released. But the Arapahoe County Sheriff's Office refused to release Claudia. Instead, it held her for three additional days because Immigration and Customs Enforcement ("ICE"), a division of the Department of Homeland Security, had

SHE NEVER DREAMED SHE WOULD BE IMPRISONED, ESPECIALLY FOR CALLING THE POLICE FOR HELP.

requested that Claudia be held in jail while they investigated her immigration status. The sheriff's office, like most others in Colorado at the time, chose to comply with the request, and it imprisoned Claudia for three additional days without a warrant and without probable cause.

Those three days in jail were deeply painful for Claudia. She had been living in Denver since 1999, where her three children had been born. During that time, she had never had a run-in with the law, other than for minor traffic offenses. She never dreamed she would be imprisoned, especially for calling the police for help.

Claudia contacted the ACLU of Colorado and our lawyers successfully negotiated a \$30,000 settlement for her and her family. Our work to convince all sheriffs in the state to reject ICE holds now ensures that no other individuals in Colorado will have their liberty denied due to immigration detainers.



POLICE ACCOUNTABILITY

The ACLU of Colorado filed suit to uncover police reports and internal investigation documents related to an incident in which a Castle Rock police officer put innocent civilians at risk by recklessly firing several shots from a semi-automatic rifle at the vehicle of an unarmed burglary suspect in a suburban neighborhood.



CRIMINALIZATION OF HOMELESSNESS

The ACLU of Colorado filed suit challenging new panhandling restrictions in Grand Junction. The city ordinance bans a wide swath of peaceful, polite, and non-threatening requests for charity that are fully protected by the First Amendment.

Similar restrictions were shelved by the Boulder City Council in June 2014 after the ACLU of Colorado and the Boulder County Chapter sent a letter opposing the proposal. Our attorneys are researching city ordinances and other attempts by municipalities around the state to infringe on the rights of people living in poverty.

WOMEN'S RIGHTS

The ACLU of Colorado worked with DISH Network to vastly improve the condition for nursing mothers at their corporate headquarters in Englewood.

ACLU AT THE CAPITOL

The ACLU of Colorado again made history in 2013 and 2014, winning significant victories in the legislature for the civil liberties of all Coloradans. We successfully lobbied the state legislature to ban the use of long term solitary confinement on prisoners with serious mental illnesses and to end debtors' prisons. Our main legislative priorities enjoyed widespread bipartisan support, as we advocated for stronger voting laws, improved privacy protections, and measures to reduce mass incarceration. All in all, the ACLU of Colorado worked on or monitored more than 100 bills. Here are a few highlights:



HISTORIC BAN ON SOLITARY CONFINEMENT

Colorado Becomes First State to Ban Solitary Confinement of Prisoners with Serious Mental Illness

In 2013, the ACLU of Colorado compiled a comprehensive report, chronicling our state's long history of warehousing prisoners who suffer from mental illness in long-term 23 hour-a-day solitary confinement. The report was followed by *Out of Sight, Out of Mind*, a film produced by the ACLU of Colorado, that told the story of Sam Mandez, an inmate who spent more than 15 years in isolation in Colorado's prisons and now suffers from debilitating mental illness as a result. The film premiered at an event in Denver attended by more than 250 people, including

Department of Corrections Director Rick Raemisch.

Raemisch and legislators, including State Senator Jessie Ulibarri, worked with the ACLU of Colorado to draft new legislation banning the use of long-term solitary confinement on prisoners who suffer from serious mental illnesses.

The legislation passed both chambers of the legislature with overwhelming bipartisan support. It's an important first step toward our goal of ending the use of long-term solitary confinement in all forms in Colorado's prisons.



STANDING UP AGAINST DENVER'S MARIJUANA RULES

In October 2013, the City of Denver proposed an ordinance that would essentially re-criminalize the use of marijuana anywhere it could be smelled by passers-by, including in a backyard or a living room with an open window. The proposal would have made it a crime to have marijuana in a pocket while walking downtown or at any park, trail, or bike path, in obvious defiance of voters who approved Amendment 64.

The ACLU of Colorado gathered over 12,000 petition signatures from around the country and sent hundreds of emails to City Council members protesting the irrational overreach. As a result, the most egregious pieces of the ordinance were discarded.



PROFILE: **JARED THORNBURG**

Jared Thornburg was unemployed, recovering from a serious workplace injury, and homeless when the City of Westminster threw him in jail for ten days because he could not pay a fine for driving a defective vehicle.

Jared had pled guilty to driving a defective vehicle and was ordered by the court to pay \$165 in fines and costs. Jared told the court that he was homeless and penniless and could not pay the fine. He asked for a brief amount of time to try to get the money together to pay, but the court told him that he would have to pay by the end of the next day, or a warrant would be issued for his arrest. Jared was unable to come up with the money and, shortly after, the court issued a pay-or-serve warrant for his arrest.

The warrant ordered that Jared either immediately pay \$245, an amount which now included new fees stemming from his inability to pay, or serve 10 days in jail. Despite knowing that Jared was homeless and unemployed, the Westminster Municipal Court sentenced him to 10 days in jail, without any hearing on the matter. Jared was arrested and he served the full 10 days in jail without ever being taken before a judge.

Jared is now employed at a King Soopers grocery store, where he was promoted three times during his first eight months on the job.

He helped the ACLU of Colorado advocate for legislation ending the debtors' prison practices that led to his time in jail and attended the bill signing when the law passed with his nine month old son.



ENDING DEBTORS' PRISONS

Thousands of Coloradans have spent time in jail for minor offenses, like driving a defective vehicle or having a dog off-leash, because they lacked the financial means to pay the resulting ticket. The Supreme Court has ruled that debtors' prison practices, where people are jailed simply because they are too poor to pay fines or court fees, are unconstitutional. They are also bad policy. Not only does the debt go unpaid, but taxpayers must pay for the arrest and imprisonment of someone who doesn't deserve to be in jail.

The ACLU of Colorado successfully lobbied the legislature to support legislation ending the practice in the 2014 legislative session. The legislation passed and was signed into law by Governor Hickenlooper. It is the first of its kind across the country, and will serve as a model for other states to end debtors' prisons.

MORE PUBLIC POLICY HIGHLIGHTS

1. LOCATION TRACKING

We worked with legislators to strengthen protections against warrantless location tracking by government and law enforcement.

2. VOTING RIGHTS

Governor Hickenlooper signed into law ACLU-backed legislation allowing mail-in ballots in recall elections, ensuring a more representative and fair voting process.

3. WOMEN'S RIGHTS

We backed legislation to ensure that women have the right to seek civil damages should they suffer the unlawful termination of a pregnancy. This bill provides needed legal avenues for women without granting legal personhood prior to birth.

4. TRANSPARENCY

To improve government transparency, we supported legislation capping exorbitant fees for information requested under Colorado's open record laws.

5. YOUTH RIGHTS

We helped pass legislation ensuring that minors in Colorado have better access to legal counsel when they need it.

6. PAROLEES

We supported initiatives for parolees designed to decrease recidivism, enhance public safety, and increase successful reentry upon release into the community.

ACLU IN THE COMMUNITY

The ACLU of Colorado hosts events, film screenings, and classroom trainings throughout the state to engage and educate Coloradans about their rights. Our Speakers Bureau gives free presentations on civil rights issues to students, community groups, service organizations, and professional organizations and our staff of experts routinely speaks on panels and participates in community events.

**WATCH
"KNOW YOUR RIGHTS"
TRAINING VIDEOS AT:**
[aclu-co.org/our-work/
public-education/
know-your-rights](http://aclu-co.org/our-work/public-education/know-your-rights)

ANNUAL MEMBERSHIP MEETING

The 2014 Annual Membership Meeting featured a panel of experts in a discussion titled *Inequality for All? The Impact of Economic Injustice on Civil Liberties*. At the meeting, we presented the Youth in Action Award to Mia Lopez, the Civil Rights in Action Award to Maralina Schoenfelder, and renamed the Volunteer of the Year Award after long-time ACLU of Colorado volunteer Arlette Baer.



CHELTENHAM BILL OF RIGHTS PROGRAM

The ACLU of Colorado works with a local law firm to teach weekly civics classes at Cheltenham Elementary School, where children learn about the Bill of Rights, the role of government, and put on skits about the rights that matter most to them.

SPEAKER'S BUREAU

The ACLU of Colorado Speaker's Bureau gave a record number of presentations and speeches around the state on a wide variety of civil liberties issues from privacy and surveillance to the death penalty. Our speakers gave free "Know Your Rights" trainings, served on expert panels, and helped organize events at schools, churches, and community organizations.





PROFILE:

ARLETTE BAER

When we reflect on how fortunate we are to have such valuable and dedicated volunteers at the ACLU of Colorado, the name Arlette Baer always comes up.

Arlette volunteered for the ACLU for almost 40 years. She started as an intake volunteer, answering calls from those seeking legal assistance back when our office was located in a two-story house on Pennsylvania Street.

Eventually, Arlette became the office's membership director, volunteering four hours a day, five days a week. When membership soared after 9/11 to over 11,000 members, Arlette tracked every single one of them.

Before the ACLU, Arlette volunteered with the United Farm Workers, picketing in support of boycotts throughout the state. She also participated in anti-war protests during the Vietnam era.

HER DECADES AT THE ACLU PROVIDED HER FRIENDSHIP, PURPOSE, AND THE GOOD FIGHT! ▶▶

Her daughter Simmie, herself a dedicated juvenile defense attorney, says of her mother's experience at the ACLU of Colorado, "The ACLU was my mother's home away from home. From the time it was an office of three people, through its many transitions and buildings, she considered everyone her family and made sure she got to the office by 7 in the morning to make coffee. Her decades at the ACLU provided her friendship, purpose, and the good fight!"

At the 2014 Annual Membership Meeting, in honor of Arlette, whose health no longer allows her to volunteer with the ACLU, we awarded the first-ever Arlette Baer Volunteer of the Year Award.



CARLE WHITEHEAD BILL OF RIGHTS DINNER

At the 2013 Carle Whitehead Bill of Rights Dinner, we honored Kevin Paul, Kevin Williams, and Claire Levy.

OUT OF SIGHT, OUT OF MIND FILM PREMIERE

On October 29, 2013, the ACLU of Colorado premiered an original short film, *Out of Sight, Out of Mind: the Story of Sam Mandez*, at Su Teatro Cultural and Performing Arts Center in Denver. The film, produced by the ACLU of Colorado, told the true story of a man who spent more than 15 years in solitary confinement and suffers from severe mental illness as a result. Close to 250 people attended the premiere, including Colorado Department of Corrections Director Rick Raemisch. More than 20,000 people have watched the film so far.

**WATCH IT TODAY AT
VIMEO.COM/78840078.**

FESTIVALS AND COMMUNITY EVENTS

Every year, the ACLU of Colorado, our chapters, and our dedicated volunteers participate in dozens of community events. Last year, staff and volunteers marched in the Denver Pride Parade and the Martin Luther King Day Parade. We had booths at Cinco de Mayo, New West Fest, and NedFest, and the Boulder County Chapter sponsored Red Hot Patriot: The Kick-Ass Wit of Molly Ivins. We also hosted two film screenings and underwrote a film in the Starz Film Festival.



(Left) We march every year in the Denver "Marade" in honor of Martin Luther King, Jr. (Top) Protesters call for justice for Marvin Booker, who died at the hands of deputies at the Denver Jail. (Right) We remind Coloradans all around the state that "Freedom Doesn't Protect Itself."



(Left) Volunteers at the 2014 Denver Pride Parade show off our marriage equality cake, signed by hundreds of loving couples. (Right) Marchers protest invasive government surveillance.

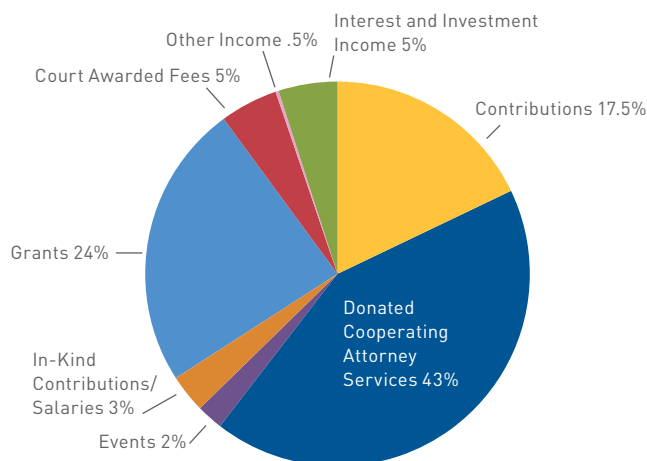
APRIL 1, 2013–MARCH 31, 2014

OPERATING INCOME & EXPENSES

ACLU FOUNDATION OF COLORADO

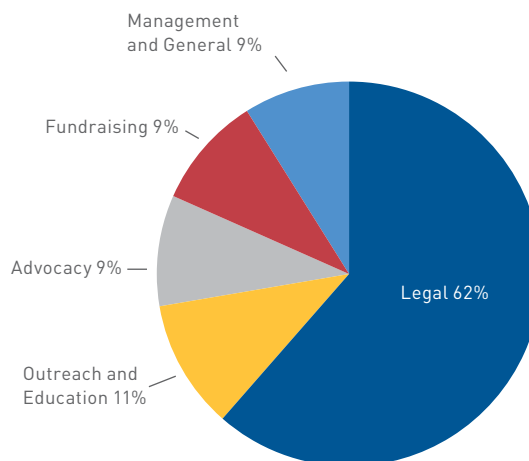
Support and Revenue

Contributions	478,424
Donated Cooperating Attorney Services	1,127,606
Events (Net of Costs)	51,970
In-Kind Contributions / Salaries	90,260
Grants	633,434
Court Awarded Fees	129,644
Other Income	8,333
Interest and Investment Income	132,543
TOTAL	2,652,214



Expenses

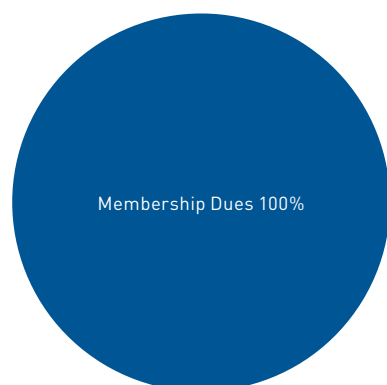
Legal	1,556,680
Outreach and Education	278,032
Advocacy	230,806
Fundraising	242,596
Management and General	221,696
TOTAL	2,529,810



ACLU OF COLORADO

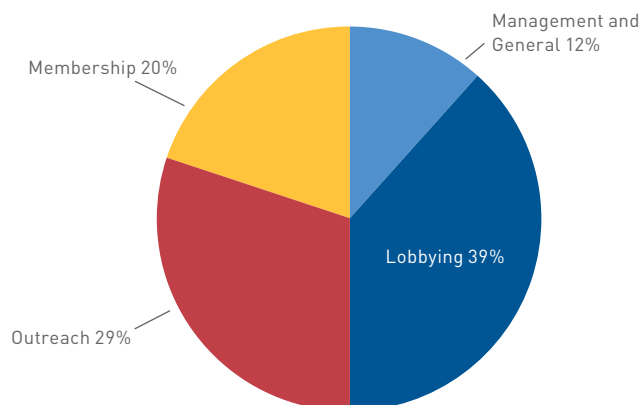
Support and Revenue

Membership Dues	258,872
TOTAL	258,872



Expenses

Membership	71,954
Outreach	109,351
Lobbying	140,607
Management and General	42,607
TOTAL	364,519



WAYS TO GIVE

Make a tax-deductible gift. You can help protect civil liberties by making a tax-deductible gift to the ACLU Foundation of Colorado today. Please contact our Development Department for further information at 720-402-3105 or rpryor-lease@aclu-co.org.

WAYS TO GIVE TODAY ►

CASH OR CREDIT CARDS

We are pleased to accept your donation or your monthly, quarterly or annual pledge via cash, check or credit card at any time by mail or online at www.aclu-co.org.

GIFTS OF STOCK

If you itemize your tax returns, gifts of securities entitle you to a federal income tax charitable deduction and you will avoid paying capital gains tax on the stock you transferred to the ACLU Foundation. Because electronic transfers are made without identifying the donor, please alert us in advance about your intentions.

COLORADO GIVES DAY

December 9 is Colorado's statewide day of philanthropy. Visit coloradogives.org/aclu-co to schedule your donation today!

MEMORIAL & TRIBUTE GIFTS

A gift in honor or memory of a loved one or on the occasion of a birthday or anniversary is a great way to share your generosity with others. All tribute gifts will be acknowledged with a card to the person you designate.

WORKPLACE GIVING

You may choose to designate the ACLU Foundation of Colorado through your workplace giving campaign. We are an active member of Community Shares of Colorado, and can also receive designated funding from United Way donor option gifts. If your company has a Matching Gift program, all you have to do is obtain a matching gift form from your personnel office.

WAYS TO GIVE TOMORROW ►

PLANNED GIFTS: LEAVE A LEGACY

For 90 years, the commitment of generations of ACLU supporters has helped to ensure the freedom we enjoy today. Leave your own personal legacy by including a gift for the ACLU in your estate plans and help conserve our most deeply held values of freedom, fairness, and equality for future generations.

www.aclu.planyourlegacy.org, 877-867-1025

BEQUESTS

The most common and flexible way to leave a legacy is to state your intentions in a will or a living trust. Please visit www.aclu.org/estatetax and consult a tax law professional for language that will allow you to minimize estate taxes or to assist you in making a planned gift.

BENEFICIARY DESIGNATIONS

You can also name the ACLU the beneficiary of an employer-provided or personally owned life insurance policy, IRA, Keogh, 401(k), 403(b) or other qualified retirement plan, enabling you to avoid substantial income taxes and, potentially, estate taxes.

CHARITABLE GIFT ANNUITY

This is the most popular life income gift. Through this contract with the ACLU Foundation, you make a donation and receive reliable, fixed payments for your and/or another beneficiary's life. The principal passes to the ACLU of Colorado when the contract ends, yet you enjoy fixed income and any charitable tax benefits in your lifetime. For more information, please visit: www.aclu.planyourlegacy.org.

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● \$100,000-\$249,000

Gordon J. and Grace Gamm

● \$50,000-\$99,999

Proteus Action League

Vital Projects Fund

● \$25,000-\$49,999

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Stuart and Ellen Witkin

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Enforcement Center (CREEC)

Colorado Bar Association

John and Jo Ann Congdon

Crane Tejada

Nancy Crow and Mark Skrotzki

Mike and Talli Delaney

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The Denver Foundation

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Louvado

Margery Goldman

Lynda Goldstein

Bryan Gordon

Anthony Gottlieb and Katherine
Dealy

Glen Graber

Haddon, Morgan & Foreman, PC

The Estate of Dorothy Haegele

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