

ACLU of Colorado
ANNUAL REPORT
2012-2013

“Injustice anywhere is a threat
to justice everywhere.”

—*Martin Luther King, Jr.*



ACLU OF COLORADO ANNUAL REPORT 2012-2013

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 2012-2013.

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FROM THE DIRECTORS

BECAUSE FREEDOM CAN'T DEFEND ITSELF

The civil liberties stories and cases taken on by the ACLU are often shocking. We have taken on cases of children held in solitary confinement, a teacher fired after expressing breast milk for her baby at work, and a man killed by state patrol officers after they entered his home without a warrant. It is hard to believe such things happen, but they do. Fortunately, the ACLU of Colorado is here to respond, working more effectively than ever. We won victories in all of those cases and brought about long-term changes in policy in each case.

It is our belief that civil rights and civil liberties are for everyone, not just for some. So we make it a priority to defend civil liberties for the economically disadvantaged, for women and people of color, for immigrants and children, for the disabled and the chronically mentally ill. We fight against discrimination and abuse and violations of due process in the criminal justice system. We work for marriage equality and equal protection for all people. We seek to expand voting rights and to protect legitimate voters from intimidation and disenfranchisement. We uphold First Amendment rights to freedom of speech and religious freedom without establishment of religion. We stand up for reproductive freedom and contraceptive access, and we guard privacy rights for all people in the face of a growing surveillance state.

Whether in the courts, in matters of policy, or in public engagement and education, the ACLU is here to make sure our rights and civil liberties are not forgotten or eroded. Our recent successes in both the legal and policy arenas have built relationships that allow us to protect rights before they're violated. In state and local matters, policymakers often ask us to weigh in on proposed plans as they're being crafted rather than face a lawsuit once bad policies are in place. From the beginning, the ACLU has understood that it is our values, not our fears, that define us as Americans.

Our state is right now experiencing rapid growth and change. As questions about the First Amendment, religious freedom, and our criminal justice system persist, and new questions about government surveillance and technology emerge, the ACLU of Colorado is the one statewide organization that can both defeat challenges and win victories for the Bill of Rights and a fair and just society.



Nathan Woodliff-Stanley,
Executive Director



Gwen Young, Chair,
Board of Directors



ACLU IN THE COURTS

The ACLU of Colorado receives more than 1,500 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.



CHURCH&STATE

Taking Our Fight to Stop Taxpayer Money Going to Religious Schools to Colorado's Highest Court

The Colorado Constitution does not mince words when it comes to public money going to religious institutions. It is plain and clear that taxpayer dollars cannot subsidize religious education. Yet a Douglas County School District program offers tuition vouchers to 500 students to spend at private and religious schools. For the purposes of obtaining the state per-pupil educational funds, Douglas County created a public charter school, which exists only on paper, and enrolled students in the sham school.

The ACLU of Colorado challenged the program in 2011 on behalf of parents, clergy and taxpayers. A lower court struck the program down, but the ruling was overturned in 2013 by the court of appeals.

The ACLU of Colorado has asked the Colorado Supreme Court to review the decision and we are prepared to argue before the state's highest court that the Douglas County's unconstitutional voucher program should be eliminated.



WOMEN'S RIGHTS

Standing Up for the Rights of Nursing Mothers in the Workplace

In the first ever public settlement of a legal challenge brought under the 2008 Colorado Nursing Mothers Act, the ACLU of Colorado won a major victory for the rights of women to continue breastfeeding when returning to work after having a baby.

Heather Burgbacher had been a highly valued teacher at the Rocky Mountain Academy of Evergreen for five years when she gave birth to her second child. In violation of her rights, the school refused to provide a private place for her to express breast milk. After she complained about the school's failure to accommodate her needs, she was informed that her employment contract would not be renewed, despite years of extremely positive performance evaluations.

The ACLU of Colorado fought on her behalf and won a settlement for her wrongful termination that included an agreement from the school to make policy changes so that nursing mothers have the time and space they deserve to express breast milk at work.

2008 COLORADO NURSING MOTHERS ACT STATES:

"An employer shall make reasonable efforts to provide a room or other location in close proximity to the work area, other than a toilet stall, where an employee can express breast milk in privacy."



1ST AMENDMENT

Protecting Freedom of Speech and Expression in Downtown Colorado Springs

When Colorado Springs decided to criminalize speech and expression by creating a “Downtown No Solicitation Zone,” the ACLU of Colorado acted. The city’s ordinance banished a substantial amount of peaceful, non-intrusive, and constitutionally protected expression. Nonprofit organizations were forbidden from asking for donations. Street musicians violated the ordinance by playing music while silently soliciting tips with a hat or open guitar case. Needy persons violated the ordinance by holding a sign that reads: “please help.” Hawking newspapers was a violation of the ordinance, which also forbade the Salvation Army from deploying bell-ringers in Santa costumes.

Shortly after the ordinance was enacted, the ACLU filed a court complaint seeking to stop its enforcement. A federal district court judge agreed with the ACLU that Colorado Springs had violated the First Amendment and barred the city from enforcing its law. The City eventually decided to repeal the “No Solicitation Zone.”

4TH AMENDMENT

Holding Police Accountable for the Death of Jason Kemp and Training Officers to Avoid Excessive Force

Most Coloradans know that, except in very limited cases, the police cannot kick down the door and enter someone’s home without a warrant. When Grand Junction resident Jason Kemp insisted that State Highway Patrol obtain a warrant before entering his home, they forced their way in and shot him to death.

The ACLU of Colorado sued the State Patrol and secured a \$1 million settlement on behalf of Kemp’s family. The settlement also requires the State Patrol to implement new 4th amendment training for all officers. The training will be reviewed and attended by the ACLU of Colorado and will emphasize de-escalation tactics and the limits on officer’s permissible use of force.

ACLU AT THE CAPITOL

The ACLU of Colorado made history in 2012 and 2013, winning significant victories in the legislature and at the ballot box for the civil liberties of all Coloradoans. We helped end the prohibition of marijuana, protected the rights of voters, and moved Colorado one big step closer to marriage equality. We won important reforms of our justice system, added new employee protections, and strengthened Colorado’s anti-discrimination laws. All in all, the ACLU of Colorado worked on or monitored more than 100 bills and secured one of our most successful legislative sessions ever. Here are a few public policy highlights:

VOTING RIGHTS

In the past year, voting rights have come under attack across the country, and Colorado is no exception. Despite the absence of evidence that Colorado has a voter fraud problem, Colorado Secretary of State Scott Gessler launched an aggressive campaign last year to find non-citizen voters. Concerned that his efforts have a chilling effect on voter registration and turnout, we worked with coalition partners to expose the futility and negative consequences of his actions and protect the voting rights of all Colorado citizens. We continue to monitor Gessler’s efforts and have attended non-citizen voter hearings to ensure that the process is fair. In addition, we successfully championed a bill during the legislative session that expands and modernizes the voter registration process and called on our supporters to urge Governor Hickenlooper to sign the bill into law.

BOULDER COUNTY DISTRICT ATTORNEY, STAN GARNETT:

“Local governments and county clerks do a good job regulating the integrity of elections, and I’ll stand by that record any day of the week. We don’t need state officials sending us on wild goose chases for political reasons.”

EMPLOYEE PROTECTIONS

We worked with state lawmakers to draft two pieces of legislation that protect the privacy of job applicants and employees. The first, SB 18, prohibits employers from checking current or potential employees’ credit reports unless the information would be directly relevant to the position. The second, HB 1046, prevents employers from requiring or requesting applicants and employees to hand over their private social media passwords.

We also lobbied on behalf of a bill that strengthens and expands the Colorado Anti-Discrimination Act to include smaller employers and provide remedies for employees who are discriminated against by their employers.

Our lobbying efforts were successful and all three bills were signed into law earlier this year.



EXONERATION FUND

Being sentenced to life in prison for a crime you didn’t commit is a nightmare that became reality for Colorado man Robert Dewey. Dewey spent 17 years in prison for rape and murder before DNA testing confirmed his innocence in 2010. With nothing more than the clothes on his back, he was released from prison two years later and was forced to begin rebuilding his life from scratch. While there is nothing the state can do to give Dewey those 17 years back, it can provide him with the means to start over. Earlier this year we worked with Representative Angela Williams to draft and pass a bill providing monetary compensation, tuition benefits, and job skills courses to Dewey and any future individuals who are incarcerated and later found to be innocent.



CIVIL UNIONS

After seven hard fought years, we won civil unions in Colorado. Thousands of committed couples now have critical legal rights, protections and responsibilities. ACLU Executive Director Nathan Woodliff-Stanley, an ordained minister, officiated over several of the state's first ever civil union ceremonies.

SPEAKER OF THE COLORADO HOUSE OF REPRESENTATIVES, MARK FERRANDINO:

"It's really meaningful. To have the recognition of your love and relationship just like any other relationship by the state is an important both legal and symbolic thing."

AMENDMENT 64

The ACLU has long advocated for an end to the prohibition of marijuana, which costs taxpayers millions of dollars to enforce and does not increase public safety. Even worse, a significant racial disparity has existed in marijuana-related arrests in Colorado and the U.S. In 2012 we finally achieved our goal with the passage of Amendment 64, legalizing recreational marijuana use in Colorado.

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)

MAY 2012

In May, the ACLU of Colorado organized a "Rally for Rights" event at the Denver City and County Building as part of a national immigration rights bus tour. About a dozen speakers and representatives from civil and immigrant rights organizations attended and the event was covered by several Spanish-language media outlets.



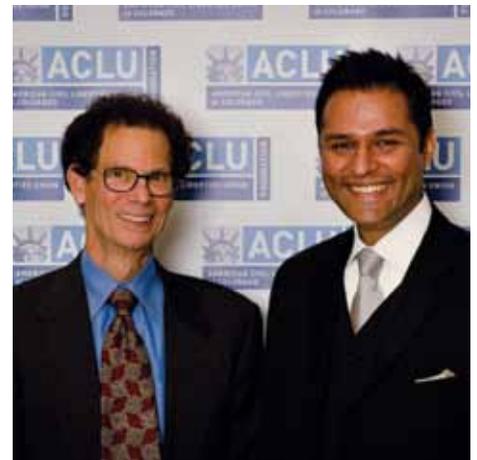
OCTOBER 2012

The ACLU of Colorado Diamond Jubilee took place in October at the History Colorado Center. At the event, we honored Rahan K. Hasan, Organizer of the Decade and Mark Silverstein, Staff Leader of the Decade.



DECEMBER 2012

In December, Nathan Woodliff-Stanley was officially introduced as ACLU of Colorado Executive Director at a meet and greet attended by close to 100 supporters, staff, and friends of the organization.



FEBRUARY 2012

In February, we held our Annual Membership Meeting at the University of Denver. ACLU Deputy Legal Director Louise Melling was the featured speaker on the topic of "Stopping Attempts to Use Religion to Discriminate." At the meeting, we presented the Civil Rights in Action Youth Award to the Association of Youths United in Action, a student-led group working on immigrant rights issues, and the Volunteer of the Year Award to John Scott, co-coordinator of the ACLU of Colorado Speakers Bureau.



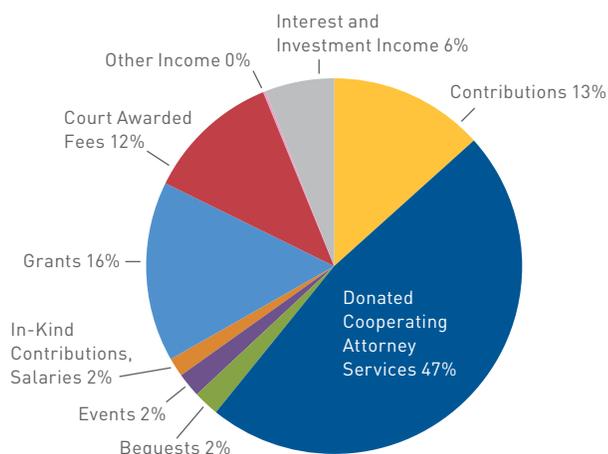
APRIL 1, 2012–MARCH 31, 2013

OPERATING INCOME & EXPENSES

ACLU FOUNDATION OF COLORADO

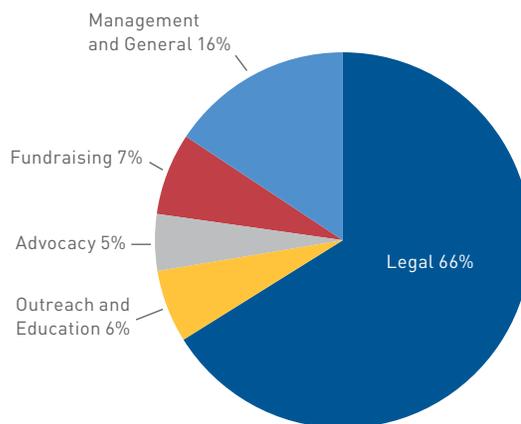
Support and Revenue

Contributions	349,066
Donated Cooperating Attorney Services	1,235,458
Bequests	57,679
Events (Net of Costs)	55,167
In-Kind Contributions, Salaries	42,600
Grants	406,120
Court Awarded Fees	301,256
Other Income	3,366
Interest and Investment Income	156,840
TOTAL	2,607,552



Expenses

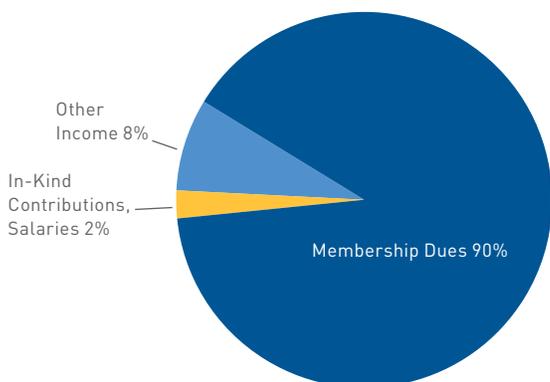
Legal	1,619,452
Outreach and Education	153,191
Advocacy	118,598
Fundraising	173,718
Management and General	386,068
TOTAL	2,451,027



ACLU OF COLORADO

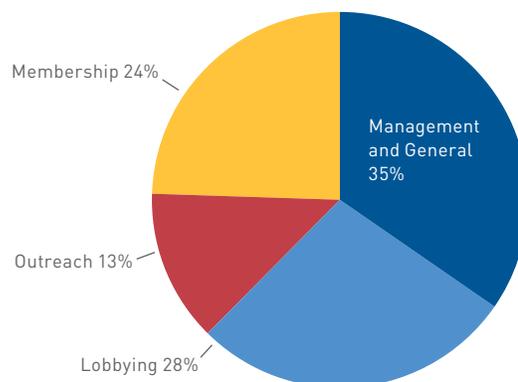
Support and Revenue

Membership Dues	264,788
In-Kind Contributions, Salaries	7,500
Other Income	23,322
TOTAL	295,610



Expenses

Membership	50,801
Outreach	27,200
Lobbying	57,395
Management and General	72,080
TOTAL	207,476



Source: Audited Financial Statements for the Year Ending March 31, 2013, by John Cutler & Associates. Complete copies available by writing ACLU of Colorado, 303 E. 17th Ave., Suite 350, Denver, CO 80203.

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.

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.

COLORADO GIVES DAY

December 10 is Colorado's statewide day of philanthropy. Visit www.coloradogives.org/aclu-co to schedule your donation today!

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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Stanley & Edith Yokell

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OUR MISSION

The ACLU of Colorado is a nonpartisan, nonprofit organization dedicated to fulfilling the promise of equal justice under the law for all Coloradans. Our scope of work is fundamentally defined by one document, the Bill of Rights. The rights and freedoms contained within impact a wide range of issues, including free speech, freedom of religion, due process, privacy and equality for all people under the law. We advocate for members of disenfranchised communities, including people of color, LGBT persons, women, immigrants, low income people, homeless, prisoners, students and the elderly. While we are incorporated as an independent entity, we are also an affiliate of the national American Civil Liberties Union.



www.aclu-co.org