Where There’s a Way For a Will

You don’t always have to make headlines to make a difference. Revisions to estate planning laws don’t jump off the page in the same way that repealing the death penalty or unconstitutional DNA databases do. When it comes to improving real people’s lives in a meaningful way, however, it’s hard to beat cutting costs and red tape at the same time. HB 1260 makes it easy for any two Coloradans to plan for end-of-life decisions, inheritance, and medical emergencies—issues that are taken for granted by married couples. The laws permitting this are known as designated beneficiary agreements. Instead of complex legal documents and the hefty legal fees required to write them, all that’s needed to name one’s beneficiary is to simply fill out a form at the County Clerk’s office and pay a small fee, no lawyers or marriage certificate needed. This holds true for any two people, be they a same-sex couple, an unmarried straight couple, or even a senior citizen and a neighbor-turned-caretaker.

Governor Ritter is pictured here signing HB 1260 in early April. He’s flanked by several advocates for equality, including GLBT Center Legal Director Mindy Barton; former State Senator Jennifer Veiga and former ACLU lobbyist Pat Steadman (see page 4 for the story of Pat’s new job). This event was an important step forward for all Coloradans, particularly the GLBT community whose members are constitutionally prevented from marriage. Good work Colorado!

Overall, it was a mixed year at the Capitol. As with almost every other facet of life in this country, the struggling economy created an anxiety-filled forecast for 2009. As our lobbyist Pat Steadman warned us at the start of the session, when the budget is tight legislators often turn to civil liberties issues in search of headlines.

Continued on page 5...
Dear Friends,

2009 has been a year of transitions for the ACLU. Even the strongest institutions have not gone unscathed in this economic storm, and the impact is also being felt by the ACLU, both nationally and here in Colorado. Nevertheless, with the support of members like you, we are well-prepared to meet the challenge.

One of the most effective ways we have to reduce costs while maintaining effectiveness is by sharing resources and joining forces with other groups. We’re partnering with more organizations, schools and businesses than ever before. From student projects to corporate sponsorship, we’re finding ways to do our work as efficiently as possible.

Here are just a few of our current partnerships. We were one of only three non-profits to be selected as clients of the Graphic Design program at the Colorado Art Institute. As a result we now have a team of five design students creating an interactive web game based upon our high school Know Your Rights handbook, transforming our instructional scenarios into a virtual quiz game designed to teach teens about their constitutional rights in the classroom.

Glad to see the return of the Fourth of July Liberty Run? You can thank BKB Limited, our long-time race management company. Owner Creigh Kelley proposed an innovative partnership strategy to allow us to save the race, even in the face of this year’s tight budget.

Another regular partner, Denver Open Media, offers their TV studio to host and broadcast some of our Young Professionals events live on Denver’s Channel 57, giving our outreach efforts a much broader audience, as well as a permanent web archive. These are just a few of the institutions currently donating their services. If you know of an organization, school or business that might make a good ACLU partner, please let us know.

Another hallmark of efficiency is preventing civil liberty problems before they start. That’s why we do so much work with the legislature, killing bad bills before they become bad laws. Most of this year’s media attention focused on HB 1274, the bill to repeal the death penalty. Ultimately, the effort came up a single vote short, but even in defeat the campaign generated considerable drama and debate—publicity which will make the next attempt that much easier. No waiting is necessary to celebrate many other civil liberties victories, including advances in LGBT equality, and successful defenses of voting rights and the rights of immigrants. You can read about these and many more in our cover article.

Whether we’re at the legislature, in the courtroom, or visiting a school, we are always aware that we represent our members. The work we do is only possible because of your support, and thus we hold our efforts to the highest standards. In these pages you will see the results of your past generosity. Just imagine what we can do together as we move forward. Help us renew Colorado and our country today.

Cathryn,

Cathryn L. Hazouri
Executive Director
It’s Never Too Early To Teach Liberty

This April, the ACLU staff, along with Hogan and Hartson attorneys and ACLU volunteers, completed another year of the Cheltenham Elementary Civil Liberties Education Program. Visiting for twelve one-hour sessions over the course of the school year, the volunteers taught three classrooms of fifth grade students about the three branches of government, the Bill of Rights, the civil rights movement, and the voting process.

Many of Cheltenham’s students come from low-income or minority populations, making it that much more likely that some of them will face violations of their civil rights or civil liberties as they grow older. The students responded well to the variety of activities ranging from groups inventing and then voting on their own ballot initiatives, watching videos, reading the quirky House Mouse, Senate Mouse children’s books, and competing for cookies with other students in group quizzes. In the end, even the teachers (not to mention the volunteers) came away with some new knowledge about civil rights and how our government works.

Teacher Shelagh Switzer shared her thoughts on the program: “We love the partnership that we have developed with Hogan and Hartson and the ACLU! Many people view government studies as dry and boring, yet the lessons you teach are engaging, fun, and informative. The students like the interactions that they have with you so much, that they ask weekly if you are coming this Wednesday. As a teacher, I know that having positive adult role models is critical in the healthy development of the “whole child.” We teachers greatly appreciate the time, energy, and positive role modeling that the volunteers offer our kids. Thank you so much for your willingness to make a difference in a child’s life. You matter to us and our kids!”

Often during the course of the program the students became thoroughly engrossed in the topics, asking questions beyond the curriculum, showing a real interest in the subjects and surprising the volunteers with their own knowledge and perspectives. The volunteers and kids alike have a great time. Attorney Seaton Thedinger, who coordinates the Hogan & Hartson volunteers said, “The Bill of Rights program gives us the opportunity to get out of the office and give back to our community. Teaching the students about their individual rights and the fundamental principles on which our country was founded is a highly rewarding experience.”

Contact Alison May at amay@aclu-co.org if you would like to join us at Cheltenham for the 2009-2010 school year. Thank you to all the volunteers who were able to make this program possible, and we look forward to seeing you in the fall.

Congress Comes To Colorado

Saturday, October 17, Carle Whitehead Memorial Dinner & Silent Auction, 6:00 pm
City Center Marriott, Denver.
Join us for our annual gala dinner. This year we honor Representative Diana DeGette. Since her election in 1997, Rep. DeGette has been an unwavering supporter of civil rights and civil liberties. In addition to her long-time advocacy for women’s health and reproductive rights, she has tirelessly championed stem cell research.

The evening’s featured speaker will be Representative Tammy Baldwin, from Wisconsin’s 2nd District. Rep. Baldwin sits on House Judiciary Subcommittee for the Constitution, Civil Rights and Civil Liberties. As the first woman to represent Wisconsin in the House and the first non-incumbent, openly gay person to be elected to Congress, Rep. Baldwin has never let discrimination hold her back, whether in her own career or while fighting for the Employment Non-Discrimination Act, same-sex partner health benefits, or voting rights.

Interested in volunteering, attending or otherwise supporting the Whitehead dinner? Contact Tilman Adair, tadair@aclu-co.org or 303.777.5482 x109. To donate items for our Silent Auction, contact Caryn Osterman, costerman@aclu-co.org or 303.777.5482 x105.
Anyone Know a Good Lobbyist?

For the past five years, Pat Steadman has ably represented the ACLU of Colorado at the Capitol. He shepherded many of our biggest successes through the House and Senate while at the same time doing his best to ensure that the worst bills never made it out of committee. Privacy issues, reproductive rights, immigrant rights, LGBT rights, access to elections, free speech concerns, whatever the subject, Pat found sympathetic legislators to carry bills, convinced skeptical lawmakers to listen to our arguments, and even gamely tried to find common ground with our most knee-jerk opponents. Some landmark bills, such as the Employment Non-Discrimination Act (vetoed in 2005 and 2006), took years to finally become law. Others, such as legislation to repeal the death penalty, still haven’t succeeded. Pat worked tirelessly on them all.

He will continue to do so, just not as a lobbyist.

Upon hearing that

ACLURLZ?

Between fighting to repeal the death penalty, representing the wrongfully arrested and suiting on behalf of prisoners subjected to inexcusable abuse, we deal with pretty serious topics. Every once in a while, however, we come across a civil liberties issue that makes us smile.

It all started when dedicated vegan Kelly Lee-Coffman wanted to express her joy for soy by displaying ILVTOFU on her license plate. Despite her willingness to pay an extra $50, plus an additional annual fee, the Colorado DMV rejected her application. Officials denied the plate on the grounds that some less-than-vegetable-minded observers might read “I LV TO F-U”, which would violate the department’s propriety standard, which bans anything deemed to be “offensive to good taste and decency.”

Upon learning that anonymous DMV censors wielded ultimate power in determining the definition of “good taste,” we started to wonder, “What else had they banned?” Our first open records request produced a complete list of rejected plates. Most were obvious variations on George Carlin’s seven words you can’t say on television, though Colorado DMV censors had expanded that list to at least a couple dozen. Some, like “2MFENAD” were simply inscrutable (if that’s naughty, we’re not clever enough to it figure out).

The censorship made even less sense once we compared the banned plates to the list of nearly 50,000 approved plates. We may not be the most qualified experts on decency, but we still can’t figure out why “GEEK” was censored and “NERD” was allowed. Or why “NOCRAP” was in, but “CRAP” was out. “TOOSEXY” was banned, but “2SEXY” was just fine. “TOPLE55” – out, “TOPLESS” – in.

When word of our interest in vanity plates reached State Senator Greg Brophy, who represents the eastern plains, he did not share our concern over censorship. However, he suggested two plates that we’re quite sure the Colorado DMV would not permit: “ACLUSUX” and “FUACLU”. Executive Director Cathy Hazouri kindly replied that if Sen. Brophy would like to challenge the censorship of his preferred plates in court, we’d be glad to take his case! We’re still waiting for an answer. In the meantime, the exchange has been covered nationwide, including the Rachel Maddow Show and the LA Times.

But beyond the quips and editorials, at issue here is the government’s role in subjectively deciding what is and what is not allowed. In addition to the silly and arbitrary, there are some clear examples of political speech being banned, such as “BADUSA”. Vanity plates may only have a marginal role in our daily lives, but they are nonetheless a facet of public speech bound by the Constitution.

Find out more about this issue by going to our website and clicking on the license plate. You’ll find a list of banned plates, an explanation of the background, and our very own web game which will let you match your censorship skills against the DMV.
Continued from page 1…

Ultimately, though, the session was not as bad as we feared.

We came closer than ever this year to abolishing the death penalty in Colorado. Rep. Paul Weissman made another attempt to repeal the death penalty and use the savings to increase funding for the state’s “cold case” unit. It advanced farther than ever this time, passing by just one vote in the House, thanks to the leadership and courage of the San Luis Valley’s Representative Ed Vigil. The bill also survived a clumsy eleventh hour gutting that would have allowed legislators to avoid having to vote on this controversial issue. Eventually, the original bill was debated by the full Senate where it was defeated, again by a single vote. It was a genuine nail-biter, as many legislators refused to reveal their position until the final moment. And while the loss is disappointing, the tremendous media coverage will keep the debate alive.

SB 170 would have permitted students, regardless of immigration status, to qualify for in-state tuition if they had attended high school in Colorado. While several other states have already passed this bill, the Colorado Senate did not. Nevertheless, thanks for everyone’s hard work. Your emails and phone calls were heard, and we’ll be ready for next year.

Most concerning of all was the passage of SB 241. Anyone charged with a felony in Colorado will now have his or her DNA added to a database that until now only included records of convicted felons. This means that the presumption of innocence until proven guilty has been abandoned for a database of everyone the government considers to be a criminal, including those arrested for habitual traffic violations and check fraud. In its original form the bill proposed collecting DNA from anyone arrested for a crime, even if charges were never filed. The amendment requiring the DA to actually file charges before adding the sample to the database is an improvement, but the law still violates the Constitution. Thankfully, the bill included a delayed implementation, meaning we have until October of 2010 before law enforcement actually begins collecting DNA from the accused.

There is other good news, however. This year we helped kill the same cluster of anti-voting and anti-immigration bills we see every year, including bills requiring photo ID and proof of citizenship to vote, and photo ID to pick up a prescription. None of these ever made it out of its first committee. Senator Ted Harvey also failed to sneak through an amendment to HB 1163, which would have restricted children’s access to an overly broad definition of sexually explicit material. The amendment was Senator Harvey’s attempt to pass his pet legislation, which we beat soundly last year.

On the equality front, we saw the passage of two key GLBT bills: In addition to HB 1260, SB 88 will finally make domestic partners eligible for the health benefits of state employees. With its passage, Colorado becomes one the most GLBT-friendly states in the West, despite the “Definition of Marriage” amendment currently tarnishing the state constitution. We also saw small advances in juvenile justice, including HB 1321 which allows juveniles to contest being held in adult jail and HB 1122 which raises the age limit to qualify for our Youthful Offender System.

Thanks to everyone who responded to our Action Alerts and let their legislators know that civil liberties remains a priority in Colorado.

Senator Jennifer Veiga would resign her Senate District 31 seat at the end of the session, Pat decided to run for the vacancy committee election himself. His years of experience and knowledge apparently paid off, as he informed us the day after his victory that he would soon be Senator Steadman. Because of his personal commitment to these issues we know he will keep fighting for these ideals. We wish him the best, but we’ll certainly miss him as a direct advocate for the ACLU.

Mike Farrell

Last June, the ACLU and the Tattered Cover bookstore cosponsored Mike Farrell’s Denver leg of his 8,882-mile, twenty-five-city book tour promoting the publication of the paperback edition of his memoir, Just Call Me Mike: A Journey to Actor and Activist.

Farrell, actor (MASH, Providence), writer, author and activist is the president of Death Penalty Focus, one of the largest non-profit advocacy organizations in the nation dedicated to the abolition of capital punishment. He also has participated in numerous human rights and peace delegations around the world.

Against the backdrop of the American presidential race and his ongoing adventures with his (mostly) reliable companion Mule, a Prius sedan, Farrell’s new book, Of Mule and Man recounts his cross-country journey meeting individuals and groups eager to hear about his political and humanitarian work as well as his experiences as a Hollywood actor.
A strong supporter of the ACLU, his book talks about his visit to Colorado and also includes information about our mission and legislative activities, including the work to defeat last year’s SB 195: Death Penalty for Aggravated Sexual Assault on a Child.

We hope you will consider purchasing Farrell’s new book at your local Tattered Cover book store. Their free Give Back Program will donate 1% of your purchase to the ACLU!

Know Your Rights

Beginning in January of 2009, Victoria Kelley and I (Judd Larson) interned for the ACLU of Colorado as part of a program with the University of Colorado at Boulder for political science majors. During our time with the ACLU, we attended and helped organize various events ranging from teaching elementary students about civil liberties to working with the legislative committee on tracking bills in the legislature. One of the most educational and exciting events we attended was the Know Your Rights Training at the University of Colorado Boulder.

The Know Your Rights training is hosted by the CU Boulder Law School Chapter and Undergraduate Club, with additional ACLU volunteers and cooperating respected attorneys from the greater Denver area. Its purpose is to educate CU students and the general public in regards to their rights during police encounters. The training explores several realistic situations that consistently arise between college students and police enforcement. The scenarios demonstrate the limitations of police officers’ authority and teach students (and the general public) how to exercise their constitutional rights. To view the Know Your Rights Training, please visit www.aclu-co.org/kyr.

The Know Your Rights Training has yielded real results for members that participated in the event. One student told the story of answering her door during a party one evening to find police outside. They informed her they had received a noise complaint and asked to enter the house. She promised to turn down the music, but declined to let the police search her house without any reason beyond a noise complaint. She was well within her rights to do so, but the simple act of telling a police officer “No” is not easy, particularly for a young college student. The officers relented, thanked her for turning down the music and left.

Another Know Your Rights attendee wrote to the ACLU of Colorado regarding an experience he had during a traffic stop by a Boulder County Sheriff. After pulling him over for a broken taillight, the officers claimed that they smelled alcohol and

Worthy of handcuffs?

On the eve of the presidential election, Michelle Obama made one of her final campaign stops at Littleton’s Dakota Ridge High School. Junior Blake Benson was one of a trio of students who decided to “stay and campaign” for John McCain by wearing a “NObama” t-shirt and holding a McCain sign. School officials asked them to leave when Benson politely responded that he would like to stay because they had a right to be at the rally to protest. Upon hearing his refusal, Jefferson County Sheriffs arrested Benson and his two friends and took the boys in handcuffs to the school administrator’s office where they were held against their will.

The students were issued a “Promise to Appear” citation for “interference with staff of an educational facility” and suspended from school for one day. ACLU cooperating attorney Dan Recht, of Recht & Kornfeld, P.C., represented Benson. After brief discussion with the Jefferson County Sheriff’s office, all of the criminal charges against Benson and his friends were dropped, and the Sheriff’s office stated that “the matter has been totally closed.” The school district also revoked its suspension of the students. As Recht explains, “there is no more classically protected speech than peacefully protesting against one candidate and for another. What Blake Benson was doing is as American as apple pie.”
Farewell to Frinkman…

As part of the ACLU’s perpetual search for ways to do more with less, Colorado College’s Public Interest Fellowship Program has been an invaluable resource. Every year we accept one Year-Long and one Summer Fellowship. They help staff with projects from creating the Legislative Scorecard to organizing and hosting events. Then, despite our best efforts to convince them to stay forever in Denver working for peanuts, they inevitably leave for law school.

In this way, Lauren Frinkman is no different from past fellows—she will attend UCLA Law in the fall. In all other aspects, however, she is a standout. Her smarts, initiative and creativity soon led staff members to delegate tasks and full projects not usually managed by interns. Whether she was improving the website, talking to a distraught person requesting legal help, or writing a last-minute Action Alert, Lauren handled all challenges with equal parts enthusiasm and practicality. And although we’ll sorely miss her efforts in the office, we look forward to the days when we’ll be able to call on her not as an intern, but rather a Cooperating Attorney. Good luck, Lauren.

Another sad note to Lauren’s departure: she will be the ACLU’s last Year-Long Fellow. Budgetary concerns have forced us to eliminate the position, leaving us with only the Summer Fellow.
The Liberty Run Is Back!

DNC preparations forced us to sideline the Liberty Run last summer, but this year we’re once again ready to Lace ‘em up for liberty. Our seventh annual (OK, almost annual) race will take place as usual on Saturday, July 4th, in Denver’s Washington Park. Join hundreds of runners, walkers and their families to celebrate our nation’s freedoms and support the ACLU’s efforts to protect our collective rights. Even the littlest tykes can participate in the Lil’ Liberty Kids Dash before the start of the race. Bring the strollers, bring your dogs; everybody is welcome.

We’re also excited to announce that the Liberty Run will be the nation’s first “cupless” race. Registration includes the new Hydrapouch, which allows runners to stay hydrated without the mess and waste of grabbing, gulping, spilling and tossing thousands of paper cups. Even better, it’s reusable, and the Hydrapouch system is popping up at races in Colorado and across the nation.

Sign up for the 4-mile run or the 1K walk at www.libertyrun.net. Want a free t-shirt? We’re also looking for volunteers to help with race-day activities. Contact Alison May at amay@aclu-co.org, or 303.777.5482 x117.