

1 ACT A DAY BACKGROUND and Intro

Founding principles:

We care about the world, and we want to change systems that are failing, unsustainable, and inhumane. We do volunteer work and community activities that have addressed the following issues: food sustainability, zero waste, and homelessness. We hope to bring people together to learn about multiple issues and how they interconnect. Check out our website 1actaday.org for information on our past activities and to stay connected for future events.

INTRO TO SPEAKER, ACLU BACKGROUND and the topics covered

Our presenter for the evening is **Nathan Woodliff-Stanley**. Nathan became Executive Director of the ACLU of Colorado in October, 2012. He is an ordained Unitarian Universalist minister who served for eight years in social justice ministry at Jefferson Unitarian Church in Golden, CO before joining the ACLU. He was a Board member of the Interfaith Alliance of Colorado, and chair of its Public Policy Commission for 9 years. Before moving to Colorado in 2002, Nathan served for 10 years as the founding Executive Director of the Mississippi Center for Nonprofits in Jackson, MS, a statewide association providing management support for charitable organizations. He has served on more than a dozen nonprofit boards over the past thirty years. Originally from Iowa, Nathan earned a BA from Swarthmore College and Master's degrees from Yale Divinity School and the Yale School of Management. He has lived in the Northeast Denver area for the past 14 years with his wife Ruth, an Episcopal Priest, and their two sons, soon to both be adults.

THE ACLU

- Started nationally in 1920 for free speech rights for labor protestors and pacifists. The mission is to defend the Constitution and the Bill of Rights. To make sure that the words of both are REAL for everyone. It brought the first free speech cases to the Supreme Court.
- Went on to address separation of church and state
- Has been increasingly focused on Criminal justice and Due process
- Very focused on legal action initially but now broadened into legislative and policy work, education and citizen mobilization

Tonight's focus: Keeping Civil Liberties Alive & Well in a Trump Era. What issues are particularly heightened because of the change in administration?

- Right to protest—possibility of crackdown on protestors/ dissenters
- Voting rights—protecting the rights we already have in Colorado and staying alert for attempts to suppress voters.
- Threat of mass deportations
- Possibility of a registry for Muslims, reinstating torture/ stop and frisk
- Women's right to choose

- Immigration-- threats of mass deportations
- Media suppression and suppression of freedom of expression—very dangerous. Crackdown woman's march on DC?

What do we need to be ready for?

- We don't really know what Trump will do. We must be alert. Some threats are immediate, and some will unfold over time.
- Once he takes office there will be an onslaught of attacks on our liberties and we need to be ready.
- The worst censorship is self-censorship. We cannot let ourselves be silenced. We must function without fear.
- There are a variety of actions we need to take:
 - Use the courts and legal system to fight back as much as possible
 - The courts are probably as good right now as they will be for a longtime. The system will worsen. At the federal level, the ACLU will most likely engage in more defensive efforts but at the state level we may have more constructive opportunities. If legal actions will be taken the sooner the better.
 - Use state courts to defend civil liberties as much as possible. We can win and make progress at the state level.

VOTING RIGHTS

Question: There have been strong concerns around the **Electoral College** and how it functions. In terms of this election, is it a worthy attempt to ask Electoral College to change their vote away from Trump even if he won their state?

- ACLU has opposed the Electoral College for decades.
- No doubt the intent of the founders was to have people that would give reasonable careful thought for the candidates and specifically to avoid someone like Trump getting elected. If there was ever a time to call upon electors to exercise the power the constitution gave them, this is it.
- Electoral College distorts the voting process because the power of a voter in Wyoming has much more than a voter in California.
- ACLU isn't leading the effort to ask Electors to change their vote, but there is no reason not to if you want to try. We're facing the least qualified president in US history, so this is a worthwhile effort.
- Most electors support the candidate who won in their state. Electors can change their vote, but the laws vary—in some states (Colorado included) Electors incur minor penalties for doing so.
- In order to change the College, it would need to be done via Constitutional Amendment which is highly unlikely in the current polarized political environment. There has been an attempt to get around that with the National Popular Vote Compact, which would guarantee the Presidency to the candidate who receives the most popular votes nationally. The ACLU supports this effort. Enough states need to sign on before it can go into effect, otherwise it could skew results even more than has already happened. See more here: <http://www.nationalpopularvote.com/>

Question: What are we seeing in terms of **Voter Suppression**? Has the state of Colorado done anything to make voting more accessible?

- Colorado has some of the better voter laws in the country, although it's not perfect. The three key elements of Colorado's progressive voting laws are: 1) Everyone gets a mail ballot; 2) Ability to register to vote up and until election day; and 3) Early voting.
- However, incarcerated felons and those on parole are not allowed to vote in Colorado. In the US, 6 million people cannot vote because of felonies--In some states including Florida, you lose the ability to vote for life! Oddly, if you have a felony on your record, you can be elected president but you cannot vote.
- There is a connection between mass incarceration with extreme racial bias and voter suppression (see The New Jim Crow).
- The ACLU believes that if you are a US citizen, you should retain the right to vote no matter what.
- Voting fraud is a total myth that continues to uphold voter suppression. According to a Washington Post article, there have only been 4 documented cases of voter fraud in this most recent election (and they may have all voted for Trump). Voter fraud is almost non-existent and never sways an election. On the other hand, Voter ID laws and other attempts to suppress the

vote can knock out as much as 10% of the voting population and certainly can sway election results.

- In Texas, there was a 92 year old woman who had voted her entire life. With the new Voter ID laws in that state, she was disqualified because she no longer had a copy of her birth certificate. <http://www.dallasnews.com/news/watchdog/2014/05/31/texas-law-makes-it-hard-for-some-bedrock-citizens-to-get-voter-ids>
- In CO, there has been a record of attempts to intimidate Latino people that the ACLU opposed.
- We need to protect against voter suppression efforts and we need to keep working on this. With the leaders we will have in place now there will be continued and massive attempts to suppress the vote. The ACLU is watching this and will alert you.
- We want to expand voter accessibility. Connect with the ACLU and other partner organizations on this topic:
 - Mi Familia Vota
<http://www.mifamiliavota.org/>
 - Common Cause
<http://www.commoncause.org/?referrer=https://www.google.com/>

IMMIGRATION

Question: Based on the campaign, Immigration will be a significant issue in the new administration. What can we do at state and local level to stop or slow down an increase in deportations?

We don't know exactly how it will play out—these are the discussions that occurred during the campaign:

- Border wall with Mexico—or stepped up border enforcement
- Deporting all undocumented people (10+M)
- -or- Deporting anyone with a criminal record. He claims 2-3M criminals but there is no basis for these numbers.
- Clearly there will be an effort to step up deportations but who will be targeted is not clear.
- DACA program that president Obama put in place—this will put the Dreamers at risk—those that have been brought here as young children and that this is their home.
- Separation of families with children who were born here and are citizens and the parents may get deported.

How can we help?

- Calling Colorado Civil Liberties Safe, declaring Colorado a Safe Zone. We must work on this at the city, county, and state levels to be a place of Sanctuary (states, cities, churches and schools that don't want to cooperate with deportation).
- There are no official definitions of what a Sanctuary is. There are different levels of non-cooperation. Here are some examples:
 - We won't cooperate except as required by law vs we won't cooperate period.
 - Use of local law enforcement to function as federal immigration agents. Currently a violation of state law in CO—this could be conflict between state and federal policy. Denver and Aurora already have put out statements that they won't cooperate.
 - When Trump threatens Sanctuary Cities with defunding it seems that it means any city that doesn't go along with what he wants to do—we don't know yet what will happen.
- There will be pressure to co-op local law enforcement to do the work of federal immigration agents. Local law enforcement should not have to do this, ACLU will make efforts to block this kind of move.
- Illegal immigration is not a criminal offense, it is a civil offense.
- Know Your Rights Training-- a lot of citizens, not just the immigrant community, are unaware of their rights when confronted by police. The ACLU offers KYR trainings in various places and among various groups (Protestors, Students, Reproductive Rights, the Homeless, etc). Request from the ACLU and you can volunteer to offer those trainings. There have been many for immigration with 180-200 people attending. There are also volunteer positions to learn to lead the trainings—especially in the schools, teaching young kids about their rights.
<https://www.aclu.org/know-your-rights>
- Home Sanctuaries- if enough people do it, it could be significant. Nathan mentioned a community in France (Le Chambon-sur-Lignon) that during WW2 sheltered over 3,000 Jews. They set up a system of songs that communicated that those in danger had to get into shelter—

this saved thousands of lives. What would lead our communities to coordinate that kind of effort to protect immigrants?

- Get legal representation – get attorneys to volunteer to defend these people.
- Resources for becoming a Sanctuary? (Nathan said he could look into resources to provide.)

SCAPEGOATING AND OTHER

Question: How could so many people have voted for such an unqualified candidate? If you look back in history, when people are suffering and disenfranchised, they often look for an outside reason to pin that on. So when a leader gets up and says “Make America great again” and pretty much indicates that he’ll take care of them, they will buy the narrative and accept the scapegoat that it’s the immigrants that are taking their jobs and so on rather than realizing that the whole system is to blame. How can we reach those people?

- There is a lot to unpack with this. Muslim and Jewish communities are very fearful right now. It has actually sparked more dialogue between Jews and Muslims because they both feel so threatened.
- We don’t know if a ban on Muslims entering the country, or a Registry, will happen. If the Registry is enacted, it would be challenged in the courts as blatantly unconstitutional. We can all sign the Registry in solidarity--this is the kind of creative thinking/ action we must take.
- We need to be careful to protect threatened groups—there may be targeted surveillance/ privacy issues for these groups. It’s concerning to imagine the power of the NSA being put into Trump’s hands.
- We must be careful to protect free speech even in the light of this. We must make very clear that rights apply to *everyone*, not just some people.
- We must work at the systemic level—with our laws, systems, etc.
- We must also work at the personal level—understanding that racism is pervasive and in all of us. Learn about implicit racism, how it affects us all. This is especially important for those in power, particularly law enforcement.
- Connect with partner organizations who work on developing that kind of understanding with people who are suffering:
 - SO Poverty law center and ADL
 - Interfaith groups
 - Groups focused on the idea of dialogue: Public conversations project
- This a slow and difficult process.

WOMEN'S RIGHTS

Question: What are the threats to Women's rights?

- Access to abortion must remain a civil liberty for all Colorado women. This is starting to slip in other states—Ohio just signed a ban on abortions at 20 weeks+.
- There is a prospect that Roe V Wade could be overturned—this depends on what occurs within the Supreme Court. The courts will get worse, we must protect ourselves at the State level even as we work at the Federal level.
- Access to contraception and coverage of contraception in Affordable Care Act.
- Potential defunding of Planned Parenthood.
- In CO—personhood amendment keeps coming back.
- Colorado as a Safe Zone becomes important in this issue as well.

Question: How can we help?

- Being connected with the groups NARAL, COLOR, Planned Parenthood and others.
- Staying aware and informed--follow issues and stay engaged.
- Advocate for laws at state and local level that protect women's rights.
- Contact members of Congress if there are hearings for a Supreme Court rep. that would really be unfavorable to women's issues.
- Freedom Fund in CO—pays for abortions for low income women that can't afford them.

ACTIVISM

Question: What makes activism effective or not effective?

Question: Does signing online petitions help?

- This is a way of showing broad support for something. It shows a lot of people support an issue, and that they are paying attention. This works well at the local level.
- Example: Aurora city council wanted to pass an ordinance that cities had to provide public defenders in municipal courts. Aurora would have put these under the control of the same people who control the prosecutors. There was a big public outcry and the city council changed their minds.
- If Aurora had done that it would have been copied by other cities in the state

Question: Does showing up at a protest help?

- Protests have a role to play—the big protests in the civil rights era had a huge impact. We wouldn't have the voting rights act without those.
- Stepping out physically can make a difference.
- Most effective when they are advocating for actual results and reinforcing other actions
- Example: Debtors Prison law—had legal action, public protests and media coverage at the same time to get that to succeed.
- Get in where you fit in—there is a place for everybody.
- Protest is one of the key American freedoms and rights that I hope we don't lose sight of.

Question: Does showing up at a meeting help? How do you find out about all the meetings?

- The smaller the body, the more amenable to that kind of pressure they will be.
- Pack the meetings to show community support (this is happening with the fracking issue here in Boulder County).
- ACLU is trying to identify people that are willing to go routinely to these meetings and watches and lets them know what's happening—might be able to catch things they don't know about. Stuff at the local level can be really under the radar.

Question: Does calling an elected official help?

- Action Alerts—these pressure legislators to vote a certain way.
- (Specific example—Mike Foote, Colorado State Legislator from Boulder is on the House Judiciary committee and is a very conservative democrat so you never know how he is going to vote.)

Question: What kind of volunteers does the ACLU need?

- There are many opportunities. The ACLU has been overwhelmed with volunteers since the election—they went from 20 to 600 volunteers! They are in the midst of improving their Volunteer systems.
- There will be a New Volunteer meeting soon in Boulder.
- Look at the ACLU National website, follow on social media sites, sign up for Action Alerts
- Volunteer with other organizations that are targeting issues you care about.

PRIVACY

Question: A couple of months ago the ACLU sponsored a movie called “Snowden”—that movie was enlightening because it showed just how much of our communications and locations are monitored. What is the ACLUs stance on surveillance and Invasion of privacy?

- The ACLU loves privacy. It strongly dislikes government surveillance. The typical response to government surveillance is, “well if you’re not doing anything wrong, what’s the problem.” That turns founding principles on its head. It always was the government that was to be transparent and now the people are transparent to the government instead and that’s wrong. The 4th Amendment protection of privacy is for both the innocent and the guilty. If there is a basis to surveil someone, get a warrant. Pure and simple. Free speech is also implicated in government surveillance. If the government knew how many times you went to the mosque, attended suicide prevention programs, went BLM protest marches or the rape crisis center, you may do that less and that means the government has quelled your free speech activities.

CRIMINAL JUSTICE

What are the ACLU's current priorities when it comes to Criminal justice?:

- A primary ACLU concern is “mass incarceration”
- Too many people in jails—getting away from addiction to jails and prisons. Jails and prisons have put away more men of color than anyone else. And once they are out of prison, they cannot find jobs or housing.

Criminalization of Homelessness

- Denver is a hotbed for infringing on the rights of the Homeless. The confiscation of property by law enforcement is most concerning.
- Recently there was a video of Denver police taking blankets away from homeless people in the cold. It spread widely, and in conjunction with a lot of people protesting to city council, ACLU wrote letter and the city directed law enforcement to stop that practice.
- ACLU continues to look at how to overturn the camping ban, which makes it illegal to sleep outside with anything covering your body.
- Denver has a Park Banishment ordinance with no due process—an officer can banish someone from all city parks just for suspicion that there may be drug activity.
- The ACLU was successful in passing a Debtors Prison Bill which made it illegal to incarcerate someone for being unable to pay city fines.
- A lot of the reform necessary in the criminal justice system affect the homeless.

How can this be helped?

- Decriminalizing smaller offences (open containers, sleeping in public, failure to appear...) – the James Fisher story: <https://www.youtube.com/watch?v=GiDDDXWoFs>

How can we help?

- Volunteering to help at-risk kids—teach how to read, give them support
Colorado Youth at Risk <http://coyar.org/>
Attention Homes <http://www.attentionhomes.org/>
- Reentry Project (<https://csgjusticecenter.org/reentry/the-reentry-and-employment-project/>)
[Uniting](#) business leaders, policymakers, and practitioners from the corrections and workforce development fields with the goal of improving reentry and employment outcomes for individuals with criminal histories
- Book: “The New Jim Crow” by Michelle Alexander