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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Lindsay Schlageter
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Chapter Chairs
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Legal Intake
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Ruth Steiner
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INTERNS

Allison Ortega
Stuart Hayden
Yuchen Zhao

Legal Interns
Caitlin Cater
Kelsey Feldkamp

Sean Mann-O’Halloran
Tracy Ostlie

Jeremy Pollock
Sushma Raju

CONTENTS

15] DONORS & FOUNDATIONS
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 detainers 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
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.

ACLU Clients Dave Mullins and Char- lie 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. Master- piece 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 repre- sented 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

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.
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.
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.

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.
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 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.

**PROFILE:**

**CLAUDIA VALDEZ**

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**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.
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:

**ACLU AT THE CAPITOL**

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.

**HISTORIC BAN ON SOLITARY CONFINEMENT**

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

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.
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.
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.

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.

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.

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.
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 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.

**HER DECADES AT THE ACLU PROVIDED HER FRIENDSHIP, PURPOSE, AND THE GOOD FIGHT!**
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 Marade. 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.
OPERATING INCOME & EXPENSES

ACLU FOUNDATION OF COLORADO

Support and Revenue

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Expenses

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ACLU OF COLORADO

Support and Revenue

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Expenses

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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.

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.

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

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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DONORS & FOUNDATIONS

- **$100,000-$249,000**
  - Gordon J. and Grace Gamm

- **$50,000-$99,999**
  - Proteus Action League
  - Vital Projects Fund

- **$25,000-$49,999**
  - Anonymous
  - Richard and Mary Lyn Ballantine
  - Jim and Connie Calaway
  - Bruce and Martha Sattler
  - William B. Wiener, Jr. Foundation

- **$10,000-$24,999**
  - Marco Abarca
  - Anonymous (2)
  - Robert L. Connelly, Jr.
  - Gay & Lesbian Fund for Colorado
  - John M. Horner
  - Killmer, Lane & Newman, LLP
  - The Estate of Marianne Kluever
  - Louise Pearson and Grant Couch
  - Richard E. Rudolph Family Foundation

- **$5,000-$9,999**
  - Ellen Anderman and Jim Donaldson
  - Anonymous
  - Philip Archer
  - Pat Blumenthal and Ron Lafortette
  - Community Shares of Colorado
  - Hugh Q. and Jeanne Gottschalk
  - Kaelen Gueymard
  - Nesa Hassanein
  - Heizer Paul, LLP
  - Lederer Foundation
  - Alfred Metzger and Esther Beynon
  - Tricia Nichols
  - Daniel N. Recht, Attorney, Recht Kornfeld, PC
  - Susan Stark
  - Wheeler Trigg O’Donnell, LLP
  - Stuart and Ellen Witkin

- **$1,000-$4,999**
  - Elizabeth and Evan Anderman
  - Jonathan Anderson
  - Steve and Connirae Andreas
  - Anonymous [9]
  - Arc Thrift Stores
  - Baker & Hostetler
  - The Bamboo Fund
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  - Amy Batchelor and Brad Feld
  - Tony Bates
  - Al Becker and Pat Moore
  - Bruce Berger
  - Christopher and Margot Brauchli
  - Brett Family Foundation
  - Norman Broad and Carol Salomon
  - Brownstein Hyatt Farber Schreck
  - Eileen Byrne
  - Brian Cairns
  - Heather Campbell
  - Ken and Lois Carpenter
  - Douglas Carroll and Jane Twigg
  - Rebecca Chersin
  - Civil Rights Education and Enforcement Center (CREEC)
  - Colorado Bar Association
  - John and Jo Ann Congdon
  - Crane Tejada
  - Nancy Crow and Mark Skrotchki
  - Mike and Talli Delaney
  - Shauna Dennie
  - The Denver Foundation
  - Matthew Dew
  - Angela Donnelly
  - Loyal and Bernice Durand
  - Eric Eastman
  - Elkind Alterman Harston PC
  - Greg Eurich and Kathryn Miller
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  - Mika and Tom Farer
  - Kate and Herb Feinzig
  - Pam Ferman
  - William Fornia
  - Barbara Frank
  - Richard Frankfurt
  - Daniel Friedman
  - Virginia Gaige and Frank Louvado
  - Margery Goldman
  - Lynda Goldstein
  - Bryan Gordon
  - Anthony Gottlieb and Katherine Dealy
  - Glen Graber
  - Haddon, Morgan & Foreman, PC
  - The Estate of Dorothy Haegle
  - Donald Hagengruber and Antoinette Macaluso
  - Mary Hoagland
  - James and Marcia Hofmeister
  - Dickey Lee Hullinghorst
  - Sami Ibrahim
  - Daniel Isaman
  - Paul and Sandy Jeffery
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  - Irene Ludwig and Gerry Forney
  - Jan and David MacKenzie
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  - Stephen Meswarb
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  - Bill and Sue* Mohrman
  - George Montanye
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  - Anne Murdough and J B Holston
  - Beth Murdough
  - Jan Myers
  - Mari Newman and Elizabeth Trinitapoli
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  - Kevin Paul and Melanie Lunsford
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  - Carl Wieman and Sarah Gilbert
  - Dan Williams and Mary Faltynski
  - Mary and Edwin Wolff
  - Nathan and Ruth Woodliff-Stanley
  - Michael Yokell
  - Stanley Yokell
  - Gwen and Randy Young

*Deceased

Listings are for Jan. 1, 2013 to Dec. 31, 2013. We apologize if any errors were made. Please contact us at 720-402-3105 or rpryor-lease@aclu-co.org with any corrections or if you would like your name listed differently in the future. We would also like to thank the thousands of members and donors who have given gifts below $1,000. Space prevents us from listings all of your names. We couldn’t do our work without you.
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