



**AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF COLORADO**

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**NEWS RELEASE**

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**ACLU of Colorado files class action lawsuit  
challenging Denver police spyfiles on peaceful protest activities**

The American Civil Liberties Union Foundation of Colorado (ACLU) filed a class action lawsuit today challenging the Denver Police Department's practice of monitoring and recording the peaceful protest activities of Denver-area residents, keeping files on the expressive activities of law-abiding advocacy organizations, and sharing those files with third parties.

The suit also charges that Denver police have falsely labeled the ACLU's clients as "criminal extremist," including the American Friends Service Committee, an 85-year-old pacifist Quaker group that has won the Nobel Peace Prize for its advocacy of nonviolent social change; and Sister Antonia Anthony, a 73-year-old Franciscan nun whose opinions and lawful protest activity are documented in police files.

Additional plaintiffs are End the Politics of Cruelty, a Denver-based human rights organization that has focused on issues of police accountability; the Chiapas Coalition, which conducts education and advocacy activities supporting the struggle of indigenous persons in the Mexican state of Chiapas; and Stephen and Vicki Nash, whose participation in peaceful protest activities is also the subject of police files.



The ACLU first revealed the political spying at a news conference March 11, when it disclosed several pages from the Denver police "Spy Files" and called on Denver Mayor Wellington E. Webb to put a stop to the practice, to make a full public accounting, and to permit individuals to review their files.

Two days later, Mayor Webb said that Denver police had gone too far, compiling "intelligence files" on 3200 individuals and 208 organizations, many of which posed no threat. He further stated that Denver police had strayed from the City's written policy, which prohibits keeping files on First Amendment activities unless the information is directly related to criminal activity and there is reasonable suspicion that the individual is involved in that criminal activity.

"Mayor Webb deserves credit for acknowledging that the Denver police Spy Files pose a threat to First Amendment rights," said Mark Silverstein, ACLU Legal Director. "But so far the City has not agreed that individuals will be able to review their files, and it has shown no interest in holding the police department accountable for this blatant and systematic violation of the clearly-written City policy."

Excerpts from the Spy Files attached to the ACLU lawsuit show that the Denver police have recorded the following kinds of information about specific individuals:

- membership in specific advocacy organizations labeled as "criminal extremist," such as the American Friends Service Committee, End The Politics of Cruelty, and the Chiapas Coalition;
- organizing and speaking at events sponsored by Amnesty International;
- attendance in 2000 at demonstrations sponsored by the Justice for Mena Committee, which sought to hold Denver police accountable for the killing of Ismael Mena in a botched no-knock raid in 1999;

- participation in protests against the International Monetary Fund and the World Bank in Washington, D.C.;
- the purported opinion of plaintiff Sister Antonia that "global financial policies are responsible for the uprisings in Chiapas, Mexico";
- being "seen" at a demonstration in 2000 protesting the celebration of Columbus Day;
- license numbers and descriptions of vehicles used by individuals identified as participants in peaceful protest activities;
- home addresses and personal descriptions of individuals engaged in lawful expressive activity;
- the address of a private residence that an individual reportedly "frequents";

"There is no legitimate reason to keep these kinds of files on the peaceful expression of political views and opinions," said Lino Lipinsky, of McKenna & Cuneo, who filed the lawsuit as an ACLU cooperating attorney. "Denver residents should feel free to join a peaceful protest without fear that their names will wind up in police files."

"By monitoring peaceful expressive activity in this manner and by falsely branding law-abiding organizations as criminals and extremists," Silverstein added, "the police will make Denver residents afraid to express their views and afraid to participate fully in our democracy."

According to the lawsuit, the plaintiffs represent a class of as many as 3200 individuals and 208 organizations who have been targeted because of their peaceful expressive activities. At the present time, Lipinsky said, the lawsuit asks for injunctive relief rather than monetary damages. The ACLU seeks an enforceable order prohibiting the Denver police department from collecting, maintaining, and disseminating information on peaceful protest activities. It will also

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ask the court to order that the police records be expunged, after first permitting targets of the police surveillance to review their files. Finally, the ACLU will ask the court to order Denver to cooperate in tracking down whatever copies of the files have been sent to other law enforcement agencies and other third parties.

The lawsuit, American Friends Service Committee v. City and County of Denver, was filed in Denver District Court.

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The ACLU is a nationwide, non-profit, non-partisan organization dedicated to defending and preserving the principles of the Bill of Rights through litigation, advocacy and public education. The ACLU Foundation of Colorado works to protect the rights of all Coloradans.