

THE TORCH

CAN WE STILL BE FREE?

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New Mexico

BEYOND THE CONCRETE BOX: HUMAN STORIES FROM SOLITARY

By Lalita Moskowitz, Managing Attorney

Note: This article is the first of a series that will appear on our website based on interviews with Mah-konce Hudson, GuJuan Fusilier, and O'Shay Toney, who are currently held in the Penitentiary of New Mexico. They are part of a class action lawsuit challenging the inhumane and unconstitutional conditions of New Mexico's long-term solitary confinement unit. Lalita's full interviews with each man will be published weekly on our website. Keep an eye on our social media for additional content.

ates more people per capita than the national average and in some of the worst conditions. Santa Fe's long-term solitary confinement unit is deliberately designed to strip every bit of humanity from the people confined there and to break even the strongest of spirits—all happening far out of the public eye. Men in the unit are locked in sunless concrete boxes approximately the size of a parking space for 23 to 24 hours a day with no meaningful human contact for months and often years on end. Many subjected to this torture have succumbed to hopelessness and despair; my heart breaks for them and for their families.

Yet, life has a way of surviving even in the harshest conditions; with just a little water and sunlight, plants crack hard concrete walls and flower in desolate places. Similarly, even after years locked alone in cold, sunless concrete cages, some brave men in solitary confinement have held onto little seeds of hope, and through their ongoing trauma, are fighting to change the conditions in which they find themselves.

Men like Mah-konce Hudson, GuJuan Fusilier, and O'Shay Toney believed they had been discarded and abandoned by the world and left to rot away in quiet agony, with their stories and voices unheard. When we reached out to them, they were shocked that anyone cared about their lives, let alone wanted to ease their suffering. But the prospect of being heard and seen was enough to make their seeds of hope, tucked away in a hopeless place, begin to sprout.

Like 95% of people who are incarcerated, Mah-konce, GuJuan, and O'Shay will return home to their communities. Despite this fact, New Mexico's prison system has seemingly branded them as irredeemable, heedless of their pleas for the support they need to change and become better for themselves and for their families. Instead, each day, month, and year spent in solitary makes it more difficult for them to outgrow their pasts and to break destructive patterns in their lives.

These men are just people with families, talents and dreams. GuJuan's eyes light up when he talks about his mom, who calls him her "baby" and wants to do TikTok dances with him when he returns home. O'Shay was a basketball prodigy before a juvenile mistake changed his path forever. Recently, he won an award from Arizona State University for his poetry. Outside of prison, Mah-konce plays four instruments. He is writing a book about repentance and transformation.

It is their hearts that moved these three men to serve as the faces of a difficult lawsuit, which if successful, will ultimately only benefit those who

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FROM THE DESK OF EXECUTIVE DIRECTOR LEON HOWARD

First, I want to extend my deepest gratitude to the ACLU-NM community, partners, and supporters for the overwhelming welcome I’ve received since stepping into this role in June. It has been genuinely touching to feel so many of you rooting for me and our organization, especially at a time when our rights and liberties are under relentless attack.

Since I began, we’ve hit the ground running. In federal court, we secured two emergency temporary restraining orders targeting the Trump-era policies that continue to threaten human and civil rights. The first prevented the transport of our clients to Guantánamo Bay, and the second compelled the administration to restore student visa status for our Ghanaian client at New Mexico Tech.

While we are pushing back against harmful federal policies, here in New Mexico, we are working to ensure our state remains a stronghold for civil rights. We are advancing a major legal effort through a class-action lawsuit to end the long-term use of solitary confinement in state prisons, a practice that inflicts lasting harm and is often disproportionately used against people of color.

Mass deportation efforts and attempts to control New Mexicans’ bodies and health care rely on surveillance and restricting access to vital online information. Alongside our partners, we are leading a statewide push to secure robust privacy protections, preventing federal authorities from using New Mexico as a pawn to prosecute people who come here for reproductive or gender-affirming health care. These

safeguards also protect immigrant communities and over-policed communities of color. New Mexicans should be able to access information, find an immigration attorney, attend a protest, or make a doctor’s appointment without fear that their personal data or search history will be weaponized against them.

We’re also leaning into New Mexico’s powerful history. We recently launched the Blackdom, NM Lecture Series as a part of our Black Donor Network, celebrating Black migration stories and resilience tied to the historic Blackdom community. This initiative is part of our broader commitment to uplift voices that have often been erased from our state’s history, recognizing that celebrating stories of Black resilience and community-building strengthens our current efforts to protect marginalized communities.

All these efforts—national impact, statewide protection, and cultural celebration are part of a unified strategy to strengthen our freedoms on every front. Despite the urgency and complexity of the times, I am deeply confident in our collective power and vision.

Thank you for being a part of this journey. None of this work would be possible without your support, dedication, and courage. I’m honored to carry on the legacy of those who came before us, and I am inspired by what we will accomplish together.

In solidarity,

SOLITARY

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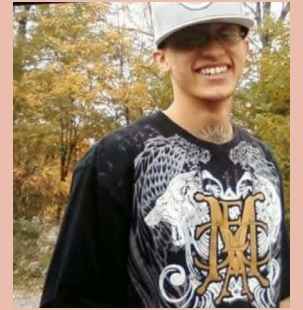
come after them.

To build a more just society, all people must have the chance to change, grow, and evolve. Inflicting more violence on those who have done harm does not advance redemption and accountability—compounding violence through the torture of solitary confinement makes no one safer. Instead, people who have made terrible mistakes must be allowed to truly atone for them and be given the tools and support they need to become active and involved members of their communities, as O’Shay, GuJuan, and Mah-konce hope to do.

O’SHEY TONEY

“I haven’t even hugged my family in many years. A lot of us have that same story. One of the things the fellas struggle with most is it’s so hard to maintain family ties.”

Photo: O’Shay Toney



MAH-KONCE HUDSON

“I couldn’t relate to anyone. I got a job but couldn’t interact with anyone. People would come around, they would have birthdays, but I couldn’t be around anyone. I couldn’t show emotion. How do you explain how sitting in a room doing nothing can be so traumatic, have so much negative impact, and ruin your life? It can destroy your brain and affect your heart.”

Photo: Mah-konce Hudson with his dad



GUJUAN FUSILIER

“It’s the same cycle, but it’s worse up here – nothing to do, no contact, no outlet. Give us something to do, something to care about. If we have no hope that something is going to change, eventually we just give up.”



Photo: Gujuan Fusilier

“Many people are coming from the streets where they also had little or no opportunity – it’s the same cycle, when they’re bored, they get into trouble. Give us something to do, something to care about. It’s worse up here – nothing to do, no contact, no outlet. If we have no hope that nothing is going to change, eventually we just give up.”

MORE THAN A YARD SIGN: FIGHTING FOR FREE SPEECH IN TOMÉ, NEW MEXICO

By Rita Padilla-Gutiérrez, Tomé, New Mexico Resident

No one should ever be threatened with criminal prosecution for having a political sign in their yard. But that's what happened to me.

After I hand-painted and posted several anti-Trump signs in my yard – including a Fuck Trump! sign – code enforcement officials showed up with a threatening code citation letter. The letter deemed one of my signs a public nuisance and threatened to criminally prosecute me if I did not take it down within 24 hours. I later learned that a pro-Trump county commissioner was behind the code enforcement threat.

I knew that being threatened criminally for my speech wasn't right, so I wrote to the ACLU of New Mexico. The ACLU of New Mexico wrote a demand letter to Valencia County, explaining my First Amendment right to post political yard signs. Within a day of receiving the ACLU of New Mexico's letter, Valencia County did the right thing and retracted the criminal prosecution threat. The county attorney also promised to review the code enforcement process to ensure that future enforcement isn't politically motivated.

I have deep ties to Tomé, New Mexico, where I posted my signs. Generations of my family have lived here. My mother was the Tomé postmaster

for 43 years. I think her experience and my father's dedication to the Town of Tomé Land Grant are how I became committed to public service – always giving back, always volunteering. My community and political activism also go back a long way. I'm a product of the 1970s.



Photo: Rita Padilla-Gutiérrez

In college, I was supportive of the movement to advance Hispanic representation in higher education. Moving back home after college, when I saw something going on with the county

commission or the

school board, I was quick to write a letter. I've always felt good about sharing my opinion.

It's important for me to express my opinion about this administration. I come from a counseling background with a degree in social work and a master's in counseling. I'm angered every morning when I hear about what this administration is doing – all the hatred, racism, and retaliation. Trump's behavior is such an affront to my core

values and background. I've always fought for the underdog. We have got to get back on the right course. We need to stop hating people and breaking up families.

People in Tomé know my commitment to the community. They also know me as someone who doesn't back down when I see something that isn't right. That's why I'm proud to have my signs in my yard.

"I knew that being threatened criminally for my speech wasn't right, so I wrote to the ACLU of New Mexico."

REBECCA SHEFF TALKS TRUMP'S IMMIGRATION POLICIES AND IMPLICATIONS FOR NEW MEXICO

By Carla Palacios, Communications Strategist

Six months into President Trump's second term, New Mexico communities are experiencing unprecedented challenges under the administration's aggressive immigration enforcement policies.

In this interview, Rebecca Sheff, senior staff attorney specializing in immigrants' rights, discusses how the administration's policies have uniquely impacted New Mexico.

Carla Palacios (CP): Rebecca, it's now mid-July, and immigration issues have consumed a huge percentage of our work here at the ACLU of New Mexico since Trump took office in January. The pace and intensity of these policies have been crazy — we've seen everything from challenges to birthright citizenship to masked ICE agents conducting what can only be described as kidnappings in broad daylight. Communities across New Mexico are feeling the impact of these policies. Can you give us a sense of how dramatically the landscape has shifted since the inauguration? How can people protect themselves and their neighbors?

Rebecca Sheff (RS): The pace has definitely been unprecedented. What we're seeing is a deliberate strategy to rapidly expand enforcement capabilities while simultaneously eroding due process protections. The administration has essentially tried to weaponize every available tool — from military land transfers to visa revocations — to create a climate of fear and uncertainty.



Photo: Rebecca Sheff

CP: Let's dive into some specifics. Early this year, the Trump administration transferred about 400 square miles of public land in New Mexico to the military, creating a so-called "National Defense Area" along the border. What was the broader strategy behind this land transfer and how has it played out on the ground?

RS: The administration established a zone along New Mexico's southern border, claiming it to be an extension of a military base in Arizona. Under this new zone, the government asserts that it is necessary to deploy troops to "assist" Border Patrol in detecting and apprehending people who cross seeking protection and safety.

The geographic contours of that zone have been murky. Nonetheless, the government has proceeded to arrest and charge people with "trespassing" onto a military base.

It's really troubling the way this has played out — there are serious due process concerns for the people who are going through these federal criminal proceedings, and we're concerned about what this means for the broader, enhanced militarization of New Mexico and how the border is being managed here.

CP: Early in Trump 2.0, the government

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indicated that it was exploring using military bases around the country, including Fort Bliss and the Kirtland Air Force Base, to facilitate mass deportations. Are there any developments in that?

RS: For a while, the government utilized Fort Bliss for flights to Guantánamo and other locations. The potential use of military bases in New Mexico and elsewhere for immigration detention and deportation flights is something we’ve continued to have active concerns about; we’re closely monitoring the situation — and we’re especially concerned now that the government has announced plans to build a new detention facility at Fort Bliss with 5,000 beds.

CP: Another aggressive initiative the administration undertook was the arbitrary mass revocations of international student visas, which affected many students in New Mexico. This led to a substantial victory on our side. Can you talk about the recent lawsuit we won on behalf of a Ghanaian doctoral student, K.O.D.?

RS: Certainly! We and our cooperating attorneys at Huffman Wallace & Monagle filed our own legal action on behalf of a doctoral student at New Mexico Tech, known by the pseudonym K.O.D., whose entire academic career was severely disrupted by his revocation of status. His studies and funding were immediately put on hold, his professional career was completely jeopardized, and he faced an immediate fear of being detained and deported.

Thankfully, we were able to secure a temporary restraining order on his behalf, and the

government did eventually back down from this harsh initiative as a result of the litigation that was

brought here and across the country on behalf of students. We’re staying vigilant about the threat of any additional arbitrary action, and we are grateful for our legal community’s responsiveness to the needs of students in our state.

CP: These policy changes are alarming. We’ve witnessed horrific acts of violence against immigrant communities, including the many arrests and disappearances of our community members. What do these escalations mean for everyone in New Mexico? How can folks protect themselves against arbitrary actions conducted by law enforcement?

RS: We’re living in a time where we’re seeing more aggressive and expansive actions by federal law enforcement than we have in recent memory. Collectively, we are witnessing the erosion of everyone’s rights, with this administration’s inhumane and unprecedented attacks impacting us all.

The federal government has taken drastic measures to expand the dragnet to funnel people into the detention and deportation pipeline, and a lot of this is taking place through racial profiling — we are rapidly entering a place where a person’s citizenship or legal status isn’t necessarily protective.

There are things people can do to keep themselves,

"Everyone needs to know their rights and be prepared to assert them when they are interacting with law enforcement."

"The administration has essentially tried to weaponize every available tool—from military land transfers to visa revocations—to create a climate of fear and uncertainty."

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NEW POLICY DIRECTOR LENA WEBER BREAKS DOWN DATA PRIVACY

By Maria Archuleta, Director of Communications

As we increasingly rely on digital tools for everything from healthcare information to staying connected with loved ones, our personal data has become a valuable commodity — one that's being collected, sold, and used against the communities we work to protect. The Torch sat down with our new Policy Director, Lena Weber, to discuss her vision for protecting New Mexicans' digital privacy and the new campaign: Community and Health Information Safety and Protection Act (CHIS-PA).

Maria Archuleta (MA): You served as interim policy director for ten months. Congratulations on your new permanent role as policy director! Before we get into all things data privacy, could you tell us about your background and what drew you to the ACLU of New Mexico?

Lena Weber (LW): Thank you! I'm honored to be in this role.

I was born in Albuquerque and spent most of my childhood here. I lived outside of New Mexico for many years and have a background in political advocacy and coalition work. I was excited to see a position open up with ACLU of New Mexico in policy. The ACLU is an organization I'd admired for so many

years, and I was excited about the opportunity to collaborate with the local affiliate.

MA: What experiences helped shape your understanding of social justice and civil liberties?

LW: My grandfather instilled in me a strong sense of the need to be vigilant about political structures and how to participate in fights for social justice. As a teenager and young queer person, I struggled with my own mental health and saw the mental health impacts that my peers were struggling with, and so I got involved in peer support and suicide prevention work. That led to student organizing and union work in movement spaces where there was cross-solidarity between different groups — student activists, union leaders, environmental justice leaders, Indigenous leaders. Learning how strategy is formed with all these different leaders coming together was incredibly formative.

MA: Those experiences with cross-movement solidarity clearly inform your approach. Let's talk about one of our key priorities — why has data privacy become such a critical civil rights issue right now in New Mexico?"



Photo: Lena Weber

“Much of what we work to resist are the efforts of those in power to control us, our neighbors, and our loved ones...”

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"We're prioritizing access to information with guardrails so New Mexicans can access what they need without fear."

"We're seeing personal data being used to exacerbate discrimination in housing, hiring, and policing."

LW: We're working with a coalition of partners to pass strong data privacy legislation in New

Mexico. With allies like Equality New Mexico, Bold Futures, and many more, we developed solutions specific for New Mexico with a very clear framework: if you want to collect information about us, ask our permission. If you want to sell that information, ask for our permission. We should have the right to give consent.

MA: Can you give some examples of how a lack harm someone?

LW: We know of cases where anti-abortion activists purchased location data from data brokers for hundreds of people who visited Planned Parenthood locations, then used that data to target those same people with anti-abortion ads. Anyone can buy this information. We also know online

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IMMIGRATION

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their loved ones, and their communities safe; everyone needs to know their rights and be prepared to assert them when they are interacting with law enforcement. Knowing your rights can also help you be an effective witness when violations are happening to others. Documenting violations as they happen and sharing them with the public, especially on social media, can also help spread awareness.

We, along with our partners, offer extensive *Know Your Rights* trainings and materials throughout the state. We're here to do everything we can to hold law enforcement accountable for the harms that they've caused and to deter unlawful actions.

It's unconscionable that we're all confronted with the risk of being approached by masked, armed individuals who don't self-identify as law enforcement officers — and we've seen how arbitrary, enforced disappearances are resulting from aggressive actions across the country. I recommend plugging in to your local community organizations, getting involved in mutual aid groups, and finding ways in which you can help support those on the front lines.

CP: Thank you for this sobering but important overview. Anything else you would like to add?

RS: It's important for people to understand that this issue affects all of us, regardless of immigration status or citizenship. It's going to take all of us to stand up for ourselves and our most vulnerable community members against these violent actions.

KNOW YOUR RIGHTS

Understanding your legal rights is the first step in being able to defend them. We have assembled online guides to help you know what your rights are in a variety of different settings and situations. Scan the code below or visit our site at aclu-nm.org/kyr.





TAKE ACTION

SIGN UP FOR OUR ACTION ALERTS



UNDISCLOSED
TOWARD JUSTICE

This gripping podcast features law professors, lawyers, and investigators working tirelessly to uncover the truth behind wrongful convictions and fight for justice. Each

of-state law enforcement, federal authorities, anti-immigrant and anti-LGBTQ+ politicians can literally purchase data about New Mexicans and use it against people who come here for protected healthcare or against our own residents.

LW: Talk to your family members, communities, and neighbors about why data privacy is so important for New Mexicans and why we deserve so much more than what we're getting right now. You can also sign a petition to say New Mexicans deserve these data privacy protections. You can find it at **nmchispa.org**.

Finally, sign up for ACLU IMPACT teams at aclu-nm.org/impact. We'll send you information about ongoing events and opportunities to contact elected officials on this and other pressing issues.

data is often used in criminal proceedings. In states that have criminalized abortion or gender-affirming care, people's personal online data is being used as evidence in prosecutions. And we know ICE has massive contracts with data brokers to purchase people's online information to track them, detain them, and deport them.

Another example: health insurance rates are discriminatorily calculated in part based on what we're looking for online. All our health information – any diagnosis, concern, prescription – is sensitive and personal and shouldn't be shared and sold for profit without our consent.

MA: Why is this particularly urgent for New Mexicans?

LW: New Mexico has a majority of communities that face higher risks when their data isn't secure — LGBTQ+ people, immigrants, mixed-status families, and those looking for reproductive or gender-affirming care. Because we're a state that stands strong in protecting healthcare access that other states have criminalized, we're particularly vulnerable. Out-

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Join the ACLU-NM for an evening that honors bold action, brave voices, and the power of community. Hear from renowned civil rights attorney Nancy Hollander and celebrate this year's annual award honorees — extraordinary individuals whose courage and commitment are building a more just and equitable New Mexico.



Sign up by scanning the code or visiting:
aclu-nm.org/ForThePeople