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ACLU
New Mexico

FIGHTING BACK LOCALLY: DATA PRIVACY & IMMIGRATION PROTECTION

Edited for length and clarity by Carla Palacios, Communications Strategist

Policy Director Lena Weber and Staff Attorney Deanna Warren sat down with the Torch to discuss policy strategies that protect New Mexicans from the Trump administration.

Almost a year into the second Trump administration, the president persistently targets communities of color and expands the scope of civil rights violations. This administration is weaponizing technology, militarizing immigration enforcement, and building a surveillance infrastructure that threatens everyone who doesn't pass Trump's loyalty test.

While we're pushing back against harmful federal policies with the national American Civil Liberties Union (ACLU), here in New Mexico, we're working to ensure our state remains a stronghold for civil rights—a firewall of freedom to protect our most vulnerable communities from targeted federal violence.

Alongside our partners, we're advancing two critical pieces of legislation: the Community and Health Information Safety and Protection Act (CHISPA), which would prevent tech companies from selling New Mexicans' personal information to data brokers, law enforcement, and other hostile actors, and the Immigrant Safety Act, which would end our state's complicity in ICE detention by prohibiting agreements that allow the federal government to operate detention centers in New Mexico. We're also supporting cities and counties across the state in passing resolutions to refuse cooperation with ICE.

"When we leverage state sovereignty, we're able to enact more protections..."

The Torch: Last legislative session started right after Trump took office for the second time. Those early months felt very reactive; What did we learn about addressing state problems while also reacting to federal chaos?

Lena Weber-Salazar (LWS): What we've been learning is that federal and state issues are intertwined—it's almost impossible to separate them. The federal chaos impacts so many aspects of New Mexicans' lives, from the food to the healthcare they can access and so much more beyond that. A lot of the pressing issues we work on have become even more urgent under the current administration—we must continue to explore new strategies to engage in the existing work that we and partners have been doing and remain responsive to potential federal attacks.

The Torch: Our online world is changing at dramatically faster rates than we've ever witnessed before, and the bad actors are finding new ways to manipulate technology to target people based on their political beliefs. What steps can New Mexico take to protect the privacy and personal information of our residents?

LWS: We urgently need bold, comprehensive data privacy legislation at the state level that addresses the ways corporations collect, share, and sell our personal information. We also need strong policies at both the state and local levels that control the ways that government authorities, including law enforcement, can collect our personal information through automated license plate readers, facial recognition, and other emerging technologies, so that people in New Mexico are not harassed or intimidated for seeking the healthcare they need. New Mexico currently does not have strong legal protections

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FROM THE DESK OF EXECUTIVE DIRECTOR LEON HOWARD



When I last wrote, I had just stepped into this role, full of gratitude and urgency. Since then, the country has continued to drift toward a dangerous precipice, where fear, disinformation, and misuse of the highest office in the republic threaten to eclipse truth and justice. But here in New Mexico, I see something different taking shape: people fighting back.

At the ACLU of New Mexico, fighting back doesn't always look dramatic. It looks like our attorneys walking into courtrooms knowing they might lose but refusing to stop showing up anyway. It looks like small victories: a client kept with their family, a person freed from solitary confinement, fighting for a Native American community to finally have a voice in their children's education. These small victories ripple outward and remind us that change begins in the lives of real people. Those moments keep me grounded in hope.

Fighting back also means building forward. We're not just holding the line against authoritarianism; we're laying the groundwork for a more inclusive democracy. We worked with partners to pass major local protections in Bernalillo County and Las Cruces. Both passed resolutions affirming the rights of all residents regardless of immigration status and limiting local cooperation with federal immigration enforcement and restrictions on First Amendment protected activity. We're strengthening privacy protections to stop federal agencies and big tech from turning personal data into tools of surveillance and control. We're standing firm with those seeking reproductive and gender-affirming care, ensuring New Mexico remains a refuge for bodily autonomy in a country that grows

more hostile by the day. Every case, campaign, and coalition makes New Mexico a beacon of freedom in an era of regression.

Fighting back also means taking up space and refusing to disappear. This fall, our For the People celebration embodied that spirit – an at-capacity evening of solidarity that honored the courage of those building justice in every corner of our state. Days later, we stood before a new mural by Jodie Herrera, whose art boldly dreams of a world without cages or cruelty, a world where those wrongfully and inhumanely detained are finally free. Together, these moments remind us that resistance is not only fought in courtrooms or at the Roundhouse; it's painted on our walls, sung in our stories, and lived through our communities' collective refusal to be silenced.

In solidarity,

Leon Howard
Executive Director

to avoid engaging with this type of tracking technology—we essentially have no choice. Some states have specific laws that regulate the sensitive information that's shared. New Mexico is not one of them, but we're hoping to change that.

The Torch: The Immigrant Safety Act failed to advance to the senate floor last year. Why are we bringing it back now and what would it do to keep New Mexico out of the immigration detention business?



LWS: We and our partners are reintroducing the Immigrant Safety Act because it remains as crucial as before, especially given the current understanding of how the federal administration intends to leverage local governments' willingness to cooperate with its mass deportation agenda. It's within our power and responsibility as a state to ensure that our public bodies are not part of this business where billions are being made off depriving people, often illegally, and always unfairly of their liberty. This bill would keep New Mexico out of the business of immigration detention and would prohibit loopholes that would allow local governments to contract with ICE.

The Torch: People travel to New Mexico, a safe-haven state, seeking abortion and gender-affirming care that other states criminalize. Without CHISPA protections, how vulnerable are both the people seeking care here AND the New Mexicans who are providing it?

DW: CHISPA would regulate online service providers based on a certain threshold of users, so, for example, a health monitoring app that might have 30,000 users in New Mexico. It would regulate the app's access to learning your personal information, like whether you received gender-affirming care, an abortion, and so forth. Currently, these apps are not operating under any kind of meaningful regulation whatsoever, so if

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New Mexican healthcare professionals who provide reproductive and gender-affirming care are protected under a shield law that provides guardrails against them being subpoenaed and criminally prosecuted by out-of-state actors. Nevertheless, we're witnessing the Department of Justice and other states, like Texas, really pushing the boundaries of state sovereignty and especially subpoena power. Telemedicine providers, for example, who interact with patients across state lines, are being prosecuted through this power. Another well-known example is the incident of the

The Torch: Can you explain why every New Mexican should care about these protections? What can our members do right now to support this work?

We urge our allies to support our immigration and data privacy work, like CHISPA, by signing a petition at nmchispa.org, and by attending an upcoming Immigrant and Workers' Rights Day of Action at the Roundhouse in January. You can also sign up to volunteer and join our IMPACT teams to stay in the loop on future events, trainings, and calls to action.

poems

emotional experience that poetry provides while also offering really astute observations of our current politics. I highly recommend it.



DEANNA WARREN
STAFF ATTORNEY

Correction: In the Summer 2025 Torch article, “More Than a Yard Sign: Fighting for Free Speech in Tomé, New Mexico,” we misstated Rita Padilla-Gutiérrez’s activist and family background. Rita is a product of the 1970s and supported the movement to advance Hispanic representation in higher education. Her father’s dedication to the Town of Tomé Land Grant, along with her mother’s service as postmaster, inspired her commitment to public service. You can find the full corrected version of her story on our site: aclu-nm.org/rita

DEVELOPMENT AS RESISTANCE: AN INTERVIEW WITH DEVELOPMENT DIRECTOR JULIE BERNARD

By Leon Howard, Executive Director

Development is at the heart of everything we do. Every case we take, every campaign we run, every person we're able to reach; it all starts with people who believe enough in this work to invest in it.

Julie Bernard, our director of philanthropy, embodies that connection between values and generosity. Julie is one of the very best development directors in the entire ACLU network. She has an incredible ability to make people feel seen and valued, while reminding us that giving is advocacy: a way of fighting back.

I've learned so much from Julie, not just about fundraising, but about relationships, storytelling, and how to build a movement. I'm deeply grateful for her partnership and how she's supported me through my transition into the executive director role.

Leon Howard (LH): Can you share a little about what drew you to development work?

Julie Bernard (JB): Like many, my path wasn't exactly linear — I fell into development work. But what inspired me to stay in this field is deeply rooted in where I grew up and the values my family modeled for me.

I was raised in South Louisiana, a special place defined by its contrasts — joy and suffering, beauty and chaos, loss and resilience. Growing up there

taught me the importance of community and the strength that comes from people showing up for one another. My dad and stepmom modeled that every day, and my mom, an artist and educator, showed me how to see the world with imagination and purpose.



Photo: Julie Bernard

I left Louisiana to study theater at the College of Santa Fe here in New Mexico, which eventually led me to a backstage role at the Tony Award-winning Berkeley Repertory Theatre. When I stepped into a development position there, everything clicked — a perfect blend of creativity, connection and purpose. I continued a career in development in education and arts nonprofits in New Orleans, Santa Fe, and Albuquerque. Philanthropy is my way of giving back. It's allowed me to meet extraordinary people who make a difference every day.

LH: What inspired you to bring your talents to the ACLU of New Mexico?

JB: I joined the ACLU of New Mexico in 2017 because it was clear so much was on the line. I wanted important work that met the moment. My sons were just seven and five, and I thought about the country they'd inherit and the values I wanted to model. Helping to raise funds for an organization that tackles so many issues that matter deeply to me and my family was a way to take action and contribute meaningfully.

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"Development work is an integral part of social change. Our work keeps movements alive, independent, and able to act."

THEY WANT US TO GIVE UP. WE WON'T.

By Maria Martinez Sanchez, Legal Director

Late on election night 2016, I stood over the crib of my sleeping one-year-old daughter. I prayed that in the morning she would not find herself in a country that elected a president who describes Mexicans as rapists, boasts of sexually assaulting women, and who would sell his country out in a heartbeat if it meant further lining his pockets. I woke the next morning to the crushing realization that my prayers had gone unanswered. I hugged her through tears and told her that I would do everything in my power to protect her.

Waking up the day after election day eight years later was like reliving a nightmare. The heartbreak felt even heavier than the first time. I now had two daughters and I knew what awaited them. As an attorney with the ACLU of New Mexico during the first Trump administration, I witnessed the devastating effects of his cruel policies up close for four years. I knew at my core that the second time would be much worse. This has proven truer than I could have ever imagined.

"The deluge of assaults...is intended to intimidate us and wear us into submission.

But I refuse to accept that."

It feels as though the dismantling of our democracy is happening at warp speed before our very eyes. The never-ending blows to the values, liberties and ideals we hold dear can be overwhelming. The images of the military patrolling American cities, masked

"We are in the fight of our lives..."

ICE agents tearing parents away from their children, opponents of the president being hauled into court, and peaceful protesters being shot by federal agents can lead to feelings of hopelessness and powerlessness.

Since the election, there have been more times than I care to admit that getting out of bed has felt nearly impossible. Times when I have

wondered if our country is too far gone to be saved. Times when I have felt that it would be so much simpler to stop resisting and just accept the cards we have been dealt. But these feelings are exactly what the people who seek to destroy our democracy want us to feel. The deluge of assaults on our rights and outright violent attacks on large swaths of our communities is intended to intimidate us and wear us into submission.



Photo: Maria Martinez Sanchez and her husband Tomas.

But I refuse to accept that authoritarianism and white nationalism are our country's destinies. They are not. And I am starting to believe that large numbers of the American people are waking up and beginning to feel the same way. When I say the American people, I mean the American people. Not the cowardly corporations, giant law firms, major media conglomerates, or universities that have bent the knee to an aspiring dictator and his minions. These institutions were never going to save us because their bottom lines are more important to them than democracy itself. But the American people are stepping up and creating

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a resistance that is gaining strength by the day.

I see it in the people who protest outside the

Tesla dealership

every Saturday

when I take my

daughter to her

soccer games. I see

it in the independent

journalists who

fearlessly document

the fascistic ICE raids being carried out in

Chicago. I see it in the seven million people who

showed up for the second No Kings Protest, the

largest singular protest in American history.

second only to the first No Kings Protest in June.

And I see it in every single one of my heroic

colleagues at the ACLU of New Mexico who, day

in and day out, pour their hearts and souls into

the defense of our democracy. I feel incredibly

fortunate to work alongside a brilliant legal team

that is in the courts every day fighting back,

securing small but powerful victories that make

real differences in people's lives. Those moments

remind me that one small victory at a time, we

can and will prevail.

The American people have the potential to be the countervailing force that halts the fascism creeping into our country. We have the power if only we choose to assert it. There are tens of millions more of us than there are of them. They know their time is limited and that the masses are turning against them. This terrifies them and leads them to employ increasingly aggressive and violent tactics. They are getting weaker by the day while we are getting stronger.

Things will get worse before they get better. Countless people who find themselves in the crosshairs of this administration will endure inexcusable suffering at the hands of people hellbent on stripping them of their civil rights and liberties. Witnessing that suffering takes an

emotional toll, I know. It can lead to despondence and anguish.

But these incidents of suffering should propel us to fight harder, grow our numbers, and raise our voices louder. United, we will hold accountable those

who have inflicted so much terror, violence and destruction on our communities. United, we will reimagine what a true functioning multiracial democracy looks like, for going back to the way things were pre-Trump will not be enough.

We are
in the
fight of
our lives.
I don't
know

when this ugly and painful chapter in American history will end but it surely will. When it does, we will never regret all that we did to save our democracy.

"There are tens of millions more of us than there are of them. They know their time is limited and that the masses are turning against them..."

**"They are getting weaker
by the day while we are
getting stronger."**

MEMBERSHIP NOTICE OF PROPOSED RESTATED BYLAWS

Members are invited to review and comment on the proposed Amended and Restated Bylaws before the board's January 2026 consideration. Scan the QR Code for details or visit:

aclu-nm.org/2025bylaws



NEW MURAL PROMOTES JUSTICE AND RESILIENCE

By Maria Archuleta, Communications Director

We unveiled a mural by renowned New Mexican artist Jodie Herrera. The mural reflects justice, resilience, and community—a visual statement that claims space, signals solidarity, and reminds everyone that we belong here together.

Jodie's bold, emotional work has been featured from Disney to Art Basel, and we're honored she contributed this beautiful piece of art to our Albuquerque community.

You can find the mural on Lead Ave at Elm St, near I-25 in Albuquerque. We supported this project in collaboration with the Kennedy Law Firm and Dukes Up.

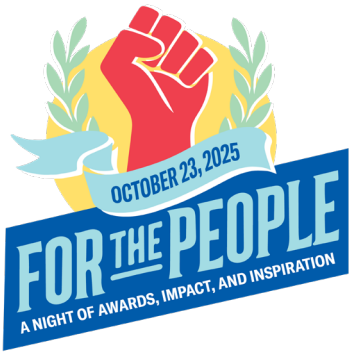


Photo Top Right: A detail shot of the mural located on Lead Ave. Photo Above: Artist Jodie Herrera poses in front of the mural. (Photos by: Tara Armijo-Prewitt)

VOLUNTEER WITH THE ACLU OF NEW MEXICO

Be a catalyst for real change in New Mexico! At the ACLU, we know every individual holds the power to make a difference. Scan the code or sign up on our site: aclu-nm.org/volunteer





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