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ACLU
New Mexico

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IN THE COMMUNITY



Photo Above: Criminal legal advocates gather at the New Mexico State Capitol to discuss important reforms with lawmakers during the 2023 legislative session.



Photo Right: Reproductive Rights Community Engagement Strategist Dakota Waterson and Legal Intern Megan Looney greeting community members at a Pride event this past summer.



Photo Above Left: Reproductive rights advocates, including several ACLU of New Mexico Staff Members during the 2023 legislative session.

Photo Above: Indigenous Justice Staff Attorney Preston Sanchez addressing the ACLU's first ever Indigenous Justice Convening in Albuquerque.



Photo Left: Deputy Director Leon Howard and Preston Sanchez with a group of advocates at Chaco Canyon.



CALLING ALL CIVIL LIBERTIES WATCHDOGS!

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FROM THE DESK OF EXECUTIVE DIRECTOR PETER SIMONSON

For a brief while, the Albuquerque Journal gave a rare glimpse into the minds of its editors. Accompanying an op-ed submitted by a Republican Party legislator, the paper published an online cartoon caricaturing a transgender teacher. The caption echoed the GOP's claims that open classroom dialogue about gender identity is just a veiled attempt to "groom" young students for sex.

This was worse than poor judgment. It was a vulgar, cheap shot at the LGBTQ+ community and a dog whistle to the papers' readers who, the editors evidently believe, share their derision for people who don't adhere to binary norms regarding gender and sexuality. The paper eventually pulled the cartoon without apology or explanation.

But the cartoon was simply the ugly underbelly of a larger political strategy to make transgender people into the threat that campaign operatives believe they need to energize conservative voters in the 2024 elections. From bills banning gender-affirming care to proposals requiring school children to choose between male and female bathrooms, the Republican Party has shown no lack of creativity in devising new ways to stoke disgust for LGBTQ+ people and turn out their constituents for legislative hearings and school board meetings.

The op-ed accompanying the Journal's cartoon was an indication that this loathsome strategy has finally found its way to New Mexico. Couched in the language of "parental rights," the GOP op-ed urges parents to get angry about teachers and school counselors talking to their kids about their health care options, including gender-affirming care, contraception and abortion, and mental health care. "Don't give up on your kids," it crows, as if children were being slowly dragged into the abyss.

The GOP and its operatives are searching for a prob-

lem that doesn't exist. They are spreading misinformation about New Mexico's laws and pretending that schools have recently adopted new lesson plans or policies that somehow hurt our kids. It just plain isn't true. Our teachers are busy teaching things like reading, math, and science and managing oversized classes and underfunded schools, not to mention attacks on public education from extremists.

Kids are exactly who GOP tacticians are sacrificing in this hustle game for voters. Like it or not, some kids are questioning their gender and sexuality. With young teen suicide rates doubling in the last ten years, and LGBTQ+ youth at special risk, kids deserve to feel safe and supported in having these conversations.

We know that most young people involve a trusted adult in their personal lives and decisions. Unfortunately, though, not all kids are safe at home. Public school teachers, and school nurses and counselors are licensed, trained professionals who are practiced in ensuring students' safety, delivering accurate information, and creating learning environments that are free from discrimination. They may be the only safe adult in some kids' lives. To pretend otherwise is a disservice to those educators and professionals and more importantly to the young people in our state.

As New Mexicans, we must reject these attempts to divide our community and turn our children into political pawns. There's a reason why we stand out among southwestern states as a place that welcomes LGBTQ+ people and protects access to abortion and contraception. In New Mexico, we treat others as we want to be treated. Whether it's a result of the wide-open spaces, the extraordinary diversity of our peoples, or the harsh economic conditions that still affect our state, we understand that "freedom" is more than just liberty from government interference. It's also freedom from hate and discrimination. Not even the state's paper of record can change that about us.

INHUMANE PRISON CONDITIONS ARE ILLEGAL AND HURT US ALL

By Lalita Moskowitz, Litigation Manager

I'd like to ask you to engage your imagination. Think of someone you love who has struggled or is struggling with their mental health, maybe a family member, a close friend, or maybe yourself. Many of us know someone who has turned to drugs to cope; certainly, the rest of us can imagine such a circumstance.

Has this person made mistakes because of mental illness or drug use? Could some of those mistakes have gotten them in trouble with the law?



Photo: Lalita Moskowitz

Keep your loved one in mind: what are your hopes and dreams for this person? Do they get help for their mental health struggles? Do they participate in an evidence-based drug treatment program? Do they continue to have support even if progress is slow and non-linear? If they get the help they need, would it allow them to

make fewer mistakes in the future?

As a country, we disproportionately incarcerate individuals with serious mental illnesses, but our carceral system does little to nothing to address their needs. In fact, studies show that incarceration can trigger and worsen symptoms of mental illness, and those effects last long after someone has been released. As a result, many people return to their communities worse off than before they were incarcerated, making it even more difficult to avoid the mistakes that got them there in the first place.

In a blog posted on the ACLU of New Mexico website, a suicide watch observer describes prison staff at Western New Mexico Correctional Facility (WNMCF) further traumatizing people with mental health conditions by putting them in solitary confinement, confining them to cages for rec time, bullying them and not allowing them to shower.

She tells the haunting story of one woman who was refused mental health support. Instead, the staff bullied her to the point where she saw no way out; she died by

“The dire conditions in our state’s prisons not only harm the human beings suffering inside them and their families, but our broader communities as well.”

suicide, leaving behind three children.

The conditions that the companion observer at WNMCF describes and that we know happen in New Mexico’s prison system every day also violate state and federal law.

State law prohibits placing mentally ill people in solitary confinement. Solitary confinement causes lasting harm, and its effects can be lethal, increasing the risk of premature death after incarceration. Still, prisons across the United States and in New Mexico use solitary confinement regularly to “address” a wide variety of concerns, including housing people who are at risk of self-harm.

The U.S. Constitution prohibits dangerous and categorically inhumane prison conditions and requires that incarcerated individuals be provided adequate medical and mental health-care. Conditions like the ones described by the companion observer also violate federal laws meant to protect people

LEARN MORE

Earlier this month, a woman who was at the Western New Mexico Correctional Facility (WNMCF) in Grants, bravely came forward to expose the horrible things she has witnessed as a suicide watch observer. This article adds law and public safety context to her story. Read her blog if you have not already.

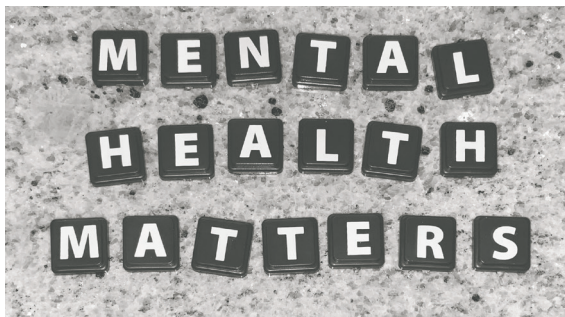
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with disabilities.

When we think of our loved ones who are struggling with mental illness or addiction, most of us don't have to imagine them being locked in a small cell 23 or 24 hours per day. We know it would be harmful to deprive them of appropriate mental healthcare, especially in a traumatic carceral setting.



We know that isolation from loved ones and healthy coping mechanisms won't help them find a different path.

The things we want for our loved ones can and should be available to every person who struggles like they do, regardless of income, circumstance or what kinds of mistakes their mental illness has contributed to. We simply need our decision-makers to commit to this shared vision.



SCOTUS RULING SERVES TO PROTECT INDIGENOUS CULTURE

By Preston Sanchez, Indigenous Justice Staff Attorney

My mom was born in 1958 and given up for adoption by her biological mother. Her maternal aunt, known to my brother and I as "Grandma Louise," who only spoke Navajo, stepped in to be her mom. Grandma Louise loved my mom and raised her under Navajo traditions in Farmington, New Mexico. My mom learned from a young age to speak fluent Navajo, make traditional foods and weave customary skirts. In fact, she

later became Shiprock's Miss Northern Navajo in 1980. How her story would have differed if she had been adopted and raised outside of Navajo culture and community remains an issue to ponder; similarly, how my story would have differed.

Every Native family has a story about children who were adopted or placed in foster care. Some children were fortunate to be raised by extended family with community. Those not so fortunate, however, were likely stripped of their cultural identity - often forcefully. Elders remind us that it only takes two generations of kin disconnected from their language and culture to kill the language and culture.

The annihilation of Indigenous identity is deeply rooted in U.S. history. The boarding school era began over 150 years ago, forcibly placing Native children in schools hundreds of miles away from home to "kill the Indian in him, save the man." Grandma Louise - just a child at the time - told stories of having to hide when federal agents arrived. The 1950s began the termination era, where removal, relocation and family-separation policies were intended to kill Indigenous culture, dismantle tribal sovereignty, and



Photo: Rolinda ("Ro") Sanchez

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CELEBRATING ACLU OF NEW MEXICO'S EXCEPTIONAL LEADERS DURING HISPANIC HERITAGE MONTH

By Leon Howard, Deputy Director

As the vibrant autumnal hues grace the horizon, we at the ACLU of New Mexico stand proudly to observe National Hispanic Heritage Month—a time of reverence and jubilation for the cherished histories, cultures and contributions of our fellow Americans and notably New Mexicans with Latin ancestry. We take this moment not only to celebrate the exceptional leadership of our legal director, Maria Martinez Sanchez, director of public policy, Nayomi Valdez and communications director, Maria Archuleta, but also to reflect on the significance of this annual commemoration.

This hallowed observance, spanning from September 15 to October 15, traces its roots back to 1968, starting as Hispanic Heritage Week. This tribute to Latin cultures and contributions blossomed into a 30-day celebration in 1988. On August 17, 1988, this observance was enshrined into law, solidifying its place in American society. Significantly, the selection of September 15 as the starting date marks the independence anniversaries of several Latin American countries, including Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua. Mexico and Chile also celebrate their independence days on September 16 and September 18, respectively.

This Hispanic Heritage Month, we take immense pride in recognizing the invaluable contributions of these visionary leaders, who have been the backbone of the ACLU of New Mexico's programmatic endeavors. The embers of change they have ignited have illuminated the way for transformative advancements in civil liberties, ensuring that the principles of justice, equity, and inclusivity are not mere rhetoric but guiding lights in all that we do.

GETTING TO KNOW OUR LEGAL DIRECTOR, MARIA MARTINEZ SANCHEZ

Maria Martinez Sanchez stands as an exemplar of unyielding commitment and fierce advocacy. Born and raised in the heart of "Burque," her roots trace back to the vibrant cultures of Mora and Farmington. Her upbringing, immersed in the legacy of her parents' involvement in the Chicano Civil Rights movement and her mother's steadfast passion for justice, provided her with the fire and conviction that blaze in her work today.

Maria infuses her work with the spirit of her familial lineage and heritage. A proud native New Mexican, she navigates her role as a Latina attorney with profound insight. Her rural Northern New Mexico roots offer a unique perspective that resonates with clients and the public alike, breaking down barriers that might otherwise hinder their access to justice.

Her identity was further enriched through her 25-year journey as a Mariachi musician, a transformative experience that not only kindled her linguistic fluency but also fueled her commitment to champion the rights of immigrants.

One of Maria's most notable professional achievements was her pivotal role in a legal team that eventually secured a groundbreaking ruling from the New Mexico Supreme Court. This ruling deemed the exclusion of agricultural workers from the protection of workers' compensation as unconstitutional, extending the same rights to workers in dangerous jobs – predominantly immigrants – that desk-bound professionals take for granted.

In the face of challenges, Maria and her colleagues find solace in camaraderie, sometimes over a drink, to keep the flame of advocacy burning bright. At the heart of her journey, Maria's love for working at the ACLU shines through. The shared values and common commitment to equity and justice create an environment where every moment is infused with purpose and shared understanding. In a world often marred by uncertainty, Maria Martinez Sanchez's dedication and the collective vision of the ACLU-NM team stand as guiding lights toward a brighter future for all.



Photo: Maria Sanchez and her Father

GETTING TO KNOW OUR DIRECTOR OF PUBLIC POLICY, NAYOMI VALDEZ

From the sun-kissed lands of Las Cruces, Nayomi Valdez's journey embodies resilience, determination and the unwavering support of her family. Born to a young yet deeply committed mother, Nayomi's life was filled with love and joy despite the economic challenges. While the shadows of struggles, stereotypes and statistics lingered in the background, the bedrock of strong family values nurtured her path.

Rooted in the legacy of her ancestors, Nayomi's heritage traces back over 400 years to a family settled in Loma Parada, now Garfield. Her great grandparents tilled the earth, and vivid childhood memories of harvesting chile, cotton, and eggs on the family farm form her identity. Her connection to the land is more than nostalgia; it's a reverence for a legacy she aims to reclaim, as she dreams of buying a portion of her family's land and tending it with the same care her forebears did.

Nayomi's idol, her great grandmother Marianna Gonzales, epitomizes strength and values that resonate deeply within her culture. Marianna's indomitable spirit carried her through raising nine children during the Great Depression, business ownership and farm management. A woman of formidable humor and an undeniable presence, Marianna's legacy as a matriarch continues to shape Nayomi's values, encapsulating the essence of a heritage that will thrive for generations.

The seed of passion for justice was sown within Nayomi from a young age. Raised by her mother's resolute mantra, "don't let them make you a statistic," Nayomi recognized early on that societal systems aimed to pigeonhole her. Overcoming hurdles shaped her resilience. Nayomi embraced advocacy and activism as her path – a journey that began by advocating for her own child's rights within the public school system – blossomed into diverse roles: issue advocacy, electoral campaigns, and politics, reflecting her holistic approach to change.

As Nayomi faces challenges, she turns to her colleagues for

solace, understanding the unique struggles they all share. Within the walls of the ACLU of New Mexico, Nayomi finds fulfillment in her role as an advocate for justice. Her journey, from unpaid activist to a key leader in the ACLU, mirrors the organization's commitment to equity, inclusion, and social justice. As the ACLU continues to champion change, her presence shines as a testament to the power of heritage, advocacy, and unwavering commitment.



Photo: Nayomi Valdez.

GETTING TO KNOW OUR COMMUNICATIONS DIRECTOR, MARIA ARCHULETA

Nestled within the captivating Española valley, Maria Archuleta's journey unfolds against the backdrop of New Mexico's beautiful mountain ranges. With each sight of those peaks, there is a deep connection to her roots. Growing up, she felt the weight of preconceived racist attitudes toward her town. It gave her an early understanding of prejudice and fostered a defensive pride in her tight-knit community and in her identity. Her parents reinforced that pride, while also fostering an awareness of Northern

New Mexico's complicated history as a place that was colonized twice.

Reflecting on Hispanic Heritage Month, Maria's thoughts fill with an array of figures who broke barriers and overcame stereotypes. Among the luminaries are Cesar Chavez, Dolores Huerta, Bad Bunny, AOC, Linda Ronstadt, Cheech Marin, and Sonia Sotomayor. As she draws inspiration from these renowned titans, she also holds a special corner in her heart for Selena Gomez.

It is important to note that while these icons serve as inspiration, her real heroes are family and community members. She believes they are what make a strong and vibrant community and empower individuals. Maria is especially proud of Latin youth and has a passion for encouraging them to pursue what they love – be it science, poetry or skateboarding.

Her fervor for civil rights stems from an early understanding of her middle-class privilege. It was clear to

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DENIED REPRODUCTIVE CARE AT A RELIGIOUSLY AFFILIATED HOSPITAL? WE WANT TO KNOW.

By Ellie Rushforth, Managing Reproductive Rights and Gender Equity Attorney

Religious freedom in the United States means that we all have a right to our own religious beliefs – including the right to have none. But this freedom does not give us the right to use religion to discriminate against and impose those beliefs on others who do not share them.

Unfortunately, individuals, hospitals, insurance companies, pharmacies and other health care entities continue to use religion as an excuse to deny communities and families basic information and care related to reproductive health, including contraception and abortion, as well as end-of-life care and LGBTQ+ care. In the wake of the Dobbs decision, a troubling pattern is emerging – the coordinated spread of misinformation about health care denials by the anti-abortion and anti-LGBTQ+ movements, especially in places like New Mexico where we have strong protections in place.

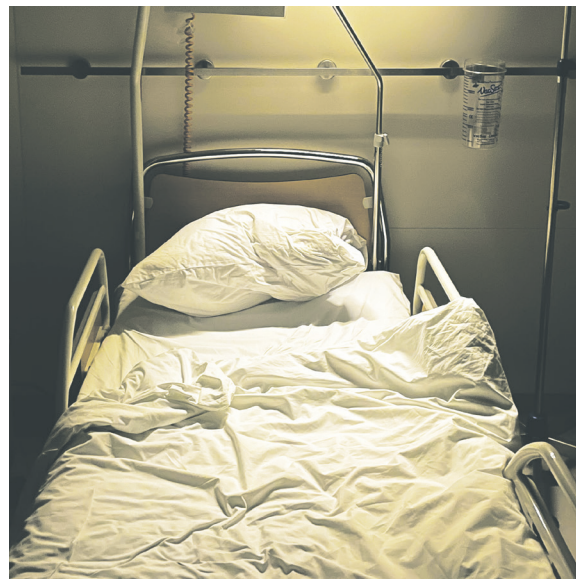
Even more worrisome is the trend of out-of-state, religiously affiliated systems of care, with highly restrictive policies that are contrary to best medical practices, taking over locally owned and operated health care facilities. This is a practice the ACLU has monitored for decades. It can limit access to health care, impact care quality and boost costs for patients and their families.

Today, at least one in seven hospital beds around the country are in hospitals that impose religious restrictions on individual care – whether or not you are a member of that religion. Here at home, after

negotiations behind closed doors with very little transparency, the Catholic-affiliated CHRISTUS Health acquired Gerald Champion Regional Medical Center (GCRMC) in Alamogordo.

GCRMC is the largest hospital in the region and the only level III trauma center serving Otero County and residents of surrounding areas, Holloman Air Force Base service members and their families, the Mescalero Apache Reservation, and incarcerated individuals in the prison and jails in the region. GCRMC also manages numerous on and off-site clinics. We and our partners support local community leaders who are deeply worried about how this acquisition will restrict access to basic health care for Otero County residents.

“Not only are patients directly impacted by these restrictions, but highly trained and willing health care workers at these institutions risk losing their jobs...”



Catholic-affiliated hospitals like CHRISTUS follow the Ethical and Religious Directives for Catholic Health Care Services. The Directives prohibit a range of reproductive health services, including contraception, sterilization, many infertility treatments, abortion (even when a patient’s health or life is jeopardized by a pregnancy) and routinely deny care to LGBTQ+ individuals. They also restrict access to end-of-life health services, counseling and referrals – sometimes even refusing to follow a patient’s advanced health care directive.

U.S. bishops have also begun a process that will explicitly lead to a ban on provision of any form of gender affirming care in Catholic hospitals, formalizing an already routine practice of denying access to this necessary care.

Not only are patients directly impacted by these restrictions, but highly trained and willing health care workers at these institutions risk losing their jobs just for using evidence-based medicine and professional judgment to offer patients the best possible care. The Directives can also limit the rights and benefits of employees while they're working and even during their off hours.

“Our communities and families deserve access to high-quality and comprehensive health care, regardless of who or where they are.”

Patients might not be aware of the religious affiliation of their local clinic or hospital, especially in an emergency, or might not know the care they need could be denied in the name of religion. And frankly, they might not have any other option in a rural state like ours. If denied care, it might be impossible to get to another health care provider, particularly in those rural areas. And it may be just as hard to find a provider that takes their insurance.

Our communities and families deserve access to high-quality and comprehensive health care, regardless of who or where they are. The ACLU of New Mexico is working to ensure that no patient is refused access to information and health care because of the religious doctrines of the institutions running hospitals, clinics or other medical facilities – especially institutions that receive taxpayer funding. Someone else's religious ideology should not dictate a patient's ability to get information about their medical condition, treatment options or the care they need. All New Mexicans deserve lives of safety and dignity, free from discrimination or abuse.

SHARE YOUR EXPERIENCE


We are investigating instances where patients have been refused or denied health care – this can look like canceled appointments, refusals to provide full information about treatments and options and even refusals to fill prescriptions for things like birth control.



SCAN WITH YOUR PHONE


If you or someone you know has been turned away or harmed by a hospital's religious doctrines, we want to hear from you. We will keep your reports confidential. Share your story at: aclu-nm.org/ShareStory

STAFF PICK



JURY DUTY

Jury Duty is light, funny, and full of goodwill. They stage an entire case where everyone is an actor, from the judge to the jurors, except for one guy on the jury who thinks it's all real. I have no idea how they got away with it, but it makes for a binge-worthy show that I promise will make you laugh.



- SABA IJADI
ACLU OF NEW MEXICO FINES AND FEES POLICY STRATEGIST

THE TORCH

The Torch is a publication sent to members and supporters of the American Civil Liberties Union of New Mexico. Please send any comments, questions, or submissions to our communications staff: communications@aclu-nm.org

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WRONGLY IMPRISONED AS A TEENAGER, GISELL BEGINS THE HEALING PROCESS

By Carla Palacios, Communications Strategist

None of her loved ones – or anyone who knew Gisell Estrada – could believe that she could ever be the prime suspect in murder, armed robbery, and conspiracy charges. She was a sweet, shy teenager who rarely ventured outside her family home. She had complete faith in the adults in her life, including her parents and her favorite teacher at Albuquerque High School with whom she frequently shared lunch.

They were all beyond shocked when she was falsely arrested and jailed for a murder and robbery she had nothing to do with. The City of Albuquerque and the Albuquerque Police Department, however, insisted she was dangerous.

“The community is not safe until she is detained,” said the prosecutors who filed the motion to detain Estrada in 2019. “There are no conditions of release this court can impose which will prevent her from planning another robbery or prevent someone else from dying.”

“This incident demonstrates the real harm that can take place when officers are reckless in their investigations,” said Leon Howard, Deputy Director of the American Civil Liberties Union of New Mexico, who worked with the Estrada family during their civil lawsuit against the city of Albuquerque. “There’s also something to be said here about the lack of care and caution when it comes to upending the life of a young brown girl.”

In December 2020, ACLU of New Mexico, along with civil rights law firm Kennedy, Kennedy & Ives, filed a lawsuit against the City of Albuquerque on Estrada’s behalf. In May 2023, Estrada was able to reach a sub-

stantial settlement agreement and now awaits the city’s expungement of her criminal record for her wrongful arrest and imprisonment.

“It’s easy to think that this was a mistake or that Gisell was simply in the wrong place at the wrong time, however, neither of these things are true. This happened because of absolute reckless police work,” said Howard. “By the time they charged Gisell, APD detectives had already identified the suspect as someone else. With verification from a witness, they had the actual perpetrator’s full name and social media account. They had her picture and knew she went to Highland High School, not Albuquerque High, where Gisell attended. They had all of this information, and incomprehensibly, they still pursued Gisell, traumatizing an innocent young girl who had nothing to do with the crime.”



Photo: Giselle Estrada

Despite having all the suspect’s information, Detective Jesse Carter went to Albuquerque High School and asked staff to identify the named suspect. School staff pointed to Estrada, a completely different girl with a different name, whose only similarities to the suspect was that she was Latina and a high school student.

“It wasn’t a justifiable misidentification based on incorrect information from a witness’ statement; APD’s issuance of a warrant against Gisell Estrada was completely reckless,” Howard explained.

After a week behind bars, Estrada’s attorneys were able to provide the police with data from her cell phone that proved she was at home at the time of the crime. Furthermore, Detective Carter had another witness testify to the misidentification, stating that the police “had the

LEADERS

Continued from page 7

her that she had more opportunities compared to many of her peers. When she went to college in California, her drive was galvanized by the fight against the anti-immigrant and anti-affirmative action movements happening there in the 90s. She quickly moved from writing about these issues for a bilingual newspaper to working on them directly at the ACLU of Northern California, where she learned how to use her voice “to rage against the machine” that suppressed the communities she was engaged with.

Maria’s connection to her roots and her firsthand experiences of bias and misperceptions have sculpted her commitment to giving voice to the people who are directly impacted and putting human faces to the cases and policy initiatives that define the ACLU-NM’s mission. Through her communication strategies, she bridges the gap between abstract legal battles and the lived experiences of those impacted by them.

UNITY: COLLABORATIVE ADVOCACY AT ACLU-NM

The collaboration led by the trio of Maria Martinez Sanchez, Nayomi Valdez and



Photo: Maria Archuleta

Maria Archuleta is what makes ACLU of New Mexico effective. Their individual brilliance and expertise converge into a force that propels the organization to the forefront of justice advocacy.

Their collective endeavors and solidarity fuel our mission. Maria Archuleta’s enthusiasm and pop culture references, Maria Martinez Sanchez’s candid humor laced with expletives and Nayomi’s infectious laugh and playful jabs at her colleagues bolster an environment where staff can be themselves. Their collaborative spirit extends far beyond their individual roles, enriching each other’s efforts and inspiring a shared pursuit of justice.



BECOME A GUARDIAN OF LIBERTY

The ACLU of New Mexico fights every day – in the courts and in the streets – to protect freedom and ensure equality for every person in our state. This vital work depends on our community of monthly supporters. We need you by our side – every donation counts.

\$10/mo **\$25/mo** **\$50/mo**

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