



the TORCH

The Newsletter of the American Civil Liberties Union of New Mexico

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The ACLU and the New American Resistance

It's sort of a running joke in Albuquerque that Civic Plaza is a terrible place to hold a political rally. Civic Plaza is a couple of acres of drab concrete mall tucked away amongst equally drab concrete government buildings several blocks off the main drag. The vast space swallows up most gatherings and the brutalist design aesthetic of the complex limits its appeal for all but the occasional skateboarding teen. Mainly, it just sits silent, windswept, and empty.

That made it all the more jaw dropping on January 21st rounding the corner to see the wall of humanity packing the plaza from end to end. Thousands of people trekked through the driving sleet, descending on Civic Plaza from all corners of the city to join the protest. They came decked out in pink hats, children carried on their shoulders, and brandishing signs with slogans like, "We are The Resistance," "Protest is the new brunch," and "We the people are greater than fear."

Similar scenes played out in Santa Fe, where 10,000 people took to the snowy streets, marching from the plaza to the Roundhouse, and in Las Cruces where more than 1,500 gathered in the plaza. Even in the sleepy conservative town of Portales, more than 70 people showed up to protest. In Gila, NM—population 314—some defiant soul reportedly staged a protest of one.

These gatherings were part of the 2017 Women's March—the largest single-day protest in U.S. history. The day after Donald Trump, a man whose campaign was defined by overt misogyny, xenophobia, and racism, was inaugurated as President of the United States, nearly five million people rose up in communities large and small to resist his un-American agenda.

The Trump administration wasted no time in turning its prejudice into policy. Just days after millions of Americans marched in the streets to protest his agenda, President Trump signed a flurry of executive orders, including a blanket travel ban against people from seven majority-Muslim nations.

Dramatic scenes unfolded in international airports across the nation, as people from the banned nations learned that their visas had been revoked mid-flight and were now trapped in the airports. The ACLU sprang into action, following a game plan that had been developed months in advance for just this contingency. We immediately deployed attorneys to JFK International Airport and filed a barrage of lawsuits on behalf of the stranded flyers, quickly securing a temporary restraining order that blocked the Muslim ban from continuing into effect. While the ACLU found clients and prepped lawsuits inside JFK,

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They Have the Power, We Have the Hope

A story of immigration enforcement in Trump's America

The knock on the door came at 6 in the morning. Michelle and Francisco Chavez jolted awake in the early morning hours, and could see flashing lights outside their bedroom window of their Albuquerque home.

"My first reaction was that there must be a bad guy in the neighborhood or something," remembers Michelle. "His first reaction was that it was immigration."

Michelle opened the front door, leaving the wrought iron security door closed between her and the two officers standing on her front stoop. They were both dressed in civilian clothes and black tactical vests with the word "Police" emblazoned on the back. They identified themselves as "officers" and said they were looking for Francisco.

"I noticed that one of the officers was wearing bright green tennis shoes," said Michelle. "I thought, 'what kind of police



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LEFT: Protesters march on the Albuquerque Sunport to protest Trump's Muslim ban (Photo by Caden Walker). TOP CENTER: Girls roar at the Santa Fe Women's March (Photo by Sarah Leamy). TOP RIGHT: A woman holds a "We the People" sign at the Santa Fe Women's March (Photo by @bg1313bg). BOTTOM RIGHT: Two women protest for indigenous women's rights at the Albuquerque Women's March (Photo by Reece Martinez).

Rise Up, Ctd.

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thousands of people gathered to protest the Muslim ban outside. Soon the mass protests spread to other airports across the nation where travelers and refugees were also trapped. In Albuquerque, more than a thousand people marched in solidarity to the International Sunport, packing two levels of the concourse, and made the airport echo with chants of "No ban, no wall, Albuquerque is for all!" and "No hate, no fear, refugees are welcome here!"

In the face of such blatant injustice and discrimination, people's resistance has been urgent and palpable. It's not enough to just sound off on social media—people want to do something. They want to get their hands dirty, get involved, and rise to the moment. A new generation of activists is rising up, and they're ready to fight.

One of the first things many people did was join the ACLU, swelling national ACLU membership to more than 1.6 million and tripling membership in New Mexico to more than 12,000 people statewide. Beyond signing up as members, hundreds of New Mexicans came forward to volunteer with the ACLU ready to do their part in the resistance.

Historically, grassroots organizing hasn't been a big focus for the ACLU, but this kind of opportunity only comes once in a lifetime. We are inspired by the passion and energy we see in our members and out in our communities, and we're putting that passion to work. We've already hired an extra organizer to help us harness the collective power of ACLU supporters in New Mexico, and use it to fight for justice and equality in our state. During the 2017 New Mexico legislative session, the ACLU of New Mexico mobilized this new army of volunteers to reach out to their legislators on key civil liberties issues and even testify in legislative committee hearings.

The ACLU of New Mexico has also built a network of volunteer attorneys who are preparing to defend New Mexico's Muslim community should President Trump make good on his campaign threat to create a national Muslim registry. A similar registration scheme called the National Security Entry-Exit

Registration System (NSEERS) was enacted under President George W. Bush post-9/11. At its height, more than 138,000 individuals were registered through the program and more than 83,000 Muslims were interviewed in-person by the FBI and other federal agents. Of these, at least 13,153 were ultimately placed into deportation proceedings.

The ACLU is organizing grassroots activism at the national level as well. The national ACLU hired a group of digital organizers to help build and launch a major new grassroots mobilization platform called "People Power." On March 11, over 200,000 people at more than 2,200 gatherings around the nation, including dozens right here in New Mexico, tuned in to the inaugural People Power event, which livestreamed from Miami.

During this first resistance training, the ACLU provided a roadmap for creating "Freedom Cities" all over the country. As part of this Freedom Cities campaign, the ACLU has developed model local policies that will help ensure that our communities are safe and welcoming for LGBT people, Muslims, immigrants, and other vulnerable communities threatened by the Trump administration. The idea is that all these local People Power groups, armed with strategic advice, advocacy tools, and model policies from the ACLU, can take the fight to their own cities and neighborhoods.

And that's where this battle is going to be fought and won: right here in our own backyards. It will be won in our neighborhoods, in our towns, in our courts, and in our legislatures because that's where we are. We the people. We Muslims, immigrants, women, transgender people, all of us. It is easy to feel discouraged sometimes when the problems and the threats feel so big. But together, we're big too. We've already thrown the Trump administration back on its heels with our mass protests, ground his discriminatory executive orders to a halt with our lawsuits, and put the fear of God into our congressional leaders at town halls by making them stand in accountability for their actions. Now collectively as ACLU members and as Americans, we are fighting our way inch by inch away from the edge of the precipice towards a future where the values of freedom, equality, and fairness are at the very center of our politics, our culture, and our communities. It's going to be a long, hard fight. There will be setbacks, and victory will not come easy. But we are prepared, we are relentless, and we rise up stronger every day.

FROM THE DESK OF EXECUTIVE DIRECTOR PETER SIMONSON



Finally, Trump may have been stymied in his efforts to ban Muslim refugees from entering the country, but he still has another card to play: profiling Muslims already inside the U.S. Since the election, we have worked with the Islamic Center of New Mexico and the New Mexico Criminal Defense Lawyers Association to train roughly two dozen volunteer attorneys to provide legal assistance to Muslim Americans and refugees in the event that the administration resurrects a Muslim database or registry. Our national staff is developing legal strategies to challenge any such program on equal protection grounds.

Together, we have taken the brunt of Trump's first assaults on fundamental rights and liberties—and we're still standing.

Now we must brace ourselves for the second wave. And begin the hard work of reminding Americans what truly makes America great. Not intolerance and autocratic rule but unwavering devotion to those noble values enshrined in the Constitution: liberty, equality and democracy. For all!

The First 100 Days and the Road Ahead

So far, so good. Federal courts struck down both of Trump's attempts at a Muslim Ban and rejected his effort to punish sanctuary cities. Congress has so far resisted the president's call to fund the border wall. And while Trump's executive order "enhancing public safety in the interior of the United States" provides a blueprint for a nationwide mass deportation force, Congress has yet to fund the 15,000 new immigration and border enforcement agents that are critical to realizing that vision.

The first one hundred days have been challenging. But they could have been a lot worse.

Clearly Trump's ignorance of the Constitution and his disregard for separation of powers have worked in our favor. But much of the credit goes to communities and organizations across the country that have banded together to resist the President's unconstitutional agenda. The ACLU has played a leadership role in those challenges, obtaining the first injunction against Trump's Muslim ban. But opposition has come from some unexpected places as well. City and county governments are passing sanctuary city policies in stark defiance of Trump's threats to defund them. Some 20 GOP lawmakers came out in opposition to his first Muslim ban.

So, yes, let's take this moment to breathe a sigh of relief. And then draw our next breath to belt out a call to action. Because another wave of threats is coming. And they will likely be more difficult to challenge than those we have already faced. In early May, the president issued a new executive order allowing religious organizations to endorse political candidates and private employers to use religion as a pretext to deny reproductive health care to employees. Our national office has announced plans to sue.

The fight over federal funding of Planned Parenthood still looms and Neil Gorsuch's appointment to the U.S. Supreme Court puts us one step closer to overturning *Roe v. Wade*. Nationally the ACLU is coordinating both legal and legislative responses with abortion rights allies.

Congress may not fund Trump's entire anti-immigrant agenda, but it will probably support most of it. We've seen just a handful of immigration raids in New Mexico since Trump's inauguration and the consequences have been alarming. After an ICE raid on a Las Cruces trailer park, area schools saw a 60 percent spike in student absences. Once immigration authorities are fully empowered to carry out Trump's plans to deport 11 million immigrants, we will likely see widespread civil rights abuses, with victims being promptly deported before they can claim their rights. Here in New Mexico, the ACLU has been providing "know your rights" education to immigrant communities and coordinating with immigrant rights allies in Santa Fe, Albuquerque and Las Cruces to prepare for the coming wave of harsh immigration enforcement.

Thank you for your role in helping the ACLU defend these values and boldly take on the most challenging civil liberties struggles of our day.

I hope that you will take the time to read the Torch and let us know your thoughts. Once you've read it, please pass it along to your family, friends and colleagues. Let's work together to spread the word about the critical issues facing our nation and the need for everyone's participation in fulfilling the promise of liberty for all.

Peter Simonson
Executive Director

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They have the power...

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wears bright green tennis shoes?" I asked who they worked for but they wouldn't say. They just said that they were 'officers.'"

The two agents, who Michelle would later learn were from the federal Immigration and Customs Enforcement (ICE) agency, insisted that they needed to speak to Francisco and showed her an administrative warrant that authorized them to pick him up. Frightened, but determined to protect her husband's rights, Michelle refused to allow them in their home and insisted that they could not speak to her husband until he had legal representation. She then closed the door, and waited for the officers to leave.

Nearly a citizen, nearly deported

Michelle, a U.S. Citizen who works as a waitress, and Francisco, a retired auto-technician originally from Guadalajara, Mexico, have been married now for 30 years.

"We met at a Christmas party," said Michelle. "We had a couple beers, had a couple dances and have been together ever since. He's my everything. He taught me how to watch soccer, I taught him to watch Wheel of Fortune. He taught me how to make tacos, I taught him how to make spaghetti. We both support and care for each other."

Francisco obtained his legal permanent residency in 1989 shortly after they married, and they have a son named Tomás, who now has two children of his own. Due to a job-related injury and chronic health issues, Francisco no longer works and spends most of his time with his grandchildren. Michelle and Francisco are especially fond of taking them on trips to the Albuquerque zoo, playing in the park, and going with them to the library near their house. They're typical proud grandparents, quick on the draw with stacks of photos of their grandkids.

But the future of their happy life together is now in danger due to one mistake Francisco made 25 years ago.

In 1992, Francisco was arrested on felony drug possession charges and served a 90-day sentence and probation as a result. But even though he has already paid his debt to society and hasn't had so much as a speeding ticket since then, this conviction has returned to haunt him and his family.

Based upon Francisco's long-time legal residency in the United States, he is eligible for naturalization and submitted an application to become a U.S. citizen while President Obama was still in office. Though President Obama's administration deported more people than any other previous administration, he directed ICE to prioritize foreign nationals with serious criminal records. He further directed immigration agencies to exercise discretion when deciding whether to allow persons like Francisco, who was guilty of nothing more serious than



Francisco Chavez with his grandson.

a single non-violent offense decades earlier, to naturalize to become a U.S. citizens rather than seeking to deport them.

However, when President Trump took office in January he issued a series of sweeping executive orders targeting immigrants and threw discretion out the window. ICE is now under orders to aggressively pursue deportation of so-called "criminal aliens," the majority of whom have committed only minor offenses. According to a report by the Washington Post, nearly half of the 675 immigrants rounded up in the first days of the Trump presidency either had no criminal record or had committed traffic offenses. Under Trump's directives, disabled grandpas like Francisco are now top priority.

This all puts Francisco in a unique position: his marriage to a U.S. Citizen and longtime legal residency in the United States make him eligible to become a naturalized citizen, but simultaneously his felony conviction makes him deportable under the Immigration and Nationality Act. He has a pending application for citizenship and immigration agents knocking on his door trying to place him into deportation proceedings.

Tailed through the streets

After the agents left the Chavez's house that day, Michelle called her son Tomás in a panic.

"I get a call at six in the morning while I'm cooking breakfast, and it's my mom," Tomás recalls. "She tells me that the police are trying to arrest your dad, and I'm like 'Why?' What has he done wrong?"

Tomás rushed over to his parents' house to calm his parents down, and after discussing the situation they agreed to meet at a nearby restaurant for breakfast. As they got into their cars and drove out of their neighborhood, they noticed a Ford Flex with out of state plates pull out of a neighbor's driveway and start tailing Francisco.

"Now they're following us around in an unmarked car that has Texas license plates on it," said Tomás. "At this point we don't even know if they're real law enforcement because they won't identify themselves. What else are we supposed to do, except say, I'm gonna protect my rights and try to figure this situation out."

After a quick phone call, Tomás and Francisco rerouted to Tomás's house where he parked in his son's driveway and ran inside. The same two ICE agents emerged from the tail vehicle and confronted Michelle and Tomás, demanding to speak with Francisco. Michelle and Tomás again refused to allow them inside their house or let Francisco speak to them without legal representation, and Tomás pulled out his cell phone to begin recording the interaction. Sensing their window of opportunity had closed, the agents climbed into their SUV and left.

After they were certain that the agents had left, Michelle began trying to figure out what to do next.

"I just remember thinking, 'The ACLU helps people. The ACLU helps balance the system out. So we drove over to the ACLU's office in Albuquerque,'" Michelle recalls, laughing. "The water delivery guy was coming out just as we came to the door so I stuck my head in and said 'Please help me!'"

Attorneys from the ACLU of New Mexico legal department sat down with Michelle and Francisco to help navigate the situation and connect them to a local immigration law firm.

"The Chavez's did exactly the right things to protect their rights," said ACLU of New Mexico Staff Attorney Maria Martinez Sanchez. "They didn't allow the agents inside their home without a warrant signed by a judge, which is very different than a simple ICE administrative warrant. As soon as they were contacted by ICE, they refused to speak to federal agents and then immediately sought out legal representation. If Francisco hadn't exercised his rights that day, it almost certainly would have derailed his application for citizenship and resulted in ICE placing him into deportation proceedings."

The family's attorney has since contacted ICE and they have agreed to refrain from taking Francisco into custody until his citizenship application is resolved. While the immediate threat has passed, their future remains uncertain.

“
It's hard to plan for the future, when you don't know if you have a future. People ask me, 'what are you going to do if he gets deported?' I say I don't know. We pay the mortgage together. We cook meals together. We support each other. **How do you have a marriage if you live in two different countries?**

”



Tomás Chavez filming one of the ICE agents.

“They have all the power,” said Michelle. “They have the power in their hands and we have the hope in our hearts. It’s hard to plan for the future, when you don’t know if you have a future. People ask me, ‘what are you going to do if he gets deported?’ I say I don’t know. We pay the mortgage together. We cook meals together. We support each other. How do you have a marriage if you live in two different countries?”

A Climate of Fear

Unfortunately, the fear and uncertainty that Michelle and Francisco feel under President Trump’s new immigration enforcement policies is shared by millions of families across the country. An estimated 12 million undocumented people cur-

rently live in the United States, many of whom have spouses or children who are U.S. Citizens. As Francisco’s case shows, even longtime legal residents can be at risk for being torn away from their families if something in their past triggers the interest of federal agents.

With the new administration in the process of hiring thousands of new Border Patrol and ICE agents, even scrapping the polygraph test requirement for new recruits and lowering hiring standards for new agents, President Trump appears poised to make good on his campaign promise to create a mass “deportation force.” It is likely things are going to get a whole lot worse before they get better.

“We need to be ready for this new reality,” said ACLU-NM Regional Center for Border Rights (RCBR) director Vicki Gaubeca. “It’s more important now than ever that people understand their rights when interacting with federal immigration agents. That’s why the ACLU of New Mexico has been putting a tremendous amount of effort into reaching out to immigrant and border communities and gathering the resources we need to hold this administration accountable.”

In preparation for defending the rights of immigrant families, the ACLU of New Mexico has hired a new attorney to focus on immigrants’ rights issues here in New Mexico. ACLU staff from the main office and the Regional Center for Border Rights continue to provide “Know Your Rights” trainings to community groups, and distribute Know Your Rights materials to local activists.

“We want to make sure that every New Mexican can protect their rights as well as Michelle and Francisco did,” said Gaubeca. “Moving forward, it is going to be more important than it’s ever been.”

NEW STAFF

Kristin Greer Love,
Staff Attorney



Kristin Greer Love is a staff attorney with the ACLU of New Mexico. Her work focuses on the rights of people

in immigrant and Muslim communities and detained and incarcerated people. Before returning to the ACLU in March 2017, Kristin clerked for the Honorable Martha Vázquez of the U.S. District Court for the District of New Mexico. She also worked with the ACLU as a Border Civil Rights Fellow, the Young Center for Immigrant Children’s Rights as a staff attorney, and Centro de los Derechos del Migrante, Inc. as a Skadden Fellow and a policy attorney. Kristin is a 2006 honors graduate of the University of Chicago and a 2009 graduate of the University of Chicago Law School.

Ana Moran,
Field Organizer



Ana Moran is a Political Scientist and joined the ACLU of New Mexico April 2017 as the Field Organizer. Prior to joining the

ACLU, Ana worked in electoral politics during the 2016 election. She campaigned and coordinated volunteers to elect the National Democratic ticket in Southwest Colorado.

During college, Ana was involved in civic engagement activities and community advocacy. She served on the local Democratic Executive committee, chaired the legislative affairs committee of her student government, and led the student union programming for three years, introducing educational and interactive events on campus. While in college she was similarly invested in the power of community organizing. She was a founding member and President of the Progressive Student Alliance at Fort Lewis College and organized social justice events and actions locally and on-campus.

Ana moved from Durango, CO to serve New Mexicans and help our communities become stronger and more engaged in the ACLU’s mission. She is honored to call the state her new home and explore its culture, natural environment, and vitality.



On March 18th, the 2017 legislative session came to a close, thus ending the two months of furious lobbying, deal-cutting, and debating that determines the course of the state for the next year and beyond. This year, the ACLU of New Mexico advanced its most ambitious legislative program ever, focusing on digital privacy, criminal justice reform, reproductive rights, and medical aid in dying. We tracked nearly 200 bills during the session, helped to craft and advance a slate of proactive bills to expand liberty in New Mexico, and trained a small army of 108 legislative volunteers to advocate on our issues. The following is an overview of some of the ACLU’s biggest moments during the 2017 session:

Changing the conversation on crime with the New Mexico SAFE campaign

The launch of the New Mexico SAFE campaign in October 2016 had a substantial impact on our legislative program. While in prior sessions, the ACLU-NM and its allies largely adopted a defensive posture with regard to criminal justice, this year we went on offense through the New Mexico SAFE campaign. We worked with a large coalition of allies to issue dozens of analyses of criminal justice bills, providing each with a letter grade from A to F based on how they measured up to the S.A.F.E litmus test (see www.nmsafe.org) that determines whether a bill is actually an effective public safety tool, or merely a costly political prop. This analysis and grading system generated significant media coverage of the real fiscal, human, and public safety costs of so-called “tough on crime” legislation, and led to a fundamental shift on how these issues were debated.

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Letter to the Future

by you i am

To my future son or daughter, may you find this in peace

And when you hear this on your darkest days remember to breathe

I pray you find this on a better day, from the ones that I speak

And hope you never stop believing you can follow your dreams

I pray the day you see the world, it's better than I've seen it

And I hope you make it even better by the time you leave it

See there's fear inside my heart, as I'm walking these streets

I've seen the product of intolerance and racist regimes

Make us out to be like criminals that'll never succeed

And so I'm writing to you hoping that you'll never concede

'Cause you are made of something beautiful, not something obscene

And with the light inside your eyes show them what they can't see

You see we're perfect imperfections held together by a dream

And you're closest to the most high, when you're down on your knees

So when they tell you that you're different, they don't know that it means

That you have something great beneath it, like Muhammad Ali

So may you never feel the pain your parents feel today

A day where everything has changed, afraid to say I'm scared to be myself today

And yet I know that it's time to turn that page

And work that fear into these words I write and ultimately change

See there's not a lot of time to sit and read about the flames

When you get caught up in inaction, you get slowly burnt away

And so I'm fighting for you daily, trying to measure up my name

And hope you see these words as justice built on arrows made of change

May you never see the color of your skin, as a weakness

May you never judge another person different, by their features

May you never know the painful cries of massive deportation

You're a seed of immigration, that was grown into this nation

Never run or hide your faith, Allah will give you patience

Continued on opposite sidebar.

On March 27, the American people witnessed something remarkable: the country's Top Cop went on national TV and demanded that our state and local officials violate the constitution...or else. Attorney General Jeff Sessions threatened to cut off federal crime-fighting funds from so-called "sanctuary cities" that refuse to honor immigration hold requests from Immigration and Customs Enforcement (ICE). These immigration hold requests, often called "ICE Detainers," ask local jails and prisons to detain certain people up to 48 hours beyond their original release date (not including holidays or weekends) so they can investigate their immigration status.

So what's wrong with that?

To start off with, imprisoning someone after they've served out their sentence or posted bond is unconstitutional. Detaining someone beyond their release date is essentially a second arrest, and for that you need to have probable cause to believe that the person has committed a second crime. However, ICE detainers are often based on nothing more substantial than a suspicion that a person might be undocumented, which is not a crime in of itself. In America, we don't arbitrarily imprison people based on mere suspicions—we require evidence and due process. Federal courts across the country have affirmed this principle many times over.

We've already seen negative outcomes from ICE detainers right here in New Mexico. Just five days before AG Sessions delivered his televised threats, a federal judge approved a settlement stemming from the illegal detention of a Farmington woman in the San Juan Detention Center per the request of ICE in 2012. Under the terms of this settlement, New Mexico taxpayers could be on the hook for nearly \$750,000—a price we can ill afford given our state's current budget woes.

Beyond the fundamental unconstitutionality and costliness of these types of immigration holds, detainers also threaten our communities' safety. When jails do ICE's unconstitutional bidding and become proxy immigration agents, it undermines trust in police. How willing would you be to go to the police to report a crime if you believed it could result in your family being torn apart? This reluctance within immigrant communities to report crimes is already in evidence in places like Los Angeles, where the police chief found that since the beginning of 2017 Latino/a residents reported 25% fewer sexual as-

saults and 10% fewer incidences of domestic violence compared to the same period the previous year.

So if ICE detainers are unconstitutional and actually make us less safe, what's really going on here? We see Sessions' threats for what they are: part of the Trump administration's larger campaign of attacks on people of color, on immigrants, and on Muslims. By stoking fear and xenophobia, President Trump and AG Sessions are trying to distract and divide us so that

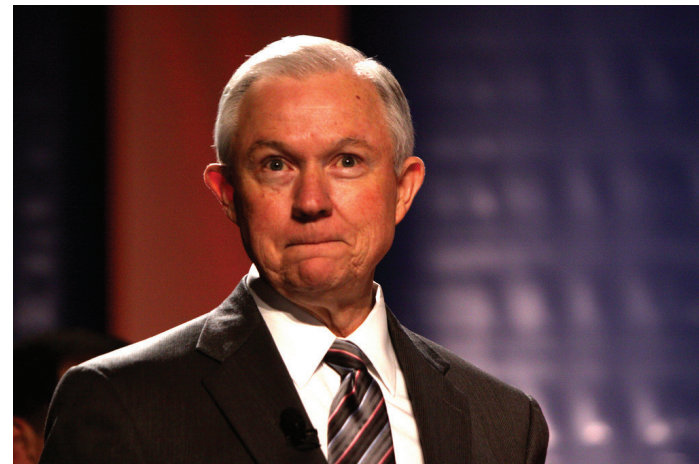


PHOTO: GAGE SKIDMORE

No Sanctuary for Sessions' THREATS

we will lay blame on groups of people, rather than on failed policy, for unemployment and crime. The vilification of immigrants and minorities has been tried many times before in American history and it always fails because ultimately people understand that our nation is strengthened and enriched by hard-working new Americans.

So, to put it in terms that Jeff Sessions, the former Senator from Alabama, might understand: that dog just won't hunt. By and large, New Mexico has resisted involving local law enforcement with other people's anti-immigrant agendas, and we shouldn't let bullying and bluster from the Trump administration change that. One might even hope that New Mexico's example can help instruct Sessions on what respect for the law, Constitution, and basic human decency looks like.

Letter to the FUTURE

How One Physician is Working to Heal our Society

What do comedians, cat-cafes, and rapping doctors have in common? If you answered, "Raising funds for the ACLU," then you win the prize. After the election of Donald Trump to the presidency, people from all walks of life took stock and asked themselves a simple question: what do I have to contribute? So local comedians put on a comedy night as a fundraiser for the ACLU, a cat cafe in Albuquerque hosted a poetry slam benefit, and a medical resident from Albuquerque named Umar Malik, who performs under the moniker "you i am," wrote and produced a hip-hop music video titled *Letter to the Future*, which he made available as a "pay what you will" download online benefiting the ACLU. *Letter to the Future* speaks to the fear that Muslims and other vulnerable communities feel in this environment, and is a powerful call to a more inclusive and secure future for all.

To date, the video has raised more than \$800, has been viewed more than 26,000 times, and shared more than 560 times on



DR. UMAR MALIK, AKA "YOU I AM"

PHOTO: E. GUTIERREZ

Facebook. *Letter to the Future* caught the attention of local TV station KOAT, and became national news when CNN featured Malik in an article about his music video.

ACLU of New Mexico Communications Director Micah McCoy recently sat down with Malik to learn more about what inspired *Letter to the Future*.

Continued on opposite page.

How did you get involved in making hip-hop music? It's not everyday you run across a medical doctor who can flow.

Growing up, I was raised on 90's hip-hop. Anyone from Nas to Tupac, Biggie Smalls, Mob Deep. I listened to those great hip-hop albums over and over. Then one day when I was in college, a couple of friends of mine showed me how to use beat-making software and asked if I could produce some beats for them to rap over. So I learned how to use the program, and made up a beat, and they were like, "This is awesome!" It just became something that I did with my friends in my spare time.

What was it like growing up a Pakistani-American Muslim kid in Albuquerque?

My family is very traditional in terms of culture and religion, so we grew up going to the mosque a lot. Albuquerque only had one mosque at the time, so we had people from all over the world, from the Middle East, Africa, South Asia, American-born Muslims—just so many different kinds of people. That's one of the blessings of Albuquerque: we have such a diverse Muslim population, and beyond that we just have such a diverse population in general.

I didn't really feel any different from anyone else until 9/11 happened when I was in middle school. The mosque I grew up in got a lot of threats and vandalism during that time. It was really hard when I was a kid, seeing a place that you loved and the people you enjoy hanging out with suffer because of something they did not do. Even for me personally, I remember I used to play basketball outside with my neighbor across the street. I went to knock on his door and ask him if he wanted to play a month or two after 9/11, and he told me that he wasn't allowed to play with me anymore. That really stuck with me. That was the first time, where I was like, "I'm different now." And that was really hard. From that time, I think a lot of things shifted for Muslim Americans. We felt that as a community we were distanced from the American population.

How did Donald Trump's campaign and eventual election affect you personally?

I think we've come a long way since 9/11, and that people were beginning to see us as more and more normal. Unfortunately, over the past political campaign, and now Donald Trump's presidency we've come to the point that it almost feels like it's right after 9/11 again. We are being targeted again in that same way. And I think that's the fear that has spread through Muslim-American community, as well as other populations that are equally marginalized if not more: the African American community, the immigrant community, refugee community, disabled people. So many different groups that are now feeling that fear, now feeling like they don't belong as well.

That makes me think of one of the things that struck me about Letter to the Future. It wasn't just about the Muslim experience, it touched on Standing Rock, Black Lives Matter, and the struggles of other communities. What inspired that level of inclusion in your work?

I think that it falls on everyone to look beyond your own struggle and see that there are other people in this as well. It's not just you and your own small little world. We choose to write, and feel, and scream about the things that are closest to us, the things that affect us. If I can't see myself in another person's shoes, why should I feel bad about it or stand up and say something about it? I think that's the reason that *Letter to the Future* is written in that way. Despite my initial inspiration having come from the fear and struggle in my community, it also extends to other communities that are equally fearful. I think that it's very important to represent that.

What inspired you to write Letter to the Future?

The inspiration definitely came during the campaign season. I think that, along with many Americans, I felt very uncomfortable with a lot of the things being said. And at the same time, there were all these polarizing issues like the Dakota Access Pipeline and the water crisis in Flint Michigan. So over the year, I was writing down a lot of my thoughts and feelings about these issues. None of it was really cohesive or finished, just tattered thoughts gathered throughout the year. But the

day after the election, my best friend Ali and I went out to dinner. We just had to talk and process everything that had happened. I remember he asked me, "Is this really the society we want to raise our kids in?"

Right when he said that, I realized that everything that I'd written over the past year would be best portrayed if it were all brought together in the form of a message to the future, essentially a message to my future children. That night I went home, went through all my notes from the entire year and I just wrote the entire thing.

Letter to the Future was obviously written from a place of fear and anxiety, but it ends up conveying a powerfully optimistic message about the future. How did that come about?

I believe we have the power in this moment to really rise up and change things for the better moving forward. As terrible as many of us may have felt after the election, and as terrible as we may feel when certain things are said by this administration, or when they target us with bills and executive orders, I still think there is a silver lining. I think we have come together in ways we've never seen before. We're rising up as a community of Americans and saying that we will not tolerate intolerance. I think that in of itself makes me very hopeful for the generation that we will be collectively raising over the next years. If we continue to move forward with that attitude, our future generations will benefit from it and we will progress even further.

Why did you decide to use Letter to the Future to raise funds for the ACLU?

I wanted to use the song in a way that would actually contribute to the people working on the ground to protect Muslim communities, as well as other communities that might feel threatened. I had seen the work that the ACLU had done with our mosque, helping us arrange press conferences, providing know your rights trainings, and being an organization that was a support to us in times of fear. The ACLU really stepped up and said, "You know what, we're not going to tolerate this. We're going to fight this every step of the way."

When you see what the ACLU did with the first Muslim ban, and the work that they put into stopping that from happening, those were some of the prime examples of why I identified the ACLU as an organization that's really on the ground and doing the work.

This interview will be published in our newsletter which goes out to more than 12,000 members across our state. Is there anything you would like to tell them directly?

I think it's incredible that so many people have taken the step to join the ACLU. I think that in of itself is a form of resistance, to support an organization that is really pushing the boundaries and stepping up for all of us. I think that the primary thing I'd like to tell them is don't let joining the ACLU be the last step. Because if we truly want to change the direction of this country, and actually make a society in which our kids can live freely and not feel like they can't attain something because of the color of their skin, or their gender, or the religion that they grew up with, then we have to do more.

I think it's important that we come together to make a statement. The airport march was a statement. The Women's March was a statement. The things we do in response are very important, because we cannot any longer sit back and watch everything as it happens, as if we're watching a movie. If we are complacent in that regard, then things will never truly change.



PHOTO: E. GUTIERREZ

So fight for equal rights in spite of what they might believe in

That is freedom, that Dr. King had seen when he was dreaming

Now we're screaming, Black Lives Matter, for the same reason

So, may you never see a disability as a weakness

For your auntie only has a hand, but makes it all look easy

May you never see somebody die, or poisoned by their poverty

Drinking lead water from the faucets on their property

Or never see the day when oil conquers water

Or corporations colonize our Native sons and daughters

May you never see the days when women aren't treated equally

Or even seem to be the highest paid that they're deserved to be

And so, I write this to my son and to my daughter

To my soul, from your father, I got one more lesson for you

Most importantly, I pray you love your mother more than me

For she walks across Earth with heaven beneath her feet

And we are free

Said we are free

As she walks across Earth with heaven beneath her feet

We are free.

Watch the *Letter to the Future* music video at www.facebook.com/youiammusic, and download the track from Bandcamp at <https://youiam.bandcamp.com>.

THE TORCH

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Legislative Overview

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Clawing back from a potentially catastrophic constitutional convention

The ACLU of New Mexico policy team helped to pass a successful joint resolution that rescinded the applications the New Mexico legislature made during the 1950s, 1960s and 1970s requesting Congress to call a constitutional convention under Article V of the U.S. Constitution. Under Article V, if 34 state legislatures “issue a call” for a constitutional convention, Congress must open up a convention which could potentially rewrite the constitution. This has never happened in the history of the country, and the uncertainty of what would transpire poses an unacceptable risk, especially in the current polarized political climate. That’s why passing this rescission resolution was so important: It potentially helps to pull the country back from the brink of putting the entire U.S. Constitution up for grabs. Both New Mexico and Maryland rescinded their convention calls this session, with several other states promising to follow.

Passing sweeping digital privacy protections for New Mexicans

Think about all the personal information, private correspondence, and photos you keep on your cell phone and laptop. Now think about the fact that outdated privacy laws in New Mexico don’t explicitly protect that information from police searches without a warrant. The ACLU of New Mexico is on a mission to fix this. This session we helped spearhead bipartisan efforts to pass the New Mexico Electronic Communications Privacy Act (ECPA), which would require state and local law enforcement to get a warrant before they can access anyone’s private digital information. The bill would provide protections for New Mexicans’ email, cell phone, and other electronic communications. Last year, the conservative-leaning Albuquerque Journal wrote an editorial in support of passing ECPA. Despite passing both chambers unanimously, Governor Susana Martinez vetoed the bill. Based on the votes this legislation received, we are optimistic that we’ll be able to pass it once the current governor has left office.



“Veni, vidi, veto.”

Reforming solitary confinement

For several years running, the ACLU of New Mexico has worked tirelessly to reform how solitary confinement is used in our state. This year, Representative Moe Maestas and Senator Mary Kay Papen introduced bills to restrict and reduce the use of solitary confinement in New Mexico jails and prisons. These bills would have enacted common sense reforms by banning the use of solitary confinement on vulnerable populations, including children, pregnant prisoners, and prisoners diagnosed with serious mental illnesses. They also would have required detention facilities to report on their use of solitary confinement. With the ACLU’s help, the bill secured the support of AFSCME, the labor union that represents corrections officers in New Mexico, as well as the Association of Counties. The house version, HB175, passed both chambers with some bipartisan support but yet again Governor Susana Martinez vetoed it. We expect that this is another bill that we can pass once we have new leadership in the governor’s office.

Expanding Reproductive Freedom

The ACLU of New Mexico worked with Senator Ortiz y Pino to introduce a bill to empower providers at NM hospitals to provide full information, referrals, and reproductive health services no matter the hospital’s religious affiliation or policies, and to hold hospitals accountable for withholding reproductive health services when a patient’s life or health is at risk. While this bill didn’t make it through both chambers, it did

make it through both of its assigned Senate committees – one unanimously, with bipartisan support. In addition, we put significant work into the introduction of a bill designed to repeal old statutory language criminalizing abortion.

As part of our Respect NM Women campaign, our collaborative effort to build respect for women and their reproductive healthcare decisions in New Mexico, we worked to place full page ads in New Mexico newspapers featuring an open letter of support for abortion rights signed by 78 local faith leaders. As part of this same public education campaign, we ran radio ads in strategic areas of the state featuring supportive messaging on abortion to help shore up public support for reproductive freedom.

Governor Susana Martinez: governing by veto

As you may have noticed, several of the bills we helped champion this legislative session passed through both houses with bipartisan support—only to be vetoed by the governor. With the notable exception of HB 75, many of the other progressive bills we helped pass met the same fate:

- HB75: a proposal to limit the use of restraint and seclusion on students (signed by the governor);
- SB78 (“ban the box”): a proposal prohibiting employers from requiring job applicants to indicate whether they’ve ever been convicted of a crime on the initial application (vetoed by the governor);
- HB179: a proposal to protect pregnant workers (vetoed by the governor);
- HB428: a proposal to decriminalize certain low-level non-violent offenses (vetoed by the governor);
- B292: a proposal to catalog the collateral consequences associated with being convicted of a crime in New Mexico (pocket vetoed by the governor);

Although, it’s disappointing to have bills that would help New Mexicans live freer, safer, and more prosperous lives vetoed by the governor—often with no explanation and little apparent forethought—these are still important victories in our long term struggle. By passing these measures through both houses, we are showing that these bills are viable, mainstream, commonsense measures that have a future. We feel optimistic that we’ve laid the groundwork for a future, less obstructionist governor to sign these measures into law.

Fighting to secure medical aid in dying

We fought in the courts for more than four years, so that terminally ill, mentally competent New Mexicans can seek a physician’s aid in dying if suffering at the end of life becomes too much to bear. Unfortunately, after a favorable ruling in district court, the Supreme Court of New Mexico ultimately decided that the issue should be decided in the state legislature. We remain firmly committed to ensuring that this compassionate care is available to dying New Mexicans, so we threw our support behind a pair of bills this session that would have affirmed the right to medical aid in dying in New Mexico. The measure fell short this year in the senate, but we believe that the media and public education work we helped do around this issue has laid the foundation for securing this care in a future legislative session.

Playing Defense

Although we are especially proud of our ambitious and aggressive proactive legislative program this year, we still had to play plenty of defense to keep bad bills from slipping through. We defeated dozens of such measures, including nine proposals to restrict access to safe and legal abortion, and bills that would have increased criminal sentences and allowed local governments to pass teen curfew ordinances.