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# THE TORCH

The Newsletter of the American Civil Liberties Union of New Mexico

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## Part I: Masked Men in the Night

The dark handheld camera footage shows a large group of people, mostly families clutching small children, blinded by the flashlights trained on their faces. Heavily armed men wearing fake law enforcement badges, ski masks, and camouflage uniforms bark orders to the frightened families in mangled Spanish, identifying themselves as “Policia!” or “Border Patrol!” The families kneel in the sand and wait.

“Don’t aim the gun at them,” admonishes a woman named Debbie to an unseen gunman as she documents their illegal detention of more than a hundred migrants on her Facebook livestream.

The migrants, mostly asylum seekers fleeing horrific gang violence and climate catastrophes in their home countries in Central America, sit huddled and scared at the end of a dangerous and grueling journey that took them across half a continent. For many of them, it was a journey that began with a thug’s gun pointed in their face. Here, just a few feet inside the “land of the free and the home of the brave,” their journey ends the same way. After nearly an hour, flashing lights of Border Patrol vehicles illuminate the sea of faces, and federal agents finally take custody of the group. They herd the families into vans and drive off into the night.

The men and women detaining asylum seekers in the video belong to a group called the United Constitutional Patriots (UCP), a band of heavily armed men and women styling themselves as a volunteer “militia.” The paramilitary group, whipped into a paranoid frenzy by the darker backwaters of the internet and emboldened by Trump’s relentless demonization of migrants, set up camp near Sunland Park, New Mexico in March and began conducting armed patrols of a nearby stretch of the border, seeking to intercept and detain migrant families as they crossed from Mexico into the United States to request asylum.

They obsessively live-streamed their “operations,” providing a running commentary comprised of equal parts racism and conspiracy while they trained the camera on each new group of desperate people they detained.

“Look at them, they’re like cockroaches,” says one UCP member as the camera pans over a huddled group of parents with small children.

“I don’t think these kids are even theirs, look at the way they’re gripping their arms,” says another, referencing a conspiracy theory that migrants “fake” their families by renting children from Mexican drug cartels in order to strengthen their asylum cases.

“If we shot on the hill, it would be an international crisis,” says the group’s spokesperson Jim Benvie, as he records two migrants sleeping on the ground as they wait for border patrol to arrive. “It would save us some time, though, wouldn’t it?”

## Part II: The Wild West

“When we first saw the videos, we were dumbstruck,” said Legal Director Leon Howard. “I mean, here were groups of armed civilians with no authority whatsoever to enforce federal immigration law holding parents with toddlers at gunpoint. It was almost surreal in its ugliness.”

Shocking as the images were, they were nothing new. We were simply witnessing a flare up of an endemic cultural virus that has an especially pernicious hold on the American West: vigilantism.

The European-American expansion westward was at its core violent and racist in nature, forcibly displacing and slaughtering native peoples who had called the lands home for centuries. As colonization accelerated, massacres of native peoples by informal bands of settlers became commonplace. Thousands of native men, women, and children were murdered in horrific fashion across the American west in the 19th and early part of the 20th century.

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## CROSSING THE LINE

*Continued from page 1*

Racist mob violence was hardly limited to native peoples however. The century long campaign of terror against African-Americans that involved more than 4,000 lynchings is relatively well known, but less known are the paroxysms of mob violence against Chinese immigrants that seized the American West in the latter part of the 19th century and the estimated thousands of Latinos and Hispanics that were lynched, nearly 100 in New Mexico alone.

In reaction to a spike in undocumented migration from Mexico in the early 2000s, a modern incarnation of the same vigilantist impulse cropped up in the form of anti-immigrant border militias. One of the first and most famous was the Minutemen Project, which made headlines by organizing more than 1,000 armed civilians to conduct independent armed patrols along the border, seeking groups of migrants to report to the immigration authorities. While the Minutemen largely avoided direct contact with migrants, the appearance of hundreds of racist vigilantes in the borderlands set off alarm bells for the ACLU. In 2005, the ACLU of New Mexico, along with border affiliates in Texas, Arizona, and California, began training and deploying legal observers to monitor the group's activities.

After a period of decline through the late aughts, paramilitary groups and militias experienced a resurgence following the election of Barack Obama to the presidency in 2008. The coinciding rise of social media allowed pockets of extremists and hate groups to network, organize, and recruit in ways never before possible. With the election of Donald Trump, a man who embodied and legitimized all of the toxic ideas at the core of the militia movement, this highly combustible cocktail of racial resentment, xenophobia, and paranoid conspiracy was set to explode.

### Part III: Fighting Back

Just as the ACLU of New Mexico refused to allow the first wave of border militias to run roughshod over our communities in the early 2000s, we weren't about to allow the United Constitutional Patriots to terrorize and illegally detain families seeking asylum at New Mexico's border.

"Leaving aside the blatant illegality of it all, it was a humanitarian disaster waiting to happen," said Howard. "Vigilantes rounding up hundreds of people at gunpoint in the middle of the night, it was only a matter of time before somebody—maybe a lot of somebodies—got hurt or killed."

Upon learning of the militias activities in April, the ACLU of New Mexico legal team sprang into action drafting a letter to New Mexico Governor Michelle Lujan Grisham and New Mexico Attorney General Hector Balderas, urging them to investigate, writing:

*"The Trump administration's vile racism has emboldened white nationalists and fascists to flagrantly violate the law. This has no place in our state: we cannot allow racist and armed vigilantes to kidnap and detain people seeking asylum. We urge you to immediately investigate this atrocious and unlawful conduct."*



*UCP spokesperson Jim Benvie with fellow vigilantes on the border.*

Governor Lujan Grisham swiftly spoke out in condemnation of the group's activities, releasing a statement saying, "It should go without saying that regular citizens have no authority to arrest or detain anyone. My office and our state police are coordinating with the Attorney General's Office and local police to determine what has gone on and what can be done."

To ratchet up pressure on the authorities to curb the group's illegal activities, the ACLU of New Mexico released the information widely to the media, generating a firestorm of national news coverage. The companies PayPal and GoFundMe promptly suspended UCP's accounts, cutting off the main source of the militia's income. The following day, the FBI arrested the UCP's leader, Larry Hopkins, on federal weapons charges. The day after Hopkins' arrest, Sunland Park Police and Doña Ana County Sheriff's Deputies arrived at the UCP's camp and evicted the vigilantes from the Union Pacific Railroad land where they were illegally trespassing.

"I think there's no doubt that the advocacy and the pressure the ACLU of New Mexico was able to bring to bear was instrumental in dismantling the vigilantes' racist and dangerous activities in our border communities," said Howard. "Less than a week after we first viewed the video of them detaining migrants, we had essentially put them out of business."

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## FROM THE DESK OF EXECUTIVE DIRECTOR PETER SIMONSON

Every mass shooting is an occasion for profound grief and outrage. But the recent tragedy in El Paso, where a racist gunman targeting Hispanics opened fire in a WalMart killing 22 people, is cause for special anguish. Not only does it lay bare the failings of our democracy and feckless national leadership, it also exposes the depths of racism infecting American society.

Where references to “white supremacy” and “white nationalism” were once largely relegated to conversations about Nazism and the KKK, today they litter our daily discourse and pose a very real threat to the safety of our families and communities. Like it or not, each and every one of us is forced to reckon with the odious proposition that white people deserve to rule the nation.

The ACLU of New Mexico is not standing for it. We are taking a zero tolerance approach to acts of racial hatred, however and whenever they show up—in places of work, places of business, or simply out in our communities. The First Amendment may protect a person’s right to think and express racist thoughts, but it does not give people the right to bring to bear their oppressive beliefs on the people they employ or serve, and it certainly doesn’t empower hate-mongering vigilantes to take the law into their own hands.

Since Trump took office, the ACLU has sued two New Mexico convenience stores and threatened another with litigation after they discriminated against their customers of color, assailing them with racial epithets and calling the police to arrest a customer because he was Black.

We are litigating three outstanding lawsuits challenging racial profiling by the Bernalillo County Sheriffs Office, the Sunland Park Police Department, and the Santa Fe police.

Earlier this year, we mounted an all-out campaign to shut down a group of white nationalist vigilantes who were taking immigrant families hostage at gunpoint as they crossed the border.



This summer we agreed to represent a Muslim man who was accosted by a security guard as he tried to pray at the gravesite of his son, who only a week earlier had committed suicide. The security guard, a young white man, mocked our client’s accent, spat on his car and stomped on his son’s freshly-dug grave, all because of our client’s race and religion.

Trump may not be responsible for white supremacy, but his presence in the White House has, without a doubt, inspired self-avowed racists to act on their beliefs in ways we haven’t seen for generations. Our reaction to these vile acts must be swift and unequivocal. Together we can show that New Mexico rejects white supremacy and will hold the tide against this monstrous trend now and long after our White Supremacist in Chief leaves office.

Peter Simonson  
*Executive Director*

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Lee Gelernt, the ACLU's top immigrants' rights attorney, has argued many of the ACLU's groundbreaking challenges to Trump administration policies, including the anti-Muslim travel ban and child separation policies.

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## CROSSING THE LINE

*Continued from page 2*

As the media attention intensified, the U.S. Customs and Border Protection (CBP) agency released a statement via Twitter claiming that the Border Patrol “does not endorse or condone private groups or organizations taking enforcement matters into their own hands.” The ample footage taken by UCP vigilantes tells a different story. UCP members were clearly in close contact with CBP agents, calling them directly each time they “apprehended” a new group of migrants. At times their relations appear downright chummy, with one masked vigilante posing for a photo between two CBP agents on horseback. In May, the ACLU of New Mexico filed a public information request with CBP demanding information on all communications and collaborations between CBP and UCP to determine the government’s full and true entanglement with extremist militias at the border.

month, the campaign raised more than 20 million dollars from individual donors across the country.

Armed with a large war chest, Kolfage channeled the funds into his newly formed 501(c)4 non-profit and recruited former White House Chief Strategist and notorious white nationalist Steve Bannon to chair an advisory board that included other prominent anti-immigration activists such as former Kansas Secretary of State Kris Kobach and former Colorado congressman Tom Tancredo. In searching for prospective wall construction sites during spring 2019, Kolfage and WBTW cultivated a relationship with UCP vigilantes who were then still operating on private land along the border in Sunland Park. The vigilantes began coordinating with WBTW, facilitating negotiations between the landowners and providing fundraising fodder with their recordings of migrant detentions. By April, UCP and WBTW were cozy to the point that Kolfage began referring to the vigilantes as “our guys on the ground” in fundraising pitches.



**PHOTO:** ACLU of New Mexico staff inspect the privately built border wall in Sunland Park, NM. Monument One visible in the background.

### Part IV: The Wall

By mid-May, it was beginning to appear that our work disrupting racist militia activity on our southern border was winding down. But what had already been a bizarre and disturbing series of events was about to get stranger. On Memorial Day Weekend, border residents woke to a jarring sight. Seemingly out of nowhere, a large construction crew with heavy machinery had descended on Sunland Park and begun constructing a 20ft high steel border fence.

Under the cover of darkness, a nonprofit called We Build the Wall (WBTW) had begun the construction of the first ever non-governmental border barrier on private land. After President Trump found it impossible to convince congress to fund one of his favorite xenophobic hobby horses, the construction of a multi-billion dollar wall along the entirety of the southern border, one of the president’s more enterprising supporters sensed an opportunity. Brian Kolfage, an Iraq veteran known for shady business ventures that peddled fake news and ultra-right clickbait on social media, conceived a viral campaign on the crowdfunding platform GoFundMe called “We Fund the Wall” with the purported mission of bypassing congressional purse strings to fund Trump’s border wall. In less than a

After the ACLU of New Mexico began advocating against UCP’s illegal and dangerous activities, the group largely disintegrated under the increased scrutiny and legal pressure. However, a few individuals, including the group’s spokesperson Jim Benvie, remained and served as informal security and propagandists for WBTW as they broke ground. With the vigilantes’ help, WBTW and the landowners blocked journalists and concerned community members from accessing a public road to the site where more than half a mile of steel wall was under construction.

Obsessed with secrecy and speed in order to avoid legal challenges and red tape, WBTW pushed construction forward at breakneck speed without performing an environmental impact study or obtaining proper building permits from the City of Sunland Park. Continuing their build-first-get-permission-later strategy, WBTW extended their border barrier beyond the private property, blocking a public road leading to Monument One, a historic landmark at the boundary between New Mexico, Texas, and the Mexican State of Chihuahua that has served as a symbol of binational unity and cultural identity for area border residents since 1855.

“This outside extremist group was essentially locking border communities out of their own culture and history for the sake of a racist PR stunt,” said

Nia Rucker, Policy Counsel for the ACLU of New Mexico Regional Center for Border Rights in Las Cruces, NM. “They thought they could just bully and intimidate their way past rules and regulations intended to protect the health, safety, and cultural integrity of the community.”

Our communications team immediately mobilized hundreds of ACLU supporters to call the International Boundary and Water Commission (IBWC), the federal agency responsible for administering the area around Monument One, to demand that they force WBTW to remove the unauthorized gate from public land. At the same time, the ACLU of New Mexico legal team collaborated with the ACLU of Texas Border Rights Center in El Paso to reach out to IBWC attorneys. Shortly afterwards, the IBWC ordered WBTW to leave the gate open during daylight hours, restoring access to the public.

“We’re pleased the area is once again open to the public, but ultimately we believe that any unauthorized private border barriers on public lands must be completely removed and the land remediated to its original state,” said Rucker.

**Part V. Epilogue**

On June 25th, the FBI arrested Jim Benvie, one of the last remaining vigilantes active in the area, on charges of impersonating a border patrol agent. In early August, the State of Florida, where We Build the Wall is registered as a nonprofit, confirmed that the organization is currently under

criminal investigation, and the City of Sunland Park has filed a legal complaint against the owner of the property where the wall was built without proper permits. New Mexicans fought back, and the forces of vigilantism, hate, and xenophobia are on their heels.

Taken all together, the events of this spring and summer were an unprecedented assault on New Mexican communities and the shared values that bind them together. For hundreds of years, our state has built its strength on its multi-cultural identity, with immigrants playing a valued and respected role in our communities. Our borderlands are culturally, economically, and ecologically vibrant, with a rich history shared across international lines. Our character is fundamentally incompatible with Trump’s vision of a country defined by fear, division, and cruelty

In New Mexico, we do not meet children and families seeking safety from violence and oppression with guns and walls. We do not bully the poor and the desperate, nor do we permit others to do so on our watch. Instead, we open our hearts and our doors and treat those seeking our help with dignity and compassion, exactly like Deming, New Mexico did. When the U.S. Border Patrol began dumping busloads of migrants in the small city in southern New Mexico this spring, the whole community mobilized to provide shelter, food, and medical care for more than 10,000 migrants. This is the New Mexico we believe in. This is the New Mexico we fight for.

“ This outside extremist group was essentially locking border communities out of their own culture and history for the sake of a racist PR stunt. ”

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## QUICK TO JUDGE

### *A deaf woman’s fight for justice in the courts*

*By Katie Hoepfner*

.....  
**“She’s being an obstructionist.”**

That’s what Judge Daniel Ramcyk said of Selene Alverio, a deaf mother of two, after she told him he was violating her rights by denying her an American Sign Language (ASL) interpreter during a civil dispute hearing with her landlord last November.

Selene’s stomach turned. The courtroom blurred. She stood there in shock.

Two weeks prior she’d visited the Bernalillo County Metropolitan Court and requested an interpreter, but court staff claimed her request was too late even though she made it well before the 48 hour advance notice deadline. Just a few minutes earlier, when the judge notified her that he would proceed without an interpreter, Selene begged him to understand that although she had cochlear implants—electronic devices that help her to process sound—she would struggle to follow along.

“Sir, your honor, I respect your decisions. (But) Just because I can hear you and understand you does not mean I am able to get every single word out of you clearly,” Selene urged.



*Continued on page 6.*

“  
I have encountered  
discrimination  
throughout my  
life...It never gets  
any easier.  
”

## QUICK TO JUDGE

*Continued from page 5*

Judge Ramcyk brushed off her plea and continued with the hearing.

Quickly, Selene began missing critical pieces of testimony. She tried to follow the conversation between the judge and her landlord, but between the clerk's typing, the echo of the microphone, and the courtroom vents, she couldn't fully hear. She tried to read the judge's lips, but he was too far for her to make out the words. And with her landlord situated next to her, reading her lips wasn't an option.

Selene was in an impossible situation. She couldn't adequately defend herself, but with each plea she made to the judge for an interpreter he became increasingly hostile, accusing her of lying about her inability to follow the proceedings.

In just the first five minutes of the hearing, Judge Ramcyk had made up his mind and would not be swayed. After calling her “an obstructionist,” he accused her of trying to “cause trouble,” and then swiftly entered a judgement against her and in favor of her landlord.

### A Lifetime of Discrimination

Selene fought back tears as a familiar disappointment bubbled inside her.

She began losing her hearing from auditory nerve damage when she was three-years-old. As her hearing steadily declined in her teen years, and she discovered that she would eventually lose her hearing entirely, she learned to communicate through ASL. Doing so brought Selene comfort and reprieve, especially after she became completely deaf at age 25.

But learning ASL didn't solve all of her struggles. While navigating the challenges of losing her hearing, learning a new language, and then adapting to new technology, she faced countless instances of discrimination and unnecessary barriers to the accommodations she requires.

When Judge Ramcyk slung his final barrage of insults her way, they conjured up painful memories that settled into a knot in her stomach.

“I have encountered discrimination throughout my life—in the school system, the workforce, and even just going grocery shopping, or running other simple errands,” Selene said. “It never gets easier.”

Despite the countless instances of discrimination she's faced, Selene expected to walk in the courtroom that day and receive a fair hearing. She believed that a judge would behave differently, that he would do everything in his power to ensure she had the same access to justice as her landlord.

“I expected a judge to understand that a person who is asking for help has a reason for asking for that help,” Selene said. “I struggle everyday with hearing. I wear cochlear implants, but physically and biologically I am deaf. Why should I be punished for trying to defend myself?”

### Taking Action

When Selene left the courtroom, she made up her mind to not let her sadness turn to despair and

inaction. She decided to fight the injustice she faced to prevent other people from facing similar discrimination.

“I decided to speak out on this issue because I don't want other people to experience what I experienced,” Selene said. “Once I became a mother I realized I have to advocate for my children and I have to advocate for others who are in vulnerable positions. That's the only way we can put a stop to discrimination.”

Selene contacted New Mexico Legal Aid and started the process of appealing Judge Ramcyk's ruling. With Selene's agreement, her lawyer, Riley Masse, reached out to the ACLU of New Mexico and told our legal team about the discrimination she faced.

“In eviction cases, landlords have most of the power because tenants risk potential loss of housing and do not have much room to bargain. Add disabilities into the mix, and tenants face huge obstacles in successfully defending against eviction,” said Masse. “This is why it is so important—and required by federal law—for courts to provide reasonable accommodations for disabilities, including providing interpreters when requested. When they fail to do so, people with disabilities are all the more likely to be evicted and suffer the host of emotional and financial consequences that come with loss of housing.”

We were outraged to learn that the judge so brazenly violated the Americans with Disabilities Act, which requires public entities, such as courts, to provide adequate accommodations to deaf people and people who are hard of hearing so that they have the same opportunity to participate in public services, activities, and programs as everyone else.

“At issue here is equal access to justice,” said María Martínez Sánchez, ACLU of New Mexico senior staff attorney. “How can anyone receive a fair hearing if they can't understand what's being said? Depriving someone of the right to understand their own hearing is not just illegal, it's an affront to human dignity.”

On June 25, our legal team filed a complaint with the Civil Rights Division of the United States Department of Justice on Selene's behalf, asking them to investigate the incident of discrimination and to require that Judge Ramczyk and Metropolitan Court staff undergo training regarding their obligations to provide accommodations for deaf individuals under the Americans with Disabilities Act.

We're counting on the department to take the complaint seriously. No one should ever be told that they are being an “obstructionist” for trying to understand and be understood. Such blatant demonstrations of discrimination and hostility undermine the integrity of the bench and have no place in our courts.

Judge Ramcyk was too quick to judge, wrongly assuming that because Selene had cochlear implants that she must be lying about her need for an interpreter. He assumed that he knew better than her what her needs were and it cost Selene a fair hearing. The real obstruction was an obstruction of justice—a wrong that must be righted so that people like Selene don't have to worry that they will be punished for demanding equal treatment.

# “YOU CAN’T SAY YOU LOVE GOD AND HATE YOUR NEIGHBOR”

An interview with Father Jim Lehman of Holy Family Church in Las Cruces

By Katie Hoepfner



New Mexico is one of the top ten most Catholic states in the country, and the faith tradition is deeply intertwined with the history, identity, and culture of our state. Each Sunday, tens of thousands of New Mexicans pack historic churches for mass, seeking comfort, community, and meaning in the sacraments and rituals of the faith. For many Catholics, their religion is not only one of tradition, prayer, and contemplation, but one of bold action. Jesus’s radical teachings on compassion, acceptance, and justice have inspired countless Catholics to fight for economic and social justice and advocate for the marginalized and oppressed, both here in New Mexico and around the world.

From pioneering Liberation Theology in Latin America, to supporting the farm worker movement in the American southwest, to protesting the inhumane and unjust U.S. immigration policies of today, Catholics have regularly been at the forefront of many social justice issues. Yet, we hear the same argument all the time. “You won’t get the Catholics on board for that issue.” There’s a common misconception that Catholics won’t rally for LGBTQ rights and that they do not trust women to make their own reproductive health decisions. But Catholics are not monolithic in their beliefs. They are a diverse group of people with overlapping and intersectional identities who don’t always agree with the Vatican’s stance on any particular given issue. Many practicing Catholics are gay, transgender, use contraception, have had an abortion or love someone who has. The same scriptures that encourage many Catholics to fight for the poor and to help immigrant families in detention often inspire them to fight for equality for their gay neighbors and to protect their loved ones’ bodily autonomy.

In order to dig a little deeper into the diversity within the Catholic activist community here in New Mexico, we sat down with Father Jim Lehman—a Catholic priest who founded an inclusive church in Las Cruces—for a conversation about why he believes the gospel calls us to love and seek justice for all people.

.....

**KH:** Tell us about what led you to form Holy Family American National Church.

**Fr. Lehman:** At about 18, I was in a religious order called the Alexian Brothers and we took care of the sick. And this was in Chicago and Wisconsin. After that I went to New York City and I began to study social work. Eventually, I got back involved with the church and got ordained in Santa Fe. Then, in about 1987 I moved down to Las Cruces and was hired as the administrator of the cathedral. And one day I thought of my sister who is a good Episcopalian and I thought about how technically, according to the rules, she couldn’t come to communion. And I thought, “Jesus surrounded himself with the lost and the marginalized and ate with prostitutes and tax collectors and pagans. Are we pushing people out of the church?” And that led me to form the parish Holy Family in 1995.

**KH:** So Holy Family is open and affirming of all people?

**Fr. Lehman:** Yes, Jesus had no litmus test for the people he reached out to. I started the church to live out the gospel. A friend of mine used to say, “Communion is not a reward for good behavior” because what happens is, well how do you define “good?” We have an open communion table. And we want people to go to communion because that is the sacrament of healing that gives them strength for the journey. And gives them the courage to live the gospel.

**KH:** Do you think Catholic theology is actually inherently accepting of all people, contrary to what many people think?

*Continued on page 8.*

“

If we are the body of Christ then we all are necessary to be that body. You can’t say well, “I don’t like transgender people” or “I don’t like gay people.

”

## 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 Micah McCoy, Editor and Communications Director at: [mmccoy@aclu-nm.org](mailto:mmccoy@aclu-nm.org)

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## INTERVIEW WITH FR. JIM LEHMAN

*Continued from page 7*

**Fr. Lehman:** Saint Paul said, “there is neither Jew nor Greek, neither slave nor free, nor male and female.” Today he would say, “You are not black or white, Muslim or Jewish, gay or straight. All are one in Christ Jesus.” In another scripture, Paul says, “What can the finger do without the eye and the hand without the ear?” What he is saying is, “You cannot push a part of the people of God out the door. It’s not okay because all are required.” If we are the body of Christ then we all are necessary to be that body. You can’t say well, “I don’t like transgender people” or “I don’t like gay people.” Paul would say, “It’s not okay.” We are judged on how we treat one another.

**KH:** I grew up Catholic and I wish I would have heard more of that growing up...

**Fr. Lehman:** Yeah. Too often, Roman clergy are preaching dogma and not necessarily the scriptures. The scripture is very clear. Last Sunday was the story of the Good Samaritan and the Samaritans were people who were hated. In the Gospel of Luke, A lawyer asks Jesus, “who is my neighbor?” in response to the teaching “Love thy neighbor like yourself.” And Jesus says, “Let me tell you a story.” He goes on to tell a story of this man who was beaten and left on the side of the road. No one would help him but the “lowly” Samaritan who the others considered to be an abomination. The Samaritan reached out and took care of the guy who was injured. And at the end of the story, Jesus said, “Who do you think was the neighbor?” And the lawyer said, “The one who showed mercy” and Jesus said, “Yeah.”

**KH:** Do you think Catholic values encourage Catholic New Mexicans to fight against injustices in their communities and to stand up for their fellow community members?

**Fr. Lehman:** In our community here, four young gay men from Latin America were stuck in detention for a couple months. In detention they were sexually assaulted and all sorts of bad things happened. So when they finally came out of detention we helped them to settle here and then eventually in upstate New York and New York City. That’s what the gospel tells us to do.

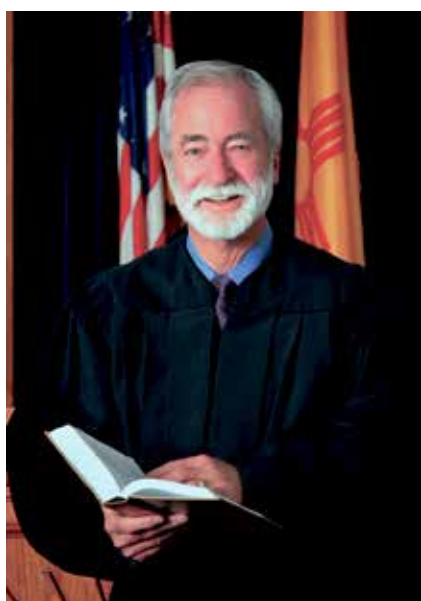
**KH:** You’re a part of the the American National Catholic Church, not the Roman Catholic Church?

**Fr. Lehman:** Yes. There’s a movement in the country called the Independent Catholic Movement. There’s probably a million independent Catholics in the United States and 300 or 400 Bishops. Internationally the independent Catholics are called the Old Catholics and they pulled away from the Vatican after the First Vatican Council because they did not see the pope as infallible.

**KH:** Is there anything else you want to share?

**Fr. Lehman:** The bottom line is that in John it says, “If you say you love God and you hate your neighbor, you are a liar.” That’s as clear as it could be. Paul says, “All things will pass away except love.” So, we are judged on how we love. We’re not called to judge other people or the decisions they make. If not, it’s a slippery slope. If we are allowed to discriminate against one group, then what?

Do you know the story of the Lutheran minister in Germany? He said, “First they came for the socialists and I didn’t speak out because I wasn’t a socialist. Then they came for the trade unionists, and I did not speak out because I was not a trade unionist. Then they came for the Jews, and I did not speak out because I was not a Jew. Then they came for me—and there was no one left to speak for me.” Today, we can say, “They came for gay people, and I wasn’t gay so I was quiet”... and on and on.... “And then they came for me and there was no body left.”



## REMEMBERING JUSTICE CHARLES DANIELS

New Mexico has lost one of its giants. Charles Daniels—one of the most respected attorneys and jurists in New Mexico history—passed away on September 1. Daniels, born in poverty to Arkansas sharecroppers, graduated first in his class at the University of New Mexico School of Law after finishing his enlistment in the U.S. Air Force. He was a founding partner of the Albuquerque law firm Freedman, Boyd, & Daniels (Now Freedman, Boyd, Hollander, Goldberg, Urias, & Ward PA), and over the course of 40 years of practice established himself as one of the preeminent criminal defense attorneys in the state.

In 2007, Governor Bill Richardson appointed Daniels to the New Mexico Supreme Court, where he served for 11 years, including two terms as chief justice. During his tenure on the court, Daniels led the charge to pass a constitutional amendment overhauling the bail bond system in New Mexico in order to help insure that defendants who pose no safety or flight threat are not held in pre-trial detention simply because they cannot afford to post bail. Daniels was also a driving force behind the court’s efforts to reform the state’s guardianship/conservatorship system for the elderly, creat-

ing stronger protections for one of the state’s most vulnerable populations.

Daniels has long been a passionate advocate for civil liberties and civil rights in New Mexico, serving on the ACLU of New Mexico board for many years, including terms as board president. In addition to his leadership role in the affiliate, Daniels was a cooperating attorney on several ACLU cases and took part in the litigation to reform prison conditions in New Mexico after the 1980 riots in the New Mexico State Penitentiary.

“I regard Charlie Daniels as one of the founding fathers of ACLU of New Mexico,” said Gary Mitchell, ACLU of New Mexico Board President. “Charlie recruited me to the board with his vision for how the ACLU of New Mexico would become a powerful force in the state. He was really one of the key people who helped develop the ACLU of New Mexico into the organization it is today.”

The ACLU of New Mexico thanks Justice Daniels for his contributions to the growth and leadership of the affiliate, and his long service to the causes of justice and liberty in New Mexico. His legacy will continue to be felt for many years to come.