

IN THIS ISSUE

CRUELTY WITHOUT BOUNDARY
Continued p.2

IN HARM'S WAY
Continued p.4

EXECUTIVE DIRECTOR'S NOTES
p.3

THE MASTERPIECE CAKESHOP
RULING & YOUR RIGHTS
p.4

SMART JUSTICE
p.5

HOPE IN A GRIM ENVIRONMENT
p.8

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THE TORCH

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CRUELTY WITHOUT BOUNDARY

Inside the Family Separation Crisis

By Kristin Greer Love

“The agents didn’t say anything about where they were going to take my son,” said Samuel*, from behind a glass partition. “They just took him away. And then they told me I was going to jail. I’ve never been to jail. This has never happened before.”

Three fathers, Samuel, Javier, and Mauricio, sat across from us choking back tears as they told us how the agents took their children. With tired and wet eyes, they told us how much they missed their children. How no one from the government would tell them when they would see their children again or why they took them away.

In June when Nia Rucker, ACLU-NM Policy Counsel and Regional Manager, and I visited the Otero County Processing Center, a private ICE detention facility in southern New Mexico where these fathers are being held, they had not seen their children in weeks.

Samuel last saw his six-year-old son in a hielera — a temporary holding cell so cold that they are known as “iceboxes” in Spanish. He wept as he recalled lying on the cold, concrete floor with his son. Border Patrol agents came in and made the children line up against a wall opposite from the parents and then took them away. Powerless to stop them, all Samuel could do was hold his son in his gaze until he disappeared out of sight.

Samuel knew his son was detained somewhere in a children’s shelter. But when we met him, Samuel had only spoken with his young son twice, in part because he couldn’t afford the steep rates the for-profit prison charges for calls.

Continued on page 2

IN HARM’S WAY

How Racial Bias Endangers People of Color Every Day

By Katie Hoepfner

As renowned Native American artist Mateo Romero drove along Old Santa Fe Trail on a hot July day, he couldn’t have imagined that he’d soon be lying face down on the ground with a rifle pointed at his head.

He was on his way to pick up his son from school when his dog became ill in the backseat of the car. The road lacked a shoulder wide enough to park safely, so he pulled over into the nearest driveway to clean up the mess and tend to his dog. But when the homeowner arrived in her driveway shortly after, she took one look at Mateo and assumed the worst.

Mateo tried to tell her about his dog and the mess in the backseat of his car, but she wouldn’t listen. He told her he was eager to get on his way, but she refused to move her SUV, strategically parked in front of the driveway

exit. She rolled up her window and dialed 911, telling the dispatcher she was worried because two “Hispanics” recently tried to burglarize her home.

Mateo was trapped.

“At first I didn’t really understand what was happening,” said Mateo “Then I realized, ‘Oh she must be calling the police.’”

Afraid of what the police might do to a brown man in a white woman’s driveway, Mateo tried once more to talk to her, but she wouldn’t roll down her window.

“I’m thinking, I’m at risk. I’m going to get shot, I’m going to get shot by the cops. This is dangerous.”

Continued on page 6

FROM THE DESK OF EXECUTIVE DIRECTOR PETER SIMONSON

First Merrick Garland’s stolen seat, now Kennedy’s retirement. It’s a one-two gut punch that has left those of us who treasure the cause of freedom and equality deeply distressed about the direction that the U.S. Supreme Court will almost certainly take for the better part of a generation. Assuming that Trump’s pick for Kennedy’s replacement, Judge Brett Kavanaugh, is confirmed by the Republican-held Senate, the court will have a clear 5-4 majority of justices who are likely to be consistently hostile to reproductive freedom, LGBTQ+ rights, voting rights, privacy rights, immigrants’ rights, and the plight of the poor.

So what does this mean for us? Expanding freedoms through sweeping supreme court cases like Obergefell v. Hodges, the ACLU case that won the freedom to marry for same sex couples, and Doe v. Bolton, which, along with Roe v. Wade, established a woman’s right to abortion, is almost synonymous with the ACLU. Indeed, the ACLU appears before the U.S. Supreme Court more often than any other group or organization other than the federal government’s own Department of Justice. So what does the ACLU’s mission look like in an era where the highest court in the land is likely to be hostile to most of our entreaties?

Because of this new reality, I believe that in the coming years some of our greatest opportunities for defending and advancing freedoms in America will happen at the state level. For much of its history, the ACLU has built the legal infrastructure of freedom from the top down with these big historic supreme court cases. Now it is imperative we build from the ground up, starting in our own communities, in our own state courts and legislatures. We’ve already seen how effective that can be. Here in New Mexico, for example, the ACLU of New Mexico’s lawsuit Griego v. Oliver won the freedom to marry for New Mexicans in 2013, two years ahead of Obergefell v. Hodges. As U.S. Supreme Court Justice Louis Brandeis famously once stated, “States are the laboratories of democracy.” Even in the age of Trump, we have ample opportunity to build the kind of free and just society right here in New Mexico that we one day hope to see span from coast to coast.

The seismic shift in the makeup of the Supreme Court means we must also continue to look beyond the courts for opportunities to influence the future of freedom in our country. Since the advent of the Trump administration, the ACLU has made significant investments in its organizing and lobbying programs. Although we are a non-partisan organization, meaning we don’t endorse specific candidates for office, that doesn’t mean we cannot wield significant political power and influence at every level of government. Here in New Mexico, we’re organizing our supporters around critical issues facing our communities, including protecting access to reproductive health-care, reforming the Albuquerque police department, ending mass incarceration, and fighting Trump’s deportation machine.



This is not to say we can simply ignore the U.S. Supreme Court, however. It’s decisions will continue to have a profound impact on our lives. For example, if the court’s new majority sets its sights on overturning Roe v. Wade, it could have disastrous consequences for New Mexican women who rely on access to safe and legal abortion as an essential part of reproductive health care. As of this writing, pre-Roe language criminalizing abortion is still on New Mexico law books. Although New Mexico’s criminal abortion statute has been unenforceable since 1973, that could change if Roe was overturned. That’s why one of the ACLU of New Mexico’s top legislative priorities in 2019 will be to pass a bill through New Mexico’s legislature that will repeal this outdated, stigmatizing, and dangerous language from our criminal code. If the worst happens, we must ensure that women and families in New Mexico will continue to have access to the full range of reproductive health options, including safe and legal abortion.

In summation: yes, things look pretty bleak in the Supreme Court right now. But the ACLU is more than just a fierce Supreme Court litigator. In fact, at the ACLU’s founding in the early 20th century, the courts were so unsympathetic to civil liberties that the ACLU pursued litigation mostly in the hopes of exposing the courts’ hypocrisy. One of the ACLU’s earliest documents was a handbill produced in 1920 entitled Maintain Your Rights, which exhorted that “Rights can be maintained only by insisting upon them, --by organization, protest, demonstrations, test cases in the courts, and publicity.”

The ACLU understood even then that litigation is but one of many tools that can be strategically employed to maintain one’s rights. What was true then remains true today. We have a lot of tools in our belt, and we’re ready to get to work.

[Handwritten signature of Peter Simonson]

Peter Simonson
Executive Director

to wind their way through the courts. The detention facilities that they are held in are often located in extremely isolated areas, hours away from the nearest immigration attorney. Consequently, many immigration detainees do not have access to counsel at all. Indeed, the U.S. government sees no problem with detainees as young as three-years-old representing themselves in their own immigration cases.

Sometimes problems like this can seem too big, too daunting for us as individuals to tackle. But we can’t let up. Here in New Mexico, we must hold our public officials accountable for the trauma and harm the Trump administration and private prisons are inflicting on immigrant families in our state. On July 16, our state legislators took an important first step by holding a hearing on how our state government can oversee private prisons that detain immigrants in New Mexico.

We’ve got a long way to go, but every step we take towards blocking inhumane immigration policies and dismantling the current system of injustice has an impact on people’s lives—people like Samuel who we met in detention. Samuel’s wife Elena called a couple of nights ago from Honduras.

“Samuel heard that he and our son are going to be reunited soon. Ojalá que sí,” said Elena.

We hope so too. The last time we saw him, Samuel said that when he and his son are reunited, he would send us a photograph of his son, and I promised that I would send him one of mine.

**All of the fathers’ names in this story have been changed to protect their identities.*

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OPEN TO THE PUBLIC STILL MEANS OPEN TO ALL

An Interview with ACLU-NM Attorney Erin Armstrong on the Supreme Court’s Decision in Masterpiece Cakeshop v. Colorado

On June 4, the Supreme Court ruled in favor of a baker that refused to sell a wedding cake to a same-sex couple, reversing a lower court’s decision in favor of the couple. Although the Supreme Court based its decision on concerns unique to the facts of the case, and reaffirmed the core principle that businesses open to the public should not be permitted to discriminate against customers because of who they are, the decision has, understandably, caused alarm in our communities. We sat down with ACLU of New Mexico reproductive freedom attorney Erin Armstrong to set the record straight on what the Supreme Court’s decision means.

THE TORCH: What was the Masterpiece Cakeshop case about?

ERIN ARMSTRONG: ACLU clients Dave Mullins and Charlie Craig went to Masterpiece Cakeshop in Denver to purchase a cake for their wedding celebration. But when they got there, the bakery refused to sell them a wedding cake because they are a same-sex couple. The Christian-owned bakery claimed that the Constitution’s protections of free speech and freedom of religion gave it the right to override the state’s civil rights laws. Dave and Charlie decided to file a formal complaint with the Colorado Civil Rights Commission, which adjudicates complaints under Colorado anti-discrimination law, and the Commission found in the couple’s favor. The bakery appealed and eventually the case went all the way up to the Supreme Court.

TT: What did the Supreme Court decide?

EA: Unfortunately, the Supreme Court overturned the lower court’s decision because, after examining the record, the justices in the majority felt that the Colorado Civil Rights Commission displayed signs of religious bias and hostility towards the bakery. Because of that, the Court found that the bakery didn’t get a neutral or fair process. The Court’s decision is a loss for Charlie and Dave, but this narrow ruling applies only to this specific case. The Supreme Court did not strike down anti-discrimination laws. And in fact, the Court affirmed the importance of such laws and acknowledged the serious harms that result when businesses discriminate against people because of their sexual orientation. While we’re disappointed about the outcome for this couple, we’re also focused on making sure that people don’t misunderstand the decision to be an endorsement of discrimination.

TT: Does the decision make it easier for businesses to now discriminate against people because of who they are and who they love?

EA: No, and in fact, in New Mexico we have very strong public accommodation and anti-discrimination law that clearly prohibits businesses that serve the public from discriminating against people based on sexual orientation or other protected statuses. Take the New Mexico Supreme Court’s ruling in Elane Photography, for instance. In that case, a same-sex couple was seeking to obtain the services of a photography business for their commitment ceremony. But the business refused to provide those services, claiming that doing so would violate its Christian beliefs. Our New Mexico Supreme Court held very clearly that turning them away was unlawful discrimination and not permissible. That ruling was unaffected by the Supreme Court’s decision in Masterpiece Cakeshop and is still very much intact.



TT: What is your response to people who say “Can’t they just go somewhere else?”

EA: Masterpiece Cakeshop is not and has never been about the cake. It’s about the harm that comes from being turned away from a business because of who you are. It’s about the fear and stigma that prevent people from being fully welcomed into public life. LGBTQ people buying a wedding cake shouldn’t have to go to another bakery, just like women looking to fill a prescription for birth control shouldn’t have to go to another pharmacy when they are turned away because of someone else’s religious objections. Those experiences are dehumanizing and can be life-altering. When someone has been discriminated against and denied services once, every time they enter a storefront from that day forward, they are more likely to worry they’ll be judged, silenced, and treated unfairly. That comes at a cost.

TT: What is the ACLU doing now?

EA: In the aftermath of Masterpiece Cakeshop, we are focused on educating our communities about what New Mexico law still requires and has required for a long time: if you are a business that is open to the public, you must be open to all.

The ACLU is actively working with community partners to dispel misinformation and educate people about their rights through listening sessions, news articles, and social media. We hope people will connect with us and let us know if they or someone they know or love has been impacted by similar instances of discrimination.



If you or anyone you know has been refused services because of another businesses or person’s religious beliefs, we want to hear about it. We are collecting accounts to help our advocacy initiatives and in some cases, to pursue legal action. We treat your information as confidential and will not publicize your story without permission. Together, we can make New Mexico the truly inclusive state we want it to be. Visit www.aclu-nm.org/submitacomplaint to share your account with us.

SMART JUSTICE

Opening Doors and Breaking Down Barriers

By Barron Jones

On June 29, Franky Gonzales left the Bernalillo County Clerk’s office with tears streaming down his face. The reserved 52-year-old Albuquerque resident had walked into the office disenfranchised, barred from voting for more than a decade due to past felony convictions, and walked out with his voting rights restored, voiceless no more.

Ever since completing the probation that followed his five year prison sentence for armed robbery, he has worked to restore his voting rights under a New Mexico law that reenfranchises ex-offenders who have served their sentences and completed parole or probation. But every time he started the process, he was turned away and told he needed more documentation to prove he was no longer on probation or parole. While some aspects of living with a felony conviction became almost normal for Franky—losing jobs because of his record, getting rejected for housing after a rental office ran a background check—he never got used to not being able to vote.

“For four years they gave me the same run around,” he said. “I called probation and parole. I called Santa Fe. It was frustrating. To some people, voting rights aren’t a big deal, but for me it is huge. It makes you feel like you matter. Without the right to vote you get this less-than feeling.”

Franky regained his voting rights, in part, thanks to his involvement in the ACLU of New Mexico’s Smart Justice campaign, part of an ambitious nationwide effort by the ACLU to reform our broken criminal justice system. The Smart Justice Campaign is working to reform unfair and extreme sentencing laws, overhaul an unjust bail system that creates income-based incarceration, challenge prosecutorial abuse, and end the collateral consequences that are imposed on people living with a criminal record. The campaign seeks to center the stories and voices of people like Franky Gonzales, whose lives and families are personally affected by our criminal justice system.

Franky got involved with the ACLU’s Smart Justice project because he wants to work toward reforms that address the underlying causes of criminal activities like addiction and mental health issues. Part of Smart Justice’s strategy to eliminate racial disparities in the criminal justice system and reduce the number of people in our jails and prisons involves promoting evidence-based strategies, such as access to drug treatment and mental health services, to reduce crime and make communities safer.

Franky is heavily involved with a 12-step program, and spends much of his time spreading messages of hope and recovery to other addicts.

“It is cheaper to treat the disease of addiction and behavioral health issues than to incarcerate,” he said. “It would make the community safer, save taxpayers some money, and get people the help they need.”

He counts the restoration of his voting rights as an example of what one can achieve with a little patience and perseverance.

“It is something I can take back to other addicts who are incarcerated,” he said. “Now, I am getting things restored.”

Struggling to restore voting rights or navigate the countless other obstacles created by a felony conviction isn’t unique or uncommon. Franky’s situation is only

unique in that his involvement with Smart Justice meant he worked in close contact with ACLU of New Mexico Senior Policy Strategist Paul Haidle, who, as an expert on criminal justice issues, was able to accompany Gonzales to the county clerk’s office to help answer any questions or explain what may have led to the denial of Franky’s voting application.

“I’m really happy for Franky and relieved that he can finally vote, but it shouldn’t have taken having a lawyer with him to make this happen,” said Haidle. “For people with a record, registering to vote is too complicated in New Mexico and keeps many people like Franky from having a voice in our political system. Part of Smart Justice’s goal is to tear down the barriers that keep people from moving forward with their lives, such as housing, employment, and restoration of voting rights.”

These issues affect a broad swath of New Mexicans. One in three New Mexicans have a criminal record, which translates to approximately 530,000 people who must deal with the 680 collateral consequences that often accompany a criminal record or conviction in the state. While the most common collateral consequences created by a criminal record may be loss of voting rights and difficulty in finding safe housing and gainful employment, a conviction can also make it hard to adopt a child, obtain a professional licensure, attend school and execute an estate.

Albuquerque resident Rory Wolf knows all about these obstacles. Since the mid-80’s, Rory has been in and out of prison five times. He believes he has finally found a way forward that will provide him enduring stability — a career path in social work. He chose social work because he believes that with his lived experiences and academic understanding, he could effectively help people to address addiction and other issues that lead to incarceration.

However, he may have to reevaluate his current career path after New Mexico Highland’s University officials denied his application for the school’s social work program. Although school officials didn’t give a reason for their denial, Rory believes it had something to do with his criminal record.

Rory, who is in his early sixties, said his situation highlights the need for criminal justice reforms that would remove barriers obstructing those working to transition from the custody of the state’s penal system to that of a productive community member. Besides making it easier for people to find jobs and go to school, removing those barriers would be a good first step to making communities safer.

“If this would have happened 20 years ago, I would have said (expletive) it and went back to getting high and breaking the law,” he said. “But now I don’t give up. If the door is closed, I will find a way to wiggle it open.”



Rory Wolf at the July BBQ hosted by Smart Justice NM in Albuquerque.

IN HARM'S WAY

Continued from page 1



Mateo Romero
working in his studio.

Mateo's fears were not unfounded. An officer arrived three minutes later and immediately pointed an AR 15-rifle at Mateo's head and ordered him to the ground. The officer then cuffed Mateo and threw him in the backseat of a police car, never even asking him why he was in the driveway. Even after the officer, and a supervising officer who arrived later, discerned that Mateo had not burglarized the house, they kept Mateo handcuffed and in the back of the police car. With no sense of urgency, and only when it was convenient for them, did they finally ask Mateo for his version of events before uncuffing and releasing him.

The incident happened four years ago, but it's still fresh in Mateo's mind. It's the reason his heart races every time he passes by the Santa Fe Police. It's the reason he now tells all five of his children never to chase after their football if they accidentally throw it over a

fence onto someone else's property. And it's the reason he no longer has a studio in the area.

"If you survive this kind of encounter, the real price you pay afterwards is you don't feel like an American citizen anymore," says Mateo. "I thought that people had kind of figured out that racism — that judging someone by the color of their skin — was a bad thing and now I'm finding out that I was wrong."

Tragically, these kinds of confrontations are all too common for people of color in the United States.

Over the last three months, there has been a spate of high profile incidents similar to Mateo's, in which white people called the cops on people of color after viewing them with suspicion.

A black student fell asleep in a Yale dormitory common area and a suspicious white student called the cops because she didn't think her peer belonged. Two Native American brothers from New Mexico took part in a tour of Colorado State University and a concerned white mother called the cops because she thought they seemed "odd" and "creepy." Three professional black artists exited an Airbnb and a neighbor called the cops because the women failed to "wave back." Two black men awaited their white colleague in a Starbucks and a white employee called the cops after only three minutes because they hadn't made a purchase.

In none of these instances did callers have legitimate grounds for calling the police. But racial bias and discrimination are so deep-seated in this country that they masquerade as credible fear.

People of color can't simply exist in this country without the risk that someone will assume they pose a threat. A white teenager of little words is likely to be perceived as quiet or shy. A Native American teen is perceived as "creepy" and threatening. A white woman who falls asleep in the library is likely to be seen as hardworking and studious. A black woman is questioned if she "belongs." A white man dealing with a sick dog is likely to elicit sympathy. A Native American man is presumed a robber.

The sad irony in all of these cases is, the people who called police because they perceived people of color as inherently dangerous, wound up inflicting harm and humiliation on the very people they were afraid of.

An advertisement for the ACLU of New Mexico. It features a close-up portrait of a smiling woman with dark hair. The text is overlaid on the image. At the top, it says "TO FUTURE GENERATIONS, I LEAVE JUSTICE" with "JUSTICE" in large, stylized letters. Below that, it says "REMEMBER THE ACLU IN YOUR WILL TODAY SO WE CAN CONTINUE THE FIGHT FOR EQUALITY TOMORROW". At the bottom, it says "YOU HAVE THE WILL. WE HAVE THE WAY." followed by the ACLU New Mexico logo and the website "Visit ACLU.ORG/WILL".

“I was belittled as a man.”

It’s because of routine incidents like these that when people of color have actual reasons to call police — like facing direct threats or witnessing a crime — they often hesitate.

Laquonte Barry, a local Albuquerque father of two, understands this all too well. When he went into a convenience store last April to buy soft drinks with a friend, the cashier called him the “N-word” after Laquonte notified him that he was charged incorrectly.

The cashier continued to provoke him with a barrage of verbal assaults, referring to him not only as the “N-word,” but also “boy.”

“I just felt like I was belittled as a man,” says Laquonte.

The situation escalated when a second employee confronted the abusive cashier about his racist remarks, calling him “ignorant,” and a physical altercation broke out. Laquonte suddenly realized that he was in a potentially dangerous situation. Even though he was a blameless victim of racial discrimination, Laquonte didn’t stick around for the cops to come out of fear that, as a black man at the scene, police would immediately assume he was a perpetrator. For him, any interaction with police in the aftermath of a violent incident meant a risk of being thrown in jail and taken away from his two young sons.

“Here I am a black man in this crazy world. All he’s got to do is say ‘this man came in and tried to rob me,’ and now I have an attempted robbery charge. So I left.”

ACLU of New Mexico legal director Leon Howard sees Laquonte’s unwillingness to interact with police, even if only to provide testimony when a victim of a crime, as a typical response in an environment where people of color, especially black males, are disproportionately brutalized and killed by law enforcement.

“Every day, white people call the police with full confidence that officers will come to their aid, even when their calls lack any legitimate basis,” said Howard. “Even when, as many have noted in recent weeks, they treat police like “customer service.” Laquonte, after being the victim of a hate crime, believed he would actually be the *target* of police. His experience reveals a much deeper issue about access to institutions. Historically marginalized people simply do not view police as an agency that will help them, but as one that will reinforce racial inequality.”

“ It’s like A Simmering Posole Pot”

Most people’s experiences — like those of Mateo and Laquonte — are not caught on camera and viewed by the public. The recent spate of racial profiling cases in the headlines are only a small sample of the dangerous confrontations that people of color experience on a routine basis across our country.

“We’re not as far along on the journey to being more enlightened people as we thought. Not as blind to color, money, or class,” says Mateo. “It’s like a simmering posole pot. And I’m sure the heat has been turned up with Trump. I’m sure the posole pot is overflowing at this point.”

The posole pot is overflowing and the country can’t afford to look away, or these injustices will continue unabated.

Mateo and Laquonte’s children will continue growing up in world where they are consistently at risk of someone calling the police on them for engaging in everyday activities. They are at risk of being subject to humiliating and harmful encounters with the police if they show up.

But there is another way.

We must change how police respond to these biased-based 911 calls. Dispatchers and officers need to be educated on the concepts of implicit bias and white fear. When callers report “suspicious people,” dispatchers should gather enough information to determine if the person has actually engaged in criminal activity or posed an actual threat of some kind that would warrant investigation by an officer and communicate to the officer that the caller’s suspicions could be racially motivated. Officers arriving to the scene must thoroughly assess whether or not the suspect poses a threat, or if they are instead a victim of racial bias. If the officers determines that a caller’s only motive is for police to enforce their own racial biases, the officers should refuse to do so.

Only when we require law enforcement agencies across the nation to provide training on racial profiling and to institute policies to end it, is there a chance that people of color will be free from these kinds of humiliating and potentially deadly experiences. Only when law enforcement stops disproportionately targeting and using lethal force on people of color, will black and brown people be able to trust that police will protect them equally.

“
Here I am a black man in this crazy world. All he’s got to do is say ‘this man came in and tried to rob me,’ and now I have an attempted robbery charge.
”



ACLU-NM client
Laquonte Barry

Institutions like law enforcement never make these changes on their own initiative, however. Change and reform only ever comes from when we —the community of voters, activists, and advocates —flex our power and raise our voices to demand it.

The ACLU of New Mexico currently represents Mateo Romero in a lawsuit against the Santa Fe Police Department for depriving him of his Fourth Amendment right to be free from arrest when no investigation was done to discern probable cause and for continuing to detain him after determining he hadn’t committed a crime. The ACLU of New Mexico recently settled its lawsuit on behalf of Laquonte Barry against the local convenience store for engaging in unlawful discriminatory practices.

Both men hope that in talking about their experiences, they will bring awareness to the ongoing issue of racial discrimination so that lasting change can be made.

“I think it’s the most important work right now— the struggle for the soul of the country,” says Mateo. “Is it going to be a place that loves people and embraces people? Is it the land of the free? Is it ‘give me your tired, your hungry, and your poor’ or is the House of Commons and the House of Lords? Is it based on the color of your skin, or your gender? What is it going to be?”

THE TORCH

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HOPE IN A GRIM ENVIRONMENT

One Inmate’s Fight for Religious Freedom behind Bars

By Katie Hoepfner

“I’m doing better than I’ve ever done throughout the 18 years of my incarceration,” wrote Tremaine from the Roswell Correctional Center. “The freedom is unbelievable. I can literally go outside at 10 p.m. and go pray under the stars if I choose to. Thank you so much.”

It was mid-May and Ramadan was just beginning. For weeks prior, Tremaine was consumed with worry that he and his friends would be denied participation in the holy month, a time when Muslims deepen their faith through fasting and communal prayer.

But as he prayed beneath the stars, his fear turned to relief.

Tremaine had reached out to the ACLU of New Mexico on a number of occasions concerning the barriers he faced in practicing his faith while incarcerated, and encouraged many of his friends experiencing similar barriers to do the same. In response, ACLU-NM Legal Director Leon Howard sent a letter to wardens at state prisons in advance of Ramadan to remind them that inmates have a constitutional right to exercise their religious beliefs while incarcerated.

That letter appeared to have sparked change at the Roswell correctional Center.

It was a stark contrast from Tremaine’s last Ramadan, when he was still at Lea County Correctional Facility (LCCF) in Hobbs. He spent much of the month pleading with prison staff to allow him and his fellow Muslim inmates to pray together and to eat proper halal meals at the appropriate times. But most of his pleas fell on deaf ears. The warden didn’t even allow them to participate in Eid-Al-Fitr, the festival that marks the close of Ramadan and the end of fasting.

What should have been a time of peace and an opportunity to deepen his devotion and faith, was instead a time of frustration and despair. But Tremaine never gave up hope that his next Ramadan would be better. And he never stopped fighting to exercise his constitutional right to practice Islam — the faith he says saved his life.

“I came from a really dark place and after realizing how dark that place truly was I never wanted to go back. So I turned on the lights,” said Tremaine when I visited him last summer at LCCF.

At a young age, having little direction and guidance from the adults in his life, Tremaine joined an LA street gang, chasing wealth and power down an ever more dangerous path that eventually landed him behind bars at just twenty-one. But when he found Islam, he found peace.



Tremaine (center wearing blue cap) with Muslim inmates in a New Mexico correctional facility.

It’s because of his faith that he maintains hope for the future, even after enduring nearly two decades of incarceration.

When I last spoke to Tremaine on the phone in May, I could hear that hope in his voice. He was convinced Leon’s letter spurred the prison administration to finally approve his proposal for Muslims’ observance of Ramadan, which allowed them to exercise their right to fast, pray, and follow a religious diet.

Here at the ACLU, we were overjoyed to hear the news. We know that when inmates are allowed to practice their faith, it can improve rehabilitation outcomes, and can even lower chances of reoffending.

We also know, as Leon so eloquently put it, “Religious accommodations are more than rights afforded to inmates by the First Amendment– for some, faith is the sole source of hope in a grim environment where the prospects for a better life are, at times, remote.”

When Tremaine goes to sleep at night, he gazes up at magazine cutouts of snow-capped Colorado mountains taped to the top of his bunkbed. He dreams of Mount Rushmore and touching an iPhone – technology that didn’t exist when he was locked up. More than anything, he dreams of becoming a motivational speaker for troubled youth to prevent young people from following in his footsteps.

In just a few years, Tremaine will be leaving prison and I, for one, am glad that when he’s out, he won’t be a member of a gang, but a member of a religious community that will support his continued rehabilitation.

“Change is hard,” says Tremaine. “I’m still changing every day, but I’m more grounded with Islam. I know I’ll be fine on the other side because it’s helped me to get through all these years.”

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