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THE TORCH

The Newsletter of the American Civil Liberties Union of New Mexico

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REFUSED: WHEN RELIGION TRUMPS HEALTHCARE

By Katie Hoepfner

When Susan was three months into her first pregnancy, her doctor delivered the kind of news every expectant mother hopes never to hear. Her fetus had stopped developing and her pregnancy was no longer viable. Facing an inevitable miscarriage, she made the difficult decision to terminate her pregnancy to ensure the healthiest and safest outcome. Susan felt the hope and happiness she felt only moments before fade into terrible sadness.

And yet the worst was not over.

In the midst of grieving, her doctor informed her that he would not be able to perform the procedure she needed at the Catholic hospital where he had admitting privileges. He would have to treat her at a different building because the hospital had religious objections to the very care she required.

“This sounded so mean to me,” said Susan. “I was in mourning that my pregnancy was ending and I wasn’t even allowed to have the hospital staff wrap their arms around me and finalize a procedure that I had hoped I would never need.”

That was over 30 years ago. Susan was already a doctor herself and living in Los Angeles. But she still carries the pain of rejection with her after all this time.

“As a physician, it is unthinkable to me that a qualified medical provider would ever be prohibited by an institution from providing the standard of care that patients need,” said Susan. “It is so hurtful to have hospitals say that if you need a specific type of procedure, they will decide if they accept you into

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JAIL OVER JUSTICE

How Asylum Seekers are Denied Safe Sanctuary

By Katie Hoepfner

Fourteen months ago Manuel Pérez* lay on the ground unconscious in the sloping mountains of Sierra de los Cuchamatanes, Guatemala. His skull was fractured. His teeth were broken. And his brain was hemorrhaging blood.

Six men had beaten Manuel to within an inch of his life with a bat and a large rock because he is of Mayan descent, a historically brutalized and displaced indigenous group. For nine long hours, he remained unconscious, his life hanging in the balance.

Manuel survived, but he was in critical condition and afraid for his life. He knew that to avoid further persecution and violence, he would have to seek safe sanctuary outside of Guatemala.

He soon fled with his young son and sought withholding of removal—immigration relief that is similar to asylum—in the United States, where he has a sister

and a brother who are lawful permanent residents. He hoped to start over in a land where he wouldn’t be targeted because of his ethnic identity; where he would be free from violence.

Manuel was wrong.

When he entered the United States, the government separated Manuel from his son and threw him into civil immigration detention at Cibola County Correctional Center without a bond hearing, even though he arrived in the country with a traumatic brain injury. Operated by for-profit prison company CoreCivic, formerly the Corrections Corporation of America, Cibola is notorious for medical neglect.

For months on end, Manuel has suffered from severe pain, vertigo, loss of vision, persistent headaches, and

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REFUSED: WHEN RELIGION TRUMPS
HEALTHCARE

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the sanctuary where those who need healthcare are protected and supported.”

Susan experienced this rejection because the hospital followed the Ethical and Religious Directives for Catholic Health Care Services, which are promulgated by the U.S. Conference of Catholic Bishops. The Directives prohibit a range of reproductive health services, including contraception, sterilization, many infertility treatments, and abortion, even when a woman’s life or health is jeopardized by a pregnancy.

“I truly felt betrayed and abandoned by the hospital,” said Susan. “It’s the job of the hospital to protect you -- emotionally and physically.”

Susan’s pain is made worse by the reality that others

“
I truly felt
betrayed and
abandoned
by the hospital.
”



continue to be subjected to denials of care -- across the country and here in New Mexico where she lives and works as a pediatrician.

It’s difficult to know how many women in New Mexico have endured similar experiences because of the deeply traumatic and personal nature of their rejection. Not everyone would feel comfortable sharing such a story publicly. But the ACLU of New Mexico has heard of a religiously affiliated hospital in New Mexico turning women away in the midst of miscarriage, rather than allowing their doctors to provide the care they need.

The ACLU national office has also documented a number of similar cases across the United States. Women who were in the midst of miscarriage and were denied emergency care by Catholic hospitals in Illinois, Michigan, and Washington shared their personal stories in our report, “Health Care Denied.” The women who were turned away experienced a range of negative outcomes, including emotional trauma, severe pain, bleeding, and life-threatening infections as a result.

Doctors at Catholic hospitals who were prohibited from treating patients as well as doctors at secular hospitals who treated very sick patients after they were denied care at Catholic facilities also shared their accounts. One doctor, working at a hospital in New England, recalled treating a pregnant woman experiencing preterm premature rupture of membranes (PROM) at 17 weeks. Even though the pregnancy was not viable and the patient was getting sicker, the hospital would not allow the doctor to perform an abortion.

Over the next day, the woman’s temperature rose to 104 degrees before the doctor was able to transfer her to a hospital to save her life.

Religion Over Health in Trump’s
Administration

Sadly, the Trump administration recently took measures to make it easier for hospitals to deny care to women experiencing miscarriage, even when denying that care threatens their lives. These measures may also lead to increased denials of care for LGBTQ people, the children of same-sex couples, people seeking sterilization, and others.

In February, the Health and Human Services (HHS) Department announced the creation of a new “Conscience and Religious Freedom” division in the HHS Office for Civil Rights. The new division will not focus on protecting patients’ health or rights, but will instead protect hospitals, other health care institutions, and individuals that refuse to provide medical care to patients based on religious or moral objections.

The Trump administration also released a massive set of new proposed regulations that would reinstate and

broaden a George W. Bush-era regulation that sought to significantly expand the ability of hospitals and other health care providers to withhold from patients treatment, counseling, or even referrals based on their own religious or moral beliefs.

When announcing these new measures, the administration made no mention of the harmful consequences that will result for patients. They will undoubtedly have the disastrous effect of emboldening religious refusals that threaten patients’ health and dignity.

The new federal office and proposed regulations present especially grave dangers to people who live in rural areas. A survey by Forward Together recently found that nearly 40% of people living in rural New Mexico already face serious challenges in accessing healthcare due to lack of providers, healthcare costs, and transportation difficulties. People who live in Northern New Mexico are also vulnerable to increased difficulties in accessing the care they need. For certain types of care, the only available hospital is a religiously-affiliated Catholic hospital in Santa Fe.

The new division flies in the face of the HHS’s mission to “enhance and protect the health and well-being of all Americans.” Turning the Office of Civil Rights into an agency tasked with upholding discriminatory denials of care to women, same-sex couples, and transgender people in the name of religious liberty is a cynical distortion of the Office’s true purpose.

Every person should be able to expect and receive access to healthcare without discrimination or fear that the

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FROM THE DESK OF EXECUTIVE DIRECTOR PETER SIMONSON

Not long after the 2016 elections, a local newspaper asked me to sum up Obama’s record on civil and human rights during his time in office. I told the reporter that, while Obama should be lauded for his stand on same-sex marriage and police reform, his policy of deporting thousands of Central American unaccompanied minors and families with children back into the imminently dangerous conditions that caused them to flee would, in my view, forever stain his legacy.

While I stand by that critique, I admit it rings a little hollow when compared with the scale of callousness and cruelty we have come to expect from the current administration. There are so many examples we could cite. The Muslim ban. Ending temporary protected status for El Salvadoran refugees. Trump’s rescission of DACA.

But the Trump-era policy that gives the surest glimpse of the depths to which the Trump administration is willing to stoop came to light as a result of a recent ACLU lawsuit. Our colleagues in San Diego and at the ACLU Immigrants’ Rights Project sued Immigration and Customs Enforcement (ICE) on behalf of a woman and her 7-year-old daughter who were forcibly torn from each other’s arms and detained separately, 2,000 miles apart, after fleeing violence in their home country, the Democratic Republic of Congo. Once separated, the woman could hear her daughter frantically screaming in the next room that she did not want to be parted from her mother. For nearly four months the young girl has sat alone, without her mother’s care, in a shelter for “unaccompanied” minors in Chicago.

Instead of finding aid and comfort in our country, as they hoped, the mother and child found a new version of the terror they thought they had escaped in the Congo. The mother has since been released, and as of this writing, efforts are underway to reunite her with her daughter, but the trauma they’ve experienced cannot be undone.

This is no isolated incident. This case and hundreds of others demonstrate that even if the Trump administration does not yet have a formal policy of separating border crossing families from their children, they are doing so as a matter of practice. The reason? To scare others from seeking refuge in the U.S.



Yes, you read that right. The Department of Homeland Security’s deterrence plan, it seems, is to emotionally torture young children to set an example for other refugee families who might come. Because, how else does a child experience the trauma of being ripped from the arms of her mother and sent to a distant, alien place that, by all accounts, looks like prison?

As torture.

And the fact that some high-ranking ICE official in some lofty office building in Washington, D.C. may have spent time devising this plan--as if it were legitimate policy-making--is as repugnant as it is absurd.

In this edition of the Torch you will read about the case of Manuel Pérez, whom we are representing in a petition to parole out of the detention facility where he is being held so he can obtain the medical care he so desperately needs. Manuel, too, was separated from his 9-year-old son when ICE detained them on the border near San Diego. With your help, the ACLU is doing everything possible to fight against this despicable practice. Because the path to making America great again is not paved with cruelty, arrogance, and selfishness. It is lit by the same values that draw immigrants to our shores: freedom, fairness, and justice.

[Handwritten signature of Peter Simonson]

Peter Simonson
Executive Director

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REFUSED: WHEN RELIGION TRUMPS HEALTHCARE

Continued from page 2

religious beliefs of medical providers and institutions may endanger their health and well-being.

Taking a Stand

Freedom of religion is a core Constitutional right. But that freedom does not give anyone a right to harm or discriminate against others, including by way of denying a patient necessary health care. The ACLU of New Mexico is especially concerned about the severe implications of being refused medical treatment, but we are dedicated to fighting instances of discrimination in all settings.

Thanks to a generous grant awarded by the Proteus Fund, we are working with our partners at Young Women United (YWU), the New Mexico Religious Coalition for Reproductive Choice, and New Mexico Dream Team to push back against harmful religiously-motivated discrimination in our state. Through our

collaborative work, we will continue to learn about individual experiences and raise awareness of the harm that comes when religion is used to discriminate. Together, we are working to foster a thriving culture inclusive of all faiths and all people regardless of their gender, sexual orientation, immigration status, or race.

If you or anyone you know has been refused healthcare or any kind of services because of another institution 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.

JAIL OVER JUSTICE

Continued from page 1

cognitive difficulties. His conditions have severely worsened since he was first detained.

In December, the ACLU of New Mexico filed a Petition for a Writ of Habeas Corpus on behalf of Manuel, petitioning a federal district court to order his release

administration’s practice of indiscriminately denying parole and bond to asylum-seekers and other vulnerable people. Shortly after taking office, Trump issued an executive order entitled “Border Security and Immigration Enforcement Improvements,” directing the Department of Homeland Security (DHS) to use all legally available resources to build and operate detention facilities to hold immigrants at or near the U.S.-Mexico border. The order further directs the Secretary of DHS to take immediate measures to ensure that arriving immigrants be detained for the



from prolonged detention so that he can access the critical care he needs to treat his injury.

“It is unconscionable for our government to detain a person without a bond hearing and with grave neurological trauma for nearly a year,” said ACLU of New Mexico staff attorney Kristin Greer Love. “Denying him care, while CoreCivic profits from his prolonged detention, is cruel and unjust.”

Despite a neurologist’s recommendation that he get specialized care outside the facility, US Immigration and Customs Enforcement (ICE) has twice denied parole that would allow him to access medical treatment.

ICE’s denial is part and parcel of the Trump

duration of their immigration proceedings and to limit parole only to circumstances in which “an individual demonstrates urgent humanitarian reasons or a significant public benefit derived from such parole.”

As a result, ICE officials have engaged in a pattern of detaining asylum-seekers and people seeking withholding of removal for prolonged periods without regard for their particular circumstances, including whether or not they are a flight risk or pose a danger to the community. Even in cases where asylum-seekers win their court cases and are granted release by a judge, the U.S. government often appeals the decision, prolonging detention for as long as possible.

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JAIL OVER JUSTICE
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A Human Rights First report released in September 2017 reveals that ICE field offices across the country that formerly released some eligible asylum seekers on parole, now “rarely, if ever” release them from detention on parole. The report cites examples of asylum seekers that include: a West African man persecuted because of his sexual orientation who was held for over fourteen months, even though his brother is a U.S. citizen; a Venezuelan human rights lawyer whose family members were tortured, killed and dismembered for their political affiliation who was held for six months; and a torture survivor from Burkina Faso who was detained for over 17 months.

Asylum-seekers who have fled unimaginable circumstances in their home country are treated as criminals, not as human beings deserving of dignity and respect. Rather than offering them safe refuge and protection from violence, the United States is increasingly subjecting them to new forms of cruelty and injustice.

One of the most callous acts of cruelty is separating border crossing parents from their children. To this date, Manuel has not seen his young son, who is now in the care of his sister. Countless other children, who fled horrific circumstances in their home countries, have been detained separately from their parents at a time when they need them most. While the

administration has not yet released a formal directive ordering family separation, according to Michelle Brané, Director of the Migrants Rights and Justice Program at the Women’s Refugee Commission, there have been at least 429 cases.

These measures are no accident.

Few experiences cripple the human spirit more than that of prolonged captivity or separation from loved ones. The Trump administration deliberately engages in these cruel and inhumane practices ostensibly to deter people from seeking asylum or withholding of removal.

Manuel, and the asylum-seekers mentioned in this article, do not present any danger to the community. They are people who have suffered unimaginable pain and are desperately seeking safe refuge.

The ACLU of New Mexico continues to fight for Manuel’s release and to oppose the Trump administration’s policy of de facto detention. Our colleagues in San Diego and at the ACLU Immigrants’ Rights Project are fighting to put an end to ICE’s horrific practice of tearing border-crossing families apart, through a nationwide class-action lawsuit filed in early March.

*The Petitioner’s name has been changed to protect his identity.



2018 Legislative Session Overview

By Steven Robert Allen

As expected, the 2018 New Mexico legislative session kicked off with a fear-mongering speech by Governor Susana Martinez calling for a slew of hyper-punitive sentencing laws to address the spike in crime that many New Mexico communities are experiencing. In close collaboration with the New Mexico SAFE coalition (www.nmsafe.org), the ACLU of New Mexico spent most of the session beating back a tidal wave of recycled, misguided, draconian crime bills that would cost our state a lot of money, stuff more people into New Mexico prisons and jails, and do almost nothing to improve public safety in our state.

We worked tirelessly to defeat an effort to reinstate the death penalty. We also defeated a long list of mandatory sentencing laws, such as multiple efforts to strengthen New Mexico’s “three strikes” law, as well as multiple efforts to make it easier to detain people charged with a crime before they have their day in court.

Throughout these heated debates, the ACLU of New

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OUR VOLUNTEERS IN ACTION

The ACLU of New Mexico benefitted from the largest volunteer operation in our history during the 2018 legislative session. We conducted four in-person advocacy trainings – one in Albuquerque, one in Santa Fe, and two in Las Cruces – and one statewide webinar to provide activists with the tools they need to push legislators to take the right votes on civil liberties. We trained approximately 180 activists in total.

Almost every weekday, and on many weekends, volunteers accompanied ACLU of New Mexico staff to the Roundhouse in Santa Fe to storm the halls of the capitol, conversing with legislators and legislative staff about our key priorities. Activists wrote emails to legislators. Right before crucial votes, they called legislative offices. Some volunteers even testified in legislative committee meetings on our priority bills.

This coordinated campaign had an undeniable impact. Legislators get tired of hearing from the same ACLU of New Mexico lobbyists session after session. When New Mexicans take time out of their busy days to reach out directly to legislators about matters close to their hearts, politicians listen. Time and time again, we saw legislators repeating back the exact messages they had heard from our activists. This changed hearts and minds, and made it much easier for us to achieve our primary objectives this session. We plan to extend this volunteer effort into the interim legislative period from May to December 2018, to lay the foundation for the 2019 legislative session, when we have a new governor, hopefully one who is less hostile to civil liberties.

NEW STAFF



Leon Howard
Legal Director

Leon has been defending people’s civil rights and liberties in the state of New Mexico for nearly a decade. Shortly after graduating from the University Of New Mexico School of Law, he began working as a staff attorney for the ACLU of New Mexico, with special concentration on First and Fourth Amendment cases.

After two years with the ACLU of New Mexico, Leon started working in the private sector with the Dan Cron Law Firm where he carried a large criminal defense practice, and then opened his own firm, the Law Office of Lucero & Howard, where he continued to focus on civil rights. In January 2018, he returned to the ACLU of New Mexico as Legal Director, where he leads the affiliate’s legal department and litigation efforts.

Leon is a passionate advocate for racial justice and equality. He knows firsthand the damaging effects of racial injustice and his strong connections in communities of color have made him a “go to” legal resource when people in those communities experience injustice and civil rights abuses. This work is increasingly important given the resurgence of White Supremacy in the United States. Leon is also passionate about protecting the rights of all underrepresented populations and people who are victims of governmental/ institutional abuse of power.

Leon is a board member of the New Mexico Innocence & Justice Project, Co-Chair of the New Mexico State Bar Committee on Diversity, Part Time Faculty at the University of New Mexico, and Past Vice President of the New Mexico Black Lawyers Association.

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2018 LEGISLATIVE SESSION OVERVIEW
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Mexico coordinated with allies to depoliticize the public debate around crime in New Mexico, urging legislators to embrace evidence-based approaches to improve public safety. Along with our New Mexico SAFE partners, with some reservations we supported an omnibus crime bill, HB19, that combined five different criminal justice reform proposals into one gigantic bill. The best proposal of the bunch removes the possibility of incarceration for a host of minor nonviolent infractions, replacing it with a monetary penalty. The measure passed both chambers, but the governor vetoed important sections and her “line-item” veto may have violated the state constitution.

On the one hand, this omnibus crime bill was an encouraging indicator that reasonable bipartisan criminal justice reform is possible in New Mexico. On the other hand, the ACLU of New Mexico is already making plans for a much more ambitious criminal justice reform package that we hope to push forward for the remainder of 2018. With a new governor in place, who is more forward-looking when it comes to public safety, we can pass this slate of reforms during the 2019 session.

Although crime took up most of our attention this legislative session, we also worked to protect other civil liberties. With community partners, we supported a bill to remove an old, outdated state law from the 1960s that criminalizes abortion. Although the law is unconstitutional, and therefore unenforceable, under Roe v. Wade, it’s important to get it off the books now, given the precarious nature of the U.S. Supreme Court and the potential for this outdated law to be used to shame and criminalize women and providers. Although we couldn’t get this bill through the legislature this time around, we laid the groundwork to make a much bigger push to repeal this law in 2019.

We also successfully defeated a measure that would have forced young women to notify their parents before seeking abortion services. Strong family communication is built on trust, not government interference. Forced parental notification threatens the health and safety of New Mexico’s young women and families. Research has shown that most young people are likely to involve a trusted adult when seeking abortion services regardless of whether a state law mandating parental notification is in place. However, young women who do not feel safe talking to their parents about a pregnancy—for whatever reason—need access to trusted providers and safe and legal care.

Another major victory this session involved the bipartisan defeat of a resolution to request Congress to call for a constitutional convention under Article V of the U.S. Constitution. We’ve only had one constitutional convention in the history of our nation, in 1787, and that resulted in an entirely new founding document for our country. There is no way to ensure that a constitutional convention would be limited to the desired subject matter. In a worst-case scenario, a convention could result in a wholesale rewrite of the U.S. Constitution. This is a gamble that we simply can’t risk, especially now, when we have a president in the White House who is overtly hostile to the Bill of Rights.

It was a fast and furious session, and with the help of dozens of incredible volunteers (see “Our Volunteers In Action”), the ACLU of New Mexico was able to have a powerful and positive impact on the legislative process. Stay tuned for our plans during the remainder of 2018 to build support for a proactive “liberty agenda” in the 2019 legislative session.

TO FUTURE GENERATIONS, I LEAVE

JUSTICE

REMEMBER THE ACLU IN
YOUR WILL TODAY SO WE CAN
CONTINUE THE FIGHT FOR
EQUALITY TOMORROW

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ACLU Agreement With City Gives Hope to Albuquerque Panhandlers

By Katie Hoepfner
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Relying on the generosity of strangers for your next meal is a grueling way to live. Some days you might get your fill to eat and others you might not get so much as a bite. Then there’s the weather to contend with. Standing in the cold for hours on end on a stormy day, will leave you wind-burned and raw. Blistering hot days risk exhaustion and sunstroke. But perhaps even worse than worrying about food or combatting the elements, is dealing with the constant threat of harassment by law enforcement, which anti-panhandling laws across the country all but guarantee.

A recent agreement reached by the ACLU and the City of Albuquerque, offers some relief and hope for Albuquerque residents who depend on panhandling to get by, but who live in fear of being cited, cuffed, and even jailed.

In a joint stipulation approved by the U.S. District Court in early February, the City of Albuquerque

to convince an individual to leave a public place. The City agreed to publicize the terms of the stipulation to its employees, departments, and officers and to ensure they abide by its terms.

“I’m very happy that the City is not enforcing this ordinance until its legality is decided in federal court,” said Mary O’Grady, one of the named plaintiffs in the ACLU lawsuit. “My hopes are high that it will be struck down, as it clearly restricts the speech of the people of Albuquerque unconstitutionally.”

Mary regularly hands out food and water to panhandlers in New Mexico and was homeless as a teenager in Austin, Texas. Under the ordinance she could be cited and arrested for helping people who are just struggling to survive, as she once did.

“It’s a step in the right direction for us,” said John Martin, another named plaintiff in the lawsuit. “Anything that helps us in the meantime is a positive. It’s one less thing the cops can put us in jail for.”



agreed not to enforce an ordinance that went into effect on December 6, 2017, that restricts speech on medians, freeway entrances, exit ramps, and other areas within the City while litigation about the ordinance is ongoing.

The ACLU of New Mexico and Goodwin Procter LLP filed a lawsuit against the City of Albuquerque in federal court on January 11, 2018, alleging that the ordinance is an unconstitutional attempt to eliminate panhandling by criminalizing speech in public areas where solicitation is common.

“This ordinance has always been about pushing homeless people and poor people out of public view,” said ACLU of New Mexico Staff Attorney, Maria Sanchez. “We’re relieved that with this agreement in place Albuquerque’s most vulnerable residents will be able to exercise their constitutional rights to solicit the donations they depend on to get by from day to day.”

The joint stipulation prohibits law enforcement from arresting, charging, or prosecuting anyone pursuant to the ordinance. It further prohibits law enforcement from ordering anyone to leave any public place or refrain from panhandling, political advocacy, or similar activities or using the ordinance as a threat in an effort

Since the ACLU sued the City in January, John has been able to find enough work to keep a roof over his and his wife’s heads. He hasn’t had to panhandle, but he worries about his friends who still must. And while things are going well for him right now, he knows that the day may come when he finds himself back on the streets selling water bottles to Albuquerque drivers.

“The police and city officials want us out of sight,” said John. “But we are a poor state and poverty is going to show. People are always going to do what they have to do to survive.”

John also fears that police are continuing to harass and cite panhandlers even while the agreement is in place, as friends of his have told him they’ve been hassled for things like “trespassing.”

“Deep inequities exist within our city and our state,” said Maria Sanchez. “No matter how creative law enforcement gets, we can’t just erase the problem by citing and jailing people because it does nothing to solve the root causes of poverty. Through our lawsuit, we’ll continue fighting to have the ordinance declared unconstitutional and permanently stricken down.”

NEW STAFF CTD.

Super Lawyers Magazine has named Leon a “Rising Star” in the area of civil rights from 2014 through 2017, and in 2015 he was recognized by Albuquerque Business First Magazine as one New Mexico’s “40 Under 40”.



BARRON JONES
Smart Justice Coordinator

Barron joined the ACLU of New Mexico in January 2018 after spending several years working as a journalist for the Rio Grande Sun in Española where he covered stories related to government accountability and education. He also has extensive experience writing about issues of domestic violence, poverty, and addiction, especially as they relate to the pressing need for criminal justice reform.

He earned a degree in journalism from the University of New Mexico and has worked for several news outlets in Central and Northern New Mexico. Barron entered school as a nontraditional student and credits his education for helping him to address the issues that led him to be negatively impacted by the state’s criminal justice system. He believes his work on justice reform will have a powerful impact on his community.

Barron grew up in Detroit, but has lived in New Mexico for over 20 years. He is the proud papa of two rescue dogs, Holmes and MeToo.

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 article submissions to Micah McCoy, Editor and Communications Director at: mmccoy@aclu-nm.org

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SUPPORTER SPOTLIGHT:
DIANE SEWELL MCCASH

From Concerned Citizen to Activist

By Katie Hoeppner

“If you want to be heard, you have to say something.”

Diane’s words are cutting in their sharp simplicity. She speaks like a woman who’s always known the power of her own voice, but she’s only just begun to use it.

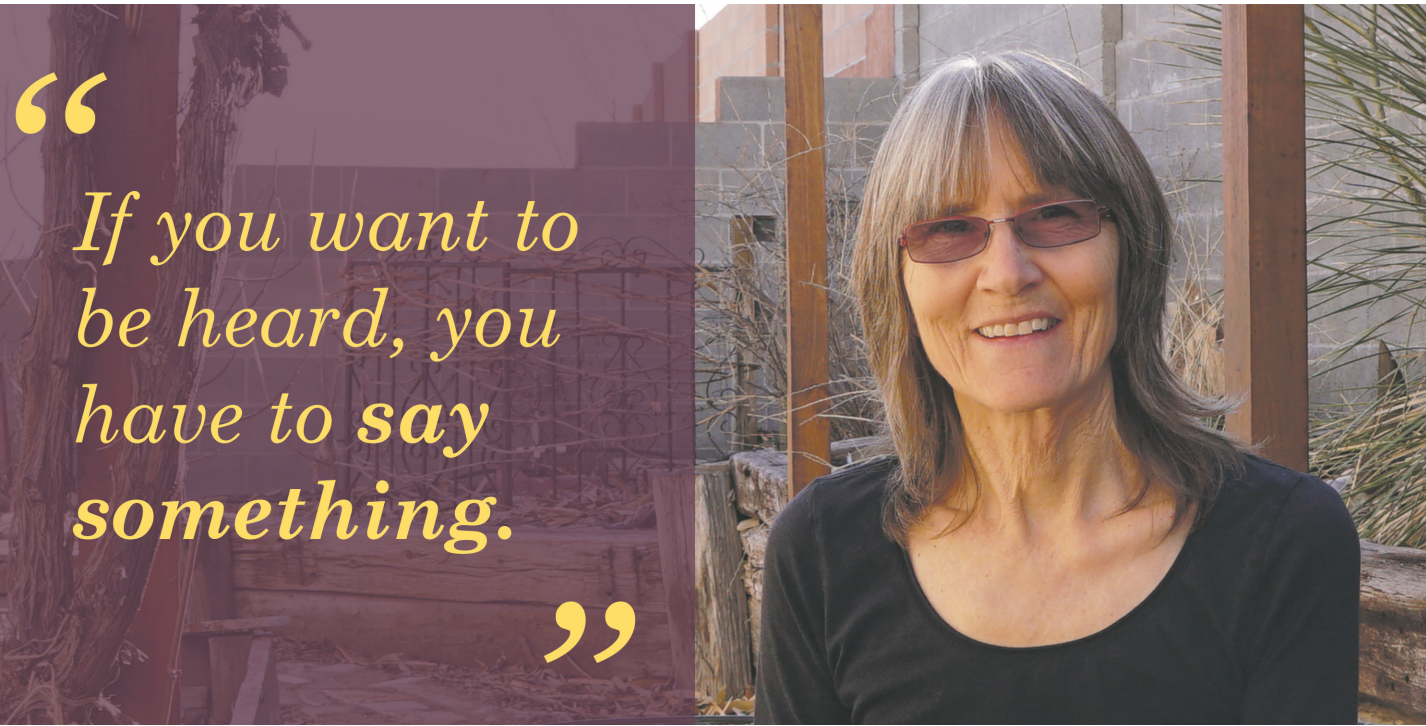
Prior to November 2016, Diane’s political activism began and ended with the ballot box. She was an educator and a concerned citizen, not yet fully aware of her capacity to change the world around her. But watching as Donald Trump took state after state on election night, awoke something in Diane. She was faced with the sobering reality that a man who promised to build a wall and ban Muslims had successfully weaponized fear in his ploy for the presidency.

Trump wasn’t elected.”

Even though Diane says “getting up in the morning and seeing what fresh hell is coming out of the White House,” keeps her going, she’s just as inspired to push back against harmful policies at the local level.

During the 2018 Legislative Session, Diane was at the Roundhouse in Santa Fe knocking on legislators’ doors and speaking out against hyper-punitive, ineffective crime bills that would have further eroded trust in law enforcement and put more people behind bars, while failing to make our communities safe.

She stood in committee meeting after committee meeting and told legislator’s how her own family had been torn apart by our overly punitive justice system.



“It was heartbreaking,” said Diane of Donald Trump’s upsetting victory. “It’s like if you suffer a tragedy and you can’t sleep and then you’re finally able to go to sleep, but you wake up in the middle of the night only to find out that your nightmare was real.”

The truth of Diane’s nightmare propelled her into action.

Shortly after Trump took office, she demonstrated with her young grandchildren at the Women’s March on Civic Plaza and she rallied in support of her Muslim neighbors at the Albuquerque International Airport after Trump signed the Muslim ban.

Then in March, she learned of the ACLU’s new grassroots project, People Power, and volunteered to host a kick-off event at her house. The evening brought together over two dozen community members to fight Trump’s deportation machine and to create a blueprint for making Albuquerque an immigrant-friendly city, or, a “freedom city.” She began forging connections with a whole new group of like-minded people.

“There’s been a bright spot in all of this,” said Diane. “The community of people who care, who are active, and who are fighting all of this are amazing and I never would have known them or seen them in action if

At times her knees shook and her heart thumped, but Diane spoke of her son’s struggle with addiction and involvement with the criminal justice system despite her nerves. She had a message to share.

“If you hit people with support and with treatment, in the long run it would save us so much money,” said Diane. “It would also save young people’s lives because when you spend that developmental time locked up, it’s hard to come back from that.”

Today, you’re just as likely to see Diane flagging down political candidates on the streets to denounce Trump’s border wall, as you are to see her on the front cover of the Albuquerque Journal protesting racism and bigotry. She knows that voting is an important and powerful civic duty, but she doesn’t check her voice at the ballot box.

“My experiences over the last 15 months or so have made me feel more hopeful that we do have a voice, even as individuals, and I didn’t always realize that,” says Diane. “I think the most important thing is to believe or to have faith that being involved even at a minimal level is really important.”