

A hand-drawn chalkboard diagram. At the top, there are two 'X' marks. Below them is a row of six 'X' marks. In the center, the words 'GAME CHANGER' are written in large, bold, white chalk letters. Below the text is a row of seven 'O' marks. At the bottom, there is one 'O' mark. A large arrow on the left side curves from the bottom 'O' up to the top left 'X'. A large arrow on the right side curves from the bottom 'O' up to the top right 'X'. A straight arrow points from the bottom 'O' towards the right side of the 'O' row.

# GAME CHANGER



2014 • ACLU OF NEW MEXICO ANNUAL REPORT • 2015

# GAME CHANGER



Sports analogies don't get a lot of play in the ACLU of New Mexico offices, but when it comes to measuring our impact, we aim for "game changers." That means tackling the biggest civil liberties challenges in our state. Because, you see, we aren't in this just to play the game. We want to shift momentum. We want to win.

Sometimes that means recovering freedoms that have been eroded away, such as putting an end to "policing for profit" in New Mexico. Other times, a "game changer" means creating new freedoms where none existed before, like our efforts to secure the right for terminally ill, mentally competent patients to seek a physician's aid in dying.

In the longer term we're working to reduce the number of nonviolent offenders in our prisons and jails, and to head off attacks on reproductive freedom by erasing the stigma surrounding a woman's decision to end a pregnancy. Some might call these long shots, but our track record inspires us to think big. It wasn't so long ago that an ACLU lawsuit won the freedom to marry for same-sex couples in New Mexico. In 2013 we helped to lead the "Respect ABQ Women" campaign, defeating an abortion ban ballot measure that, just eight weeks before the election, enjoyed strong support in the polls.

As you look over our accomplishments of 2015, I hope you'll ask yourself: is the ACLU just in the game, or changing it? Are we just scoring points, or are we improving lives?

You give us the courage and the support to face the long odds and come out on top. Thank you for being on our team!

**Peter Simonson**  
*Executive Director*

A handwritten signature in black ink, appearing to read "Peter M. S.", written in a cursive style.

# GAME CHANGER

## Ending Policing for Profit in New Mexico

For decades in New Mexico, police have been able to seize anyone's property on the mere suspicion that the property was involved in criminal wrongdoing, without ever even charging the owner with a crime. Over the years, millions of dollars worth of private property has gone into police coffers without due process. This practice, called civil asset forfeiture—or “policing for profit”—flips the principle of “innocent until proven guilty” on its head, requiring the owner to go to court to prove that their property was not involved in a crime.

During the 2015 legislative session, the ACLU of New Mexico helped draft and lobby for a law that would end civil asset forfeiture and force police to obtain a criminal conviction before seizing a person's property. The bill passed both the House and Senate unanimously, and in April Governor Susana Martinez signed it into law. New Mexico now has the strongest due process protections for asset seizure in the country, and has been held up as a national model for reforming civil asset forfeiture at the state and federal levels.



## Reforming APD's Culture of Violence

After the Albuquerque Police Department shot and killed unarmed homeless camper James Boyd in the Albuquerque foothills, long simmering community tensions with the police department boiled over. The ACLU of New Mexico helped to form APD Forward, a community group dedicated to reforming APD's excessive use of force. APD Forward has met regularly with the police chief, mayor, and officials from the U.S. Department of Justice to press for reforms demanded by the community and the families of those wrongfully killed by APD. In the fall of 2014, APD Forward and reform advocates scored a huge victory when the DOJ unveiled a set of extensive, court-ordered reforms it would require APD to implement. APD Forward and the ACLU will continue to act as a watchdog and a voice for the community as these reforms are implemented over the next several years.



# GAME CHANGER



## Aid in Dying

Three years ago, we filed a lawsuit based on a simple premise: dying people shouldn't be forced to suffer at the end of their life. In January, on behalf of two Albuquerque oncologists and a cancer patient from Santa Fe, the ACLU of New Mexico argued in the New Mexico Court of Appeals that mentally competent, terminally ill people should have the right to physician aid in dying if their suffering becomes unbearable. Should we prevail in the New Mexico Supreme Court, New Mexicans everywhere—both healthy and sick—will have the peace of mind of knowing that they will be able to choose a peaceful, dignified death with the help of their doctor if suffering becomes unbearable at the end of a terminal illness.

## 10 Commandments Victory

In August, 2014, the ACLU of New Mexico scored a huge victory for church/state separation when a district court judge ruled that the granite monument featuring the Ten Commandments installed on the lawn of Bloomfield City Hall violated the establishment clause of the First Amendment, and must be removed by the City of Bloomfield. The ACLU of New Mexico originally filed lawsuit on behalf of two Bloomfield residents who objected to the monument, believing it to be an unconstitutional endorsement of a particular religion. The case is currently on appeal before the 10th Circuit Court of Appeals.



## Slapping Down SLAPP Suits

What is the price of free speech? For environmental activist Norm Gaume, the price tag came to \$100,000 when the New Mexico Interstate Stream Commission hit him with a SLAPP Suit (Strategic Lawsuit Against Public Participation) in retaliation for his efforts to ensure public meetings on the controversial Gila River Diversion Project were held in compliance with the New Mexico Open Meetings Act. In 2001, the New Mexico legislature made it illegal to file a lawsuit seeking money damages against a person in retaliation for conduct or speech made in connection with a public hearing or public meeting. In January, 2015 the ACLU of New Mexico took Gaume's case, defending him against this illegal attempt to use a lawsuit to intimidate him into silence.

# GAME CHANGER

## Discrimination No Longer on Menu at Deming Denny's

In the Summer of 2014, a group of lesbian, gay, bisexual and transgender (LGBT) people from Deming Pride, a non-profit that promotes tolerance and diversity in Deming, NM, sat down for a late night meal at Denny's to celebrate another successful gay pride pageant. They were never served. After waiting for over a half hour, completely ignored by the wait staff, they asked a server why they weren't being helped. The server responded by berating them with homophobic and transphobic slurs. When they asked the restaurant manager what he was going to do about the the situation, the manager suggested that the group leave Denny's and eat someplace else.

The group contacted the ACLU of New Mexico, and we filed a discrimination complaint with the state in February, 2015. The franchise owner settled with Deming Pride, agreeing to provide extra training on non-discrimination to his employees, make a donation towards Deming Pride's charity work, and pay damages to the woman who was the primary target of the alleged verbal abuse that occurred at his restaurant.



## Expanding Insurance Access for Transgender New Mexicans

Before 2014, all but one of the insurance companies in New Mexico providing Medicaid plans to low-income New Mexicans had carved out an exemption in their plan that would deny transgender people coverage for their healthcare needs. The ACLU of New Mexico sent a letter to the State of New Mexico and all of the insurance companies, informing them that refusing to provide medically necessary healthcare because of a person's sex or gender violates the New Mexico Human Rights Act and Constitution. As a result of our advocacy, all of the insurance companies changed their policies to include coverage for transgender New Mexicans using Medicaid.





# GAME CHANGER

## Fighting for Fair Treatment of Asylum Seekers

In the summer of 2014, tens of thousands of women and children, mostly from Central America, crossed the border into the United States seeking refuge from the violence in their home countries. The federal government began detaining these women, children, and families in prison-like conditions, and commenced to systematically deport them back into certain danger without giving them a fair opportunity to seek asylum. 500 of these asylum seekers, all mothers and their children, were held in Artesia, NM at the Federal Law Enforcement Training Center. In August, the ACLU of New Mexico, along with the ACLU Immigrant Rights Project and several other immigrant rights organizations, filed a lawsuit to stop these unfair deportation practices.



The ACLU of New Mexico legal department and the Regional Center for Border Rights (RCBR) also began sending staff to the Artesia facility once every two weeks to monitor conditions inside. Despite the continued miseries of detention, many of the mothers reported that conditions and treatment in the Artesia facility improved once the ACLU began monitoring and public scrutiny increased.

## Million Dollar Settlement for Victim of Illegal Cavity Search

In fall 2014, the ACLU of New Mexico and the ACLU of Texas won a 1.1 million dollar settlement for a New Mexico woman who was falsely accused of smuggling drugs and detained against her will by Border Patrol agents and subjected to a traumatic series of body cavity searches. The ordeal began when a K-9 unit allegedly “alerted” on our client as she attempted to return to the U.S. from Mexico via a bridge in El Paso. CBP agents frisked and strip-searched her. Despite finding no contraband, they then transported her in handcuffs to the University Medical Center of El Paso, where doctors subjected her to an observed bowel movement, X-ray, speculum exam, rectal exam, vaginal exam, and a CT scan. After a period of six hours of fruitless searches, the agents released the plaintiff without charge. The plaintiff was deeply traumatized by the experience and continues to suffer emotional and psychological after effects.



After the ACLU filed suit, the hospital agreed to settle with the victim for their part in these inhumane and illegal searches. The ACLU’s lawsuit against the U.S. Customs and Border Protection remains ongoing.

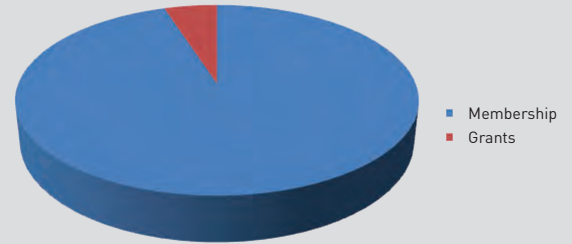
# FINANCIALS

The ACLU-NM is made up of two distinct organizations that carry out our work. ACLU-NM Foundation is a tax-exempt, 501(c)3 organization that carries out the education, outreach legal and administrative work. ACLU-NM Union is the membership organization that supports our 501(c)4 legislative and advocacy efforts. Donations to the union are not tax-deductible.

## UNION REVENUE (4/1/14 - 3/31/15)

Membership Income	\$	149,023
Grants	\$	7,874
Contribution	\$	0

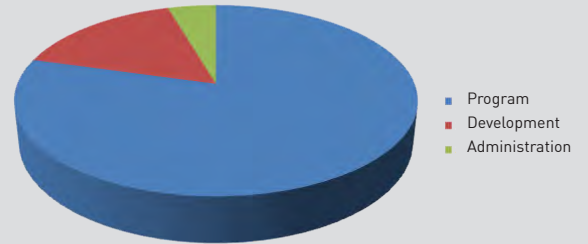
**TOTAL:** 156,897



## UNION EXPENSES (4/1/14 - 3/31/15)

Program	\$	126,347
Development	\$	25,600
Administration	\$	7,289

**TOTAL:** 159,236

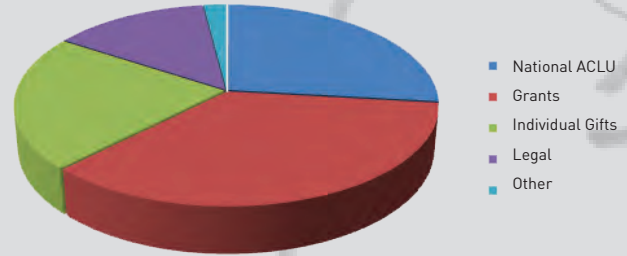


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## FOUNDATION REVENUE (4/1/14 - 3/31/15)

National ACLU	\$	443,993
Grants	\$	589,430
Individual Gifts	\$	360,285
Legal	\$	228,158
Other	\$	33,341

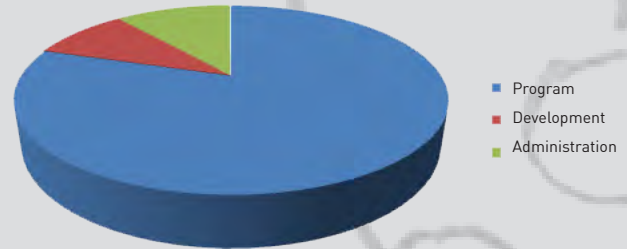
**TOTAL:** 1,655,207



## FOUNDATION EXPENSES (4/1/14 - 3/31/15)

Program	\$	1,108,131
Development	\$	126,723
Administration	\$	153,042

**TOTAL:** 1,387,896



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