

2011 2012

ANNUAL REPORT



1962 • FIFTY YEARS OF CHANGING LIVES • 2012



FIFTY YEARS



CHANGING LIVES



Peter G. Simonson
Executive Director

This year marks the 50th anniversary of the ACLU of New Mexico. The organization has plenty of accomplishments to celebrate from the last half century, but perhaps the most remarkable have come in just the last six years.

In 2006 the ACLU-NM board and staff embarked on a bold project to dramatically expand our means for defending civil liberties in New Mexico. The opportunity came in the form of the “Strategic Affiliate Initiative”—a national ACLU project to help roughly a dozen affiliates in the poorest and most politically challenging states build their ideal organization for defending civil liberties in their own backyards.

With SAI investment, the ACLU of New Mexico quickly grew from a single office with a staff of four to an organization of fifteen staff with of-

fices in Albuquerque and Las Cruces. We transitioned from a caseload of 6-8 lawsuits a year, handled exclusively by volunteer attorneys, to a legal staff of three full-time, experienced civil rights lawyers managing about 40 ongoing cases.

Our enhanced capacity enables us to measurably improve the lives of everyday New Mexicans. Each case we take, every law we help shape ripples out through the entire state, touching the lives of thousands. When we sue a public high school for discriminating against a student because she is pregnant, it’s not just the individual plaintiff whom we seek to help—it’s every pregnant and parenting student in every high school. When we represent a Sikh man experiencing religious discrimination at work, every employee can rest easier knowing it is less likely that they too will be targeted because of their beliefs. When we stand up for the right of gay and lesbian students to form a Gay-Straight Alliance club at their school, our work sends a message to school boards everywhere that they cannot silence LGBT students.

The four stories featured in this report represent only a small slice of our work over the past year. So as you look over this report, I invite you to consider not just the individuals we feature, but the entire society they represent. Through high-impact litigation, policy advocacy and public education, the ACLU is shaping the state

of New Mexico into its best version of itself. We want a New Mexico that treats all people with fairness and dignity, a place where a person can live in the confident knowledge that the government will never oppress them, intrude upon their privacy or silence their voice.

This is the goal we have worked towards for the past 50 years, and we draw closer to it every day. Though progress may sometimes seem slow, when you consider the state of civil liberties today as compared to 1962, it is clear how much we can accomplish with hard work and fidelity to the principles enshrined in our constitution.

We could never have come so far, nor could we continue this critical work without the help of our members and supporters. The SAI investment enabled our expansion and growth, but it is you who sustain it. By helping us meet exceedingly challenging fundraising goals, you have helped build a strong, capable and responsive organization that will continue changing lives for the next 50 years and beyond.

A handwritten signature in black ink, appearing to read "Peter G. Simonson". The signature is fluid and cursive, with a prominent initial "P" and "S".

EQUALITY



VICKY & SHANTELE HICKS

FOR WOMEN

The “war on women” has made things tough for women of all ages. Just ask Shantelle Hicks.

Shantelle, 15, is a student at a boarding school for Native Americans near Gallup, New Mexico. After discovering she was pregnant, the school administration attempted to kick her out of school because she would “set a bad example” for the other female students.

Vicky Hicks, Shantelle’s mother, contacted the ACLU of New Mexico and, under threat of legal action, the school reinstated Shantelle to her studies. However, her ordeal was not yet over.

Two weeks later, the school administration called Shantelle into a school assembly and announced to the entire school that she was pregnant.

“It was so embarrassing to have all the other kids staring at me as I walked into the gym,” said Shantelle. “I didn’t want the whole school to know I was pregnant because it’s not their business, and it wasn’t right for my teachers to single me out.”

The ACLU of New Mexico is suing the school to ensure that no other students must suffer public humiliation and discrimination at the hands of their teachers because they are pregnant.

INSTITUTIONALIZED DISCRIMINATION

While Shantelle’s case is an extreme one, pregnant and parenting teens often face more subtle barriers to completing their education. Lack of child care, financial challenges, narrowly interpreted school attendance policies and teacher/administrator inflexibility in making up missed classwork force many teen parents to drop out of school. To address the wider institutional problem, the ACLU of New Mexico introduced a bill in the state legislature that would create a government task force to study the educational barriers they face in our public schools.

To promote the bill, the ACLU of New Mexico helped organize a pregnant and parenting teens lobby day at the capitol, bringing in over 40 students from all over the state. When the bill faltered, the ACLU took the initiative and formed a task force comprised of school officials and education advocates to address educational barriers for pregnant and parenting teens.

ANTI-CHOICE EXTREMISM

2011 was a watershed year for attacks on the rights of women. States enacted 162 new laws restricting women’s access to reproductive health and rights—more than the past six

years combined. With the help of the ACLU and other local advocates, we fended off new anti-women laws here in New Mexico. However, our strong record on protecting women’s rights has made New Mexico the next battleground for reproductive rights.

Out-of-state extremists affiliated with the notorious group “Operation Rescue” set up shop in Albuquerque last summer to continue their campaign of harassment and intimidation against physicians who provide abortions. Operation Rescue currently employs a convicted abortion clinic bomber and had ties to the man who assassinated Dr. George Tiller, a well-respected abortion provider in Kansas.

Soon after arriving in New Mexico, Operation Rescue filed dubious complaints with the state medical board against local abortion providers and harassing patients as they entered clinics. The ACLU of New Mexico, along with a coalition of reproductive rights groups, stands with women everywhere to say “enough is enough.” The ACLU of New Mexico mobilized its membership to send hundreds of letters to the State Medical Board, asking them to make their decisions based on sound medicine, not political pressure from out-of-state extremists.

FAIRNESS

All Steven De Los Santos and James Walker wanted was a safe place where lesbian, gay, bisexual and transgender (LGBT) students could be themselves. All their school wanted was to keep them silent.

After reading story after story about gay teens who committed suicide because of relentless bullying, Steven knew he had to try and make a difference for LGBT students at his high school. With the help of fellow senior James Walker, he submitted the necessary paperwork to form a Gay/Straight Alliance (GSA), a club that promotes greater understanding and tolerance of LGBT students.

Clovis, New Mexico has a history of discrimination against LGBT students. The school administration had tabled or flatly denied all previous attempts to form a GSA at Clovis High School. When the high school yearbook featured lesbian students in their “cute couples” page, school donors threatened to withdraw funding and the school board changed the yearbook content approval policy. After same-sex couples attempted to attend the prom together, Clovis High School did away with the couples’ ticket discount and began selling only individual tickets.

So it came as little surprise when the Clovis School Board announced that it would ban all

student non-curricular clubs, after Steven and James submitted an application to form a GSA. But this time, they decided to fight back—they called the ACLU.

The ACLU of New Mexico represented them at the school board meeting and launched a media campaign against the school district’s anti-LGBT tactics. After threats of legal action and intense pressure from the press, the Clovis Superintendent approved the formation of the GSA club and allowed it to meet at the school on the same terms as other student non-curricular clubs.

“It was definitely a good day for us,” said Steven. “When I first started this club, I had little hope of it getting approved because of the difficulty students have had forming a GSA in the past. When I heard that the club got approved, it was phenomenal, so unreal, to think that something like this would happen in Clovis. From here things for LGBT students at school can only get better.”

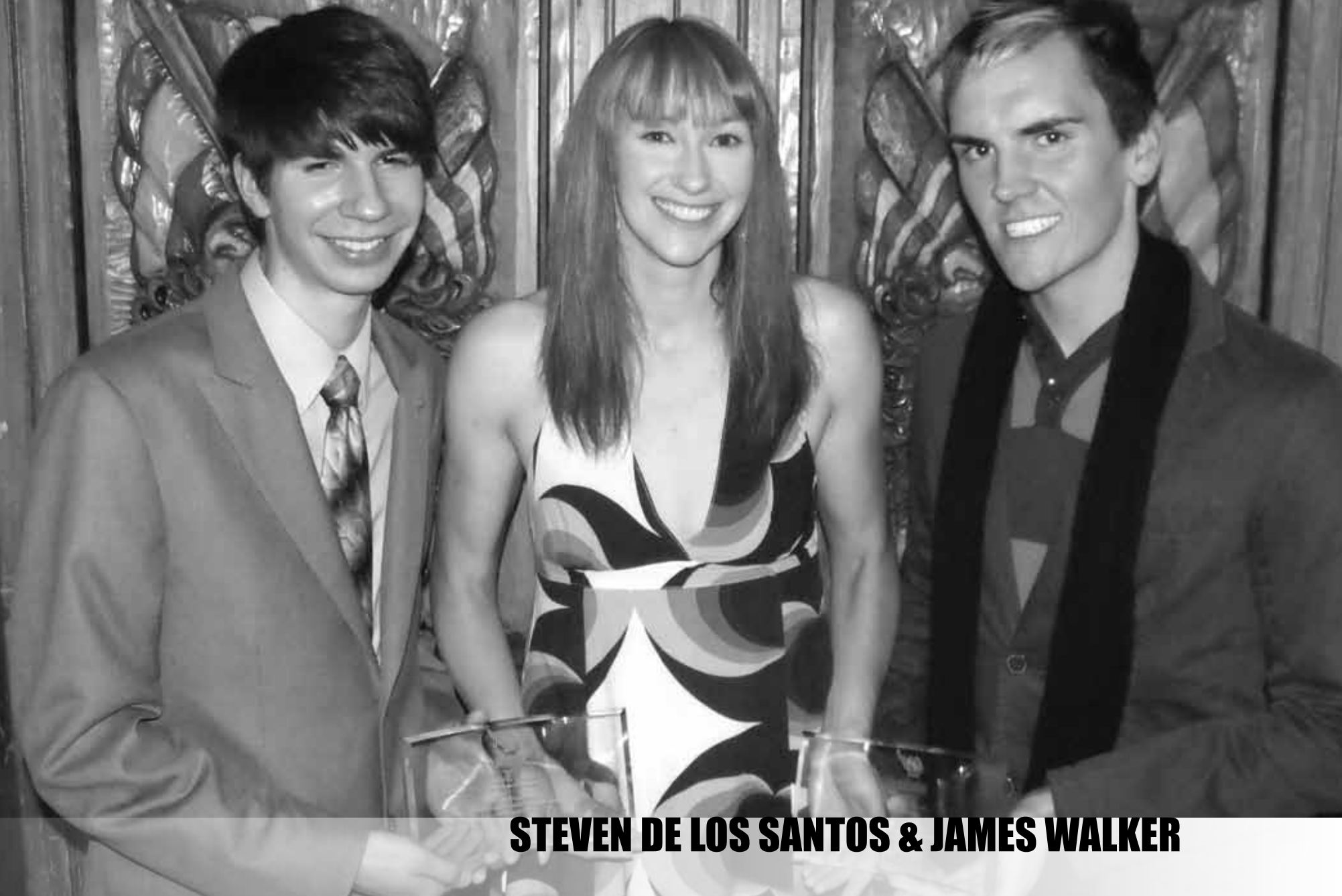
For their brave stand, the ACLU of New Mexico awarded Steven and James the 2011 Guardian of Liberty Award, presented by ACLU staff attorney Alexandra Freedman Smith (*Shown right*).

MARRIAGE FOR ALL NEW MEXICAN FAMILIES

The ACLU of New Mexico has a forward-looking vision of a state where committed gay and lesbian couples are free to marry the people they love. To move towards making this vision a reality, the ACLU launched a coordinated public education campaign called *All Families Matter* in cooperation with Equality New Mexico and the National Center for Lesbian Rights. The goal is to expand the majority of New Mexicans who support the freedom to marry. To perform the intensive grassroots work this campaign requires, the ACLU of New Mexico hired a full time LGBT organizer to build the freedom to marry movement in our state.

But before we can win, we need to ensure that those who oppose the freedom to marry are not able to put up any more roadblocks between committed LGBT couples and marriage. That is why over the last year, the ACLU gathered over 1,400 signatures successfully petitioning Senator Jeff Bingaman to sponsor legislation that would repeal the so-called federal “Defense of Marriage Act.” In the state legislature, the ACLU also successfully lobbied against a state-level “Defense of Marriage Act,” ensuring that New Mexico remains among the few states that does not have anti-LGBT discrimination codified in its constitution.

FOR LGBT PEOPLE



STEVEN DE LOS SANTOS & JAMES WALKER

RIGHTS



RICARDO, SANDRA & JOSÉ

ON THE BORDER

Sandra Gutiérrez and José Pasillas have been sweethearts ever since they met in elementary school in Mexico. They remember writing love letters to one another just “as soon as they learned how to write.”

After losing touch for a few years, they both found themselves living in the United States, and the former childhood sweethearts reconnected. They became engaged and ultimately married in a ceremony in Mexico in 2006. On the way back from their wedding, New Mexico State Police stopped them at a roadblock and José was deported back to Mexico.

This marked the beginning of six years of forced separation for the young couple who had barely begun their lives together as husband and wife. Sandra, a legal permanent resident, was suddenly left alone in New Mexico with a child on the way.

“This was the beginning of the most difficult period of my life,” said Sandra.

They attempted to raise their son Ricardo between the two of them while Sandra attended university full time, but escalating drug violence in Mexico made sharing custody too difficult. Ultimately, Sandra had to make the wrenching decision to leave Ricardo in New Mexico with

her mother while she earned her Masters of Social Work at the University of Michigan.

Finally, after much struggle, Sandra helped José gain legal residency in March 2011. The family is back together, living in New Mexico, but the scars of six years separation are still with them.

“We are still adjusting to life together,” said Sandra. “Our separation left a permanent mark. The struggle doesn’t magically end when someone gets their documents.”

FIGHTING FOR JUSTICE ALONG THE BORDER

Every year, thousands of mixed-status families in the border region are torn apart because of heavy-handed enforcement of the broken U.S. immigration system. Over the last year, the ACLU of New Mexico Regional Center for Border Rights (RCBR) in Las Cruces, New Mexico has compiled a report detailing the stories of several families, including Sandra and José, who suffered the agony of forced separation. The RCBR will leverage this report to persuade policy makers to abandon border policies that tear families apart, causing great personal and societal damage.

In 2011/2012, in response to reports that the Doña Ana Sheriff’s Office was questioning local residents regarding their immigration sta-

tus, the RCBR led a coalition of southern New Mexico community groups to push the county to create a standard operating procedure (SOP) that explicitly forbids enforcing federal immigration law or inquiring into the immigration status of individuals they come into contact with. The county agreed to establish a working group to discuss approaches to policing the county that do not fracture mixed-status families or deter victims of crime from reporting wrongdoing to law enforcement for fear they will enquire into their immigration status.

EXPOSING BORDER PATROL ABUSE

With rising incidences of Border Patrol abuse and violence, the RCBR organized a border summit for all four ACLU border affiliates and the Human Rights Project, the Immigrants’ Rights Project and the Washington Legislative Office of the national ACLU. The summit established documenting Border Patrol abuse, especially at the ports of entry, as a regional priority. In a first of its kind collaboration, the border affiliates put the national spotlight on abuse at our ports of entry that have left eight people dead in the past two years. This public education push led to significant press coverage and several congressmen demanding that the Border Patrol properly investigate all allegations of abuse and brutality.

FREEDOM

Sahaj Khalsa has been a practitioner of the Sikh religion his entire life. He was born into the religion and maintains all of the tenets of the faith—including maintaining all hair on his head and face uncut.

“We are very purposefully identifiable by our turbans and beards,” said Sahaj. “The idea is that if you see a Sikh, you know that you can go to them for help.”

Sahaj has devoted a good portion of his life to helping people in need. He spent ten years serving as a paramedic in Española, NM, transporting sick and injured people to Presbyterian Hospital in town. He was one of nine bearded Sikh men who worked as paramedics in Española. They were all highly respected, effective professionals dedicated to keeping their community safe.

However, after a shakeup in hospital administration, things started to change. One-by-one, each Sikh paramedic was forced to leave until finally only Sahaj remained. Then the hospital told him he must either shave his beard or they would fire him from his job.

“They asked me to change who I am,” said Sahaj. “They asked me to fundamentally change who I am in order to continue doing the job I’d been doing successfully for the past ten years.”

Tired of the harassment and discrimination, Sahaj contacted the ACLU of New Mexico. The ACLU’s attorneys filed a complaint with the New Mexico Equal Employment Opportunity Commission and mediated a mutually satisfying resolution between Sahaj and his former employers.

KEEPING GOVERNMENT OUT OF RELIGION

Defending the right of individuals like Sahaj to freely exercise their religion is only part of the ACLU’s commitment to defending religious freedom. The ACLU also works to ensure that the government does not show preference to one religion over another, or religion over non-belief.

In July 2011, the City of Bloomfield, NM allowed a five-foot-high granite monument inscribed with the Ten Commandments to be erected on the lawn of city hall. The message was clear: if you aren’t in the religious majority, you are an outsider in this town.

Two residents decided that they would not be excluded nor devalued as citizens of Bloomfield simply because they do not belong to the majority religion. With the ACLU’s help, they filed a lawsuit challenging the monument’s constitutionality and seeking its removal from government property.

The ACLU of New Mexico also fought against government endorsement of religion in Albuquerque in 2011. Bernalillo County Sheriff Dan Houston, a member of Legacy Church, required his class of deputies to attend their graduation ceremony in his church sanctuary.

Naturally, some of the new deputies did not want to be forced to attend an official government ceremony in a house of worship—especially not a place known to be hostile to gay and lesbian people.

The ACLU of New Mexico sent a letter to the County Commission asking that the county government conduct all further official meetings and ceremonies at publicly owned venues. The commission introduced an ordinance at the next meeting that would fix the issue, but was met with heated resistance from members of Legacy Church. During the meeting, one of the opposing county commissioners said that the ACLU—and by extension everyone who believes that religion and government should remain separate—could “go to Hell.”

In response, ACLU supporters sent hundreds of emails to the council, demanding that Bernalillo County respect church/state separation and hold all further ceremonies in public venues.

OF RELIGION



SAHAJ KHALSA

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 is the membership organization that supports our 501(c)4 legislative and advocacy efforts. Donations to the union are not tax-deductible.

ACLU-NM FOUNDATION REVENUE* (4/01/2011 - 3/31/2012)

Revenue

■ Grants	\$269,000
■ Individual Gifts	\$371,983
■ Legal	\$236,513
■ National ACLU	\$623,398
■ Other	\$27,629



TOTAL: \$1,528,523

ACLU-NM FOUNDATION EXPENSES* (4/01/2011 - 3/31/2012)

Expenses

■ Legal	\$404,746
■ Public Policy	\$140,655
■ Regional Center for Border Rights	\$291,465
■ Communications	\$102,962
■ Development	\$179,716
■ Administration	\$90,076



TOTAL: \$1,209,620

ACLU-NM UNION REVENUE* (4/01/2011 - 3/31/2012)

Expenses

Membership Income	\$124,039
Bequest	\$28,351
Other	\$100

TOTAL: \$152,490

ACLU-NM UNION EXPENSES* (4/01/2011 - 3/31/2012)

Expenses

Public Policy	\$39,895
Communications	\$37,684
Development	\$14,022
Administration	\$15,161

TOTAL: \$106,762

*Unaudited financial information. Audited statements available September 2012.

THANK YOU

We gratefully acknowledge the generosity of our donors who invested in the ACLU-NM Foundation during the 2011-2012 fiscal year, from April 1, 2011 to March 31, 2012. Unfortunately space is limited, therefore only donors who contributed \$100 and up directly to the New Mexico affiliate are listed below. Thank you!

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