

The background features several sets of concentric circles in light gray. A large set of four concentric orange circles is centered on the page, with a solid orange dot at the center. The word "IMPACT" is written in a bold, blue, sans-serif font, with the orange dot serving as the letter 'i'.

# IMPACT

AMERICAN CIVIL LIBERTIES UNION OF NEW MEXICO



**ACLU**

AMERICAN CIVIL LIBERTIES UNION  
of NEW MEXICO

**ANNUAL REPORT 2012/2013**



# IMPACT



**H**ow do you measure the success of an organization like the ACLU of New Mexico? Is it how many lawsuits we file? The number of laws we lobby for or against? The size of our mailing list or the number of card-carrying members? While these are interesting statistics, they don't describe what is really important in our organization's work: impact.

The ACLU of New Mexico is in the business of creating concrete and lasting change that affects the lives of real people throughout our state. Sometimes the work we do even ripples out to help people living all over the United States. Our ultimate goal is to use our resources strategically to create the largest impact possible. When we defend the rights of one individual in the courts, our ultimate aim is to create legal precedent that will protect thousands if not millions of people going forward. We strive to not just protect the individual, but shape the entire landscape of individual liberty.

The ACLU of New Mexico's work over the past year is a testament to the organization's commitment to impact. We filed historic litigation that seeks the freedom to marry for the thousands of committed, loving same-sex couples in our state. We helped pass a groundbreaking law that will help prevent schools from pushing out pregnant and parenting students. We won a new policy from Walgreens' pharmacies preventing their employees from denying women birth control for religious reasons, we filed litigation that seeks to clarify New Mexico's law against "assisted suicide" to allow suffering terminally ill people to seek aid in dying from their doctors—the list goes on.

Every one of these efforts has impacted or has the potential to impact thousands of people—in some cases perhaps even millions. It is almost mind-boggling to consider that because of the ACLU of New Mexico, you can now take your prescription into any Walgreens pharmacy in the United States with full confidence that you won't be denied birth control because of someone else's personal religious beliefs. Little stones can make big ripples if you throw them hard enough.

But without the generous support of civil libertarians like you, these exciting leaps forward for freedom and justice would not be possible. So as you review our annual report, I hope you feel as proud as we do about the impact the ACLU of New Mexico has on our state. Together, we're not just winning lawsuits and changing laws, we're shaping the state of personal liberty in New Mexico for years to come.

## WINNING FAIR PAY FOR LGBT MILITARY SERVICE MEMBERS

In 2010, “Don’t Ask, Don’t Tell” (DADT), the policy that prohibited military members from disclosing or inquiring about same-sex orientation, still blanketed the United States armed forces, forcing thousands of brave service members to hide a part of who they were even as they laid down their lives for their country. Those who were unable to hide were forcibly discharged from the service because of who they loved.

One of the little known facts about this shameful era in our military’s history is that the U.S. Department of Defense had a policy that cut separation pay in half for long serving military members who were given involuntary honorable discharges for “homosexuality.” In 2010, Richard Collins, a former Staff Sergeant stationed at Cannon Air Force Base in Clovis, NM asked the ACLU of New Mexico to help him fight this unfair and un-American policy and win back the separation pay that was denied to him after nine years in the service.

The ACLU of New Mexico, along with the national ACLU, filed a class-action suit on behalf of the 181 service members who were discharged under DADT and denied separation pay in the preceding decade. In January, two years after the U.S. Congress consigned DADT to the dustbin of history, the Department of Defense settled the case for 1.4 million dollars in lost separation pay, interest and damages.

“This means so much to those of us who dedicated ourselves to the military, only to be forced out against our will for being who we are,” said Collins. “We gave all we had to our country, and just wanted the same dignity and respect for our service as any other veterans.”



STAFF SGT. RICHARD COLLINS

IMPACT

*181 former LGBT service members receive full separation pay from the United States military.*

## ENSURING EQUAL ACCESS TO BIRTH CONTROL

### **“I won’t fill your birth control prescription.”**

That’s what Albuquerque resident Susanne Koestner heard from her pharmacist when she attempted to fill her birth control prescription at her neighborhood Walgreens. The pharmacist went on to explain that his personal religious beliefs were anti-contraception, and Susanne should come back another day when he wasn’t working.

“As a patient, I am at the mercy of licensed pharmacists and pharmacies when it comes to being able to receive the medications my doctor has prescribed for me,” said Susanne. “I believe it is Walgreens’ responsibility to provide seamless patient care to me.”

The ACLU of New Mexico and the Southwest Women’s Law Center sent a letter to Walgreens explaining that denying women access to birth control is sex-based discrimination—a violation of the New Mexico Human Rights Act—and delivered a petition with nearly 2,000 New Mexicans signed on demanding that Walgreens guarantee women seamless access to health care. A short time later, Walgreens instated a company-wide policy that would prevent individual employees’ personal religious beliefs from disrupting the health care of their customers.

The nationwide impact of this policy is huge. Walgreens dispenses approximately 16% of all prescription medications in the United States. This means that somewhere in the neighborhood of 11 million women in the United States would fill birth control prescriptions at a Walgreens pharmacy. Millions of women can now enter any Walgreens in the nation with confidence they will not be turned away because of a pharmacist’s religious convictions.

The implications of this policy are even more profound in smaller communities in rural areas. For many women, a Walgreens may be the only pharmacy option for many miles around. Prescription birth control could become effectively impossible to access for many women if individual Walgreens pharmacists could impose their personal religious beliefs concerning contraception on customers.



SUSANNE KOESTNER



***11 million women who use Walgreens as their primary pharmacy will never be denied birth control because of a pharmacist’s religious beliefs.***

## FIGHTING FOR THE FREEDOM TO MARRY IN NEW MEXICO

When you look at a map of the United States color-coded by whether states have laws recognizing or prohibiting recognition of same-sex relationships, New Mexico is an island of neutral white. New Mexico law is currently silent on the issue of recognizing the relationships of committed, loving same-sex couples. This is both a problem and an opportunity.

It is a problem because, according to the 2010 census, nearly 6,000 New Mexico households are headed by same-sex couples, one of the highest per capita rates in the nation. When we deny LGBT couples the security and recognition of marriage, many LGBT families have a harder time taking care of their loved ones. However, in the absence of any prohibition against marriage for same-sex couples, we also have an opportunity to put New Mexico in the column of states that allow same-sex couples the freedom to marry.

On March 21, the ACLU of New Mexico, the national ACLU and the National Center for Lesbian Rights seized this opportunity and filed a historic lawsuit on behalf of two same-sex couples who applied for marriage licenses at the Bernalillo County Clerk's Office and were turned away. The lawsuit asserts that, as the New Mexico State Constitution currently stands, same-sex couples should already be permitted to marry in our state. If the courts agree, thousands of New Mexicans will no longer be denied the ability to marry the person they love.

Parallel to the litigation, the ACLU of New Mexico collaborated with Equality New Mexico to launch *Why Marriage Matters New Mexico*, a public education campaign with the goal of building broader support for the freedom to marry in New Mexico.



PLAINTIFFS KIM KIEL, ROSE GREIGO,  
MIRIAM RAND & ONA PORTER

IMPACT

*6,000 couples—and thousands more yet to meet—  
will have the freedom to marry the person they love.*



## SEEKING COMPASSIONATE AID IN DYING

Everyone hopes that they will live long and healthy lives, and many people do. Some of us, however, will face serious and possibly terminal illnesses. As we struggle with the terminal stages of an illness, the last thing most of us want is the government interfering, telling us that we cannot decide for ourselves and seek aid in dying if the dying process becomes unbearable.

In the Spring of 2012, the ACLU of New Mexico and the national organization Compassion & Choices filed a lawsuit on behalf of two physicians who specialize in the treatment of cancer. Together, we are asking New Mexico courts to recognize that physician aid in dying for mentally competent, terminally ill people is no kind of “suicide.”

The ability to make end of life decisions with the consultation of your doctor is one of the most important freedoms an individual can have. Having some control over your own dying process and the ability to achieve a peaceful death if the process becomes unbearable is tremendously important to most people.

Santa Fe resident Aja Riggs, who is battling stage four ovarian cancer, joined the case soon after it was filed.

“I’ve been thinking so much about having some control over the end of my life, and I felt I couldn’t talk about it with the people closest to me,” said Ms. Riggs. “I thought if it came to choosing a peaceful death, I would have to do it on my own to keep from implicating anyone else. To end that sense of fear and isolation that people have — about one of the most important incidents in our lives — it makes so much sense.”



AJA RIGGS



### IMPACT

***Every terminally ill person with a six-month prognosis in New Mexico could have more control over their dying process.***

## REMOVING BARRIERS FOR PREGNANT & PARENTING STUDENTS

Education is a right and every student deserves the opportunity to graduate from high school and achieve their academic goals. Unfortunately, thousands of students are pushed out of school every year when they become pregnant. Inconsistent and overly restrictive attendance policies often force pregnant and parenting students to choose between staying in school or giving their children the care they need. No student should have to choose between being a good parent and finishing his or her education.

Students like Elisiana Montoya, whose daughter was born prematurely with serious health problems, struggle to comply with school attendance policies while caring for a sick child.

“As a teen mom in high school I had to miss classes to take care of my daughter,” said Elisiana. “I was working hard to graduate. Some teachers worked with me to keep up with my assignments, others didn’t.”

To address this problem the ACLU of New Mexico, along with a broad coalition of educators and community organizations, researched the barriers that the approximately 14,000 pregnant and parenting students in New Mexico face in completing their education, compiled a report advocating for reforming student absence policy and drafted a bill that would allow 14 days of excused absences for pregnant students in addition to two weeks of leave following the birth of their child. The coalition secured bipartisan sponsorship of the bill, which passed both houses of the New Mexico legislature and was signed into law by Governor Susana Martinez.



ELISIANA MONTOYA

IMPACT

***Approximately 14,000 pregnant and parenting students in New Mexico will have fewer barriers to finishing high school.***



## ADVOCATING FOR MORE HUMANE BORDER & IMMIGRATION POLICY

Since 2010, U.S. Customs and Border Protection (CBP) officials have killed nearly 20 people in the course of their duties, some of them just teenagers. Among the dead is Anastasio Hernandez-Rojas, who was killed at the San Diego port of entry in 2010. A nearby tourist captured the incident on a cellphone video camera, and a crowd of agents can be clearly seen beating him with clubs and shocking him with 50,000 volts of electricity over and over again while he lies handcuffed on the ground, screaming for help.

Oversight mechanisms have not grown proportionately with the massive influx of immigration enforcement agents along the border over the past decade. This has given us a militarized border, a “Constitution Lite” zone, where a culture of brutality thrives and few agents are held accountable for excessive use of force.

To deal with these out of control agencies, the ACLU of New Mexico Regional Center for Border Rights (RCBR) has worked over the last year with the a coalition of border community organizations to expose excessive use of force and abuse of power that runs rampant in CBP ranks. As part of this campaign, the coalition helped PBS produce Crossing the Line, a three-part television series that exposed the Hernandez-Rojas killing and several other egregious uses of excessive force by CBP. The resulting public outcry, including a letter from 16 members of Congress, finally prompted a grand jury investigation of the incident. The ACLU’s advocacy has also resulted in two separate investigations of CBP’s use of force and training.

To further address these systemic cultural problems within immigration enforcement agencies, RCBR staff presented testimony to the United Nations High Commissioner for Human Rights on the situation along the border in October, 2012. Ever since Congress started working on an immigration reform proposal in January 2013, the RCBR has been working with the ACLU Washington Legislative Office to include language that would revise CBP’s use of force policy, provide better agent training, and create greater accountability and oversight.



**IMPACT**

***12 million people living in the Southwest border area are less likely to be abused by immigration enforcement agents.***

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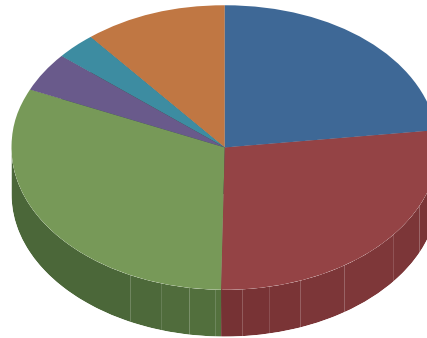
The ACLU-NM is made up of two distinct organizations that carry out our work. ACLU-NM Foundation is a tax-exempt, 501(c)3 organization that carries out the education, outreach, legal and administrative work. ACLU-NM is the membership organization that supports our 501(c)4 legislative and advocacy efforts.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

## ACLU-NM FOUNDATION REVENUE\* (4/01/2012 - 3/31/2013)

### Revenue

■	Grants	\$388,950
■	Individual Gifts	\$452,234
■	Legal	\$62,368
■	National ACLU	\$334,398
■	Other	\$27,629
■	In-Kind Legal Services	\$154,607

TOTAL: \$1,437,890

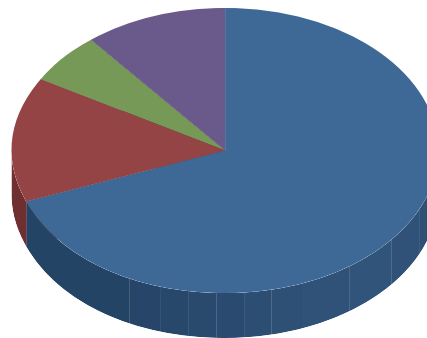


## ACLU-NM FOUNDATION EXPENSES\* (4/01/2012 - 3/31/2013)

### Expenses

■	Program	\$1,011,248
■	Development	\$205,899
■	Administration	\$88,136
■	In-Kind Legal Services	\$154,604

TOTAL: \$1,459,890



## ACLU-NM UNION REVENUE\* (4/01/2012 - 3/31/2013)

### Expenses

Membership Income	\$157,563
Contribution	\$1,200

TOTAL: \$158,763

## ACLU-NM UNION EXPENSES\* (4/01/2012 - 3/31/2013)

### Expenses

Program	\$106,095
Development	\$12,674
Administration	\$19,902

TOTAL: \$138,671

\*Unaudited financial information. Audited statements available September 2013.

# THANK YOU FOR YOUR IMPACT

We gratefully acknowledge the generosity of our donors who invested in the ACLU-NM Foundation during the 2012-2013 fiscal year, from April 1, 2012 to March 31, 2013. 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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