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the TORCH

The Newsletter of the American Civil Liberties Union of New Mexico

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Talkin' Free Expression

With Bill of Rights Celebration Headliner Idris Goodwin

Native New Mexican IDRIS GOODWIN is an award-winning playwright, break beat poet, essayist, indie rapper and teacher whose work examines the intersection of personal truth and political absurdity. He performs live all over the country, and his work is widely featured on TV, radio and literary journals. Idris frequently teaches and lectures on themes of arts, culture and empowerment.

In anticipation of his performance at this year's Bill of Rights Celebration, The Torch sat down with Idris to discuss some of the 1st Amendment issues artists face today, including censorship and the state of free expression in the digital era.

The Torch: Why do you think artistic freedom and freedom of expression are important in our society?

Idris Goodwin: Part of what makes us human is our ability to formulate and share new ideas that help us become a better species. It is vital to our survival to constantly voice our realities to one another. But along with this amazing right is the need to listen—this is the phantom addendum to this notion—along with freedom of speech is the freedom to listen and contemplate.

TT: When did you become interested in free speech issues?

IG: As a child of the hip hop/cable TV generation the themes of freedom without censorship have always been prevalent. When I realized I wanted to be a writer who wrote about the complexities of race, culture and other thorny issues of the day, it became clear that my ability to do so was: A) due to the sacrifice of a great many for whom any unpopular utterance meant imprisonment and/or death B) not a freedom

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Jack Steadman: A Life of Commitment



This Summer New Mexico lost one of its greatest advocates for civil liberties and equality. Jack Steadman, a 60-year member of the ACLU and 29-year veteran of the ACLU-NM board of directors, passed away at his Santa Fe home on August 12th.

Jack joined the ACLU his senior year of high school in 1950, just as his Senator—Joe McCarthy—began the political witch hunt that ushered in one of the darkest periods for civil liberties in U.S. history. Profoundly impacted by the injustices he witnessed during the McCarthy and civil rights eras, Jack became a life-long defender of the Bill of Rights and the principles it embodies.

Jack moved to New Mexico with his family in 1967 to begin teaching at St. John's College in Santa Fe, where he remained for 40 years until his retirement. Soon after relocating, he became active in the ACLU-NM Northern chapter and joined its board in 1978. Three years later he was elected to the state board where he was active on many committees and held the position of board treasurer for 15 consecutive years. Since ACLU-NM's founding in 1962, only Theo Crevenna, 90, has sat on the ACLU-NM Board of Directors longer.

"Jack will always be remembered by the board for his lively engagement in debate about civil liberties questions during meetings, and his habit of pulling a Constitution out of his shirt pocket, holding it up in the air for everyone to see, reminding everyone of the letter and lyric of the Bill of Rights," recalls ACLU-NM Executive

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THE TORCH

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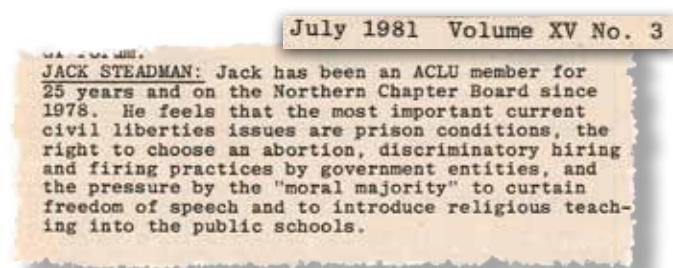
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Jack Steadman

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The 1981 Torch article announcing Jack's election to the board.

Director Peter Simonson. "Jack never went anywhere without a Constitution in his shirt pocket."

Board members who served alongside him universally praise Jack's wisdom, his kindness and his generosity. Longtime board member Trish Steindler says she especially appreciates Jack's part in inculcating the ACLU-NM board with a culture of reason and respect:

"In addition to being a thoroughly generous and likeable man, Jack set about problem-solving in the most positive way, always certain that everyone around the table was a well-meaning and important person. He was firm in his beliefs, but conciliatory and diplomatic in manner. If anyone could smooth over a difficult situation, Jack could."

"Jack's zeal to protect civil liberties knew no bounds," says current board president Gary Mitchell. "I recall a meeting of the board years ago. We did not have much in the way of money. A question arose about the funding of a lawsuit to protect the civil rights of two courageous teachers who dared to speak out against a discriminatory policy of a school. They put their jobs, their careers and the support of their families on the line. The question: could we help them, and did we have the resources? Jack, our treasurer, never had a doubt about the lack of funds. He simply said, 'The money we get, and any money we have is just for this purpose.' He went on, 'We are not a savings institution and if not now and for this, when and for what?'" Jack spoke and that was it. We approved the funding. However, I have always

wondered how we got the money, and I bet a portion of it came from Jack, unheralded, not asked but always in his quiet way providing from his own meager earnings more than any other."

Jack stayed active outside the board room as well. Every year when the state legislative session rolled around, he and the other members of the bill review committee delved into the massive pile of proposed legislation, searching for bills that would encroach upon our constitutional freedoms. Many of the bad laws that ACLU-NM has blocked in the legislature over the years were first identified by Jack Steadman. However, his work in the legislature was not confined to bill reading. Ever the passionate advocate for LGBT rights, Jack testified multiple times before committee on behalf of domestic partnership for gay and lesbian couples.



Jack, second from left, in 1983 not long after joining the ACLU-NM board of directors.

Despite his extraordinary nature and his many accomplishments, Jack remained ever humble. ACLU-NM attempted to honor his long service and deep commitment to the Bill of Rights several times over the years, but Jack would have none of it. He always eschewed any formal recognition for his immeasurable contribution to this organization.

Jack almost certainly would have preferred we didn't honor him posthumously either...but too bad...we're doing it anyway.

ACLU-NM will formally recognize Jack Steadman's decades of service and dedication to the Constitution at the 2010 Bill of Rights Celebration on Saturday, October 9th.

"I was there when Martin Luther King, Jr., gave his "I have a dream" speech from the steps of the Lincoln Memorial. We still have that dream: the dream that "one day this great nation will rise up and live out its fundamental principle: 'We hold these truths to be self evident, that all men are created equal...'" Unfortunately, it takes continuous and extraordinary effort, by ordinary citizens, to accomplish that dream and to keep from slipping back...

- Jack Steadman
Today the ACLU's





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Upcoming Events

September/October

Passing Judgment on the Drug War

IN ALBUQUERQUE:
Thursday, September 30
6:00 to 7:00 PM

UNM Law School,
Room 2402

IN SANTA FE:
Friday, October 1
5:00 to 6:00 PM

Old PERA Building,
Apodaca Hall

See page 6 for more info on
this event.

OCTOBER 9

2010 Bill of Rights Celebration

6:00 to 9:00 PM
at the Albuquerque
Museum of Art
and History

Save the date for our
premiere event of 2010 and
join us to celebrate
freedom in New Mexico with
an evening of food, drink
and music.

RSVP online at aclu-nm.org
or mail in the form included
on page 5 of this issue.

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Talkin' Free Expression

Continued from page 1

shared by all citizens of earth. As someone with the gift to articulate ideas in an evocative manner, I feel an overwhelming responsibility to celebrate the diverse perspectives that make up the human experience.

TT: *Have you ever written or performed anything you consider to be controversial or something that you thought "pushed limits"?*

IG: In my younger, brasher days I was working out all this personal angst. I was trying to be shocking, but I wasn't really saying anything at all. These days I realize that I don't need to try and be controversial if I'm doing my job of making truth seem fictional, the ordinary absurd and vice versa.



We're in a moment of high technological advancement in the area of communication modes. Everybody has some combination phone—television-typewriter-jet pack that allows them to become a pundit, a rock star and a prophet all in one keystroke.

TT: *Have you ever felt the need to "self-censor" your work to make it more acceptable or palatable for the general public?*

IG: Sometimes a particular inviting organization will ask me to perform certain works as opposed to others, but I don't share some of the extreme censorship tales that many of my peers have endured. Often I censor myself. While I do believe everyone has the right to express themselves, I do think we in the "communication business" must exercise a deeper understanding of the realities of our public. Of course I hope to challenge and interest them, but I try not to intentionally offend. When I perform work that makes sweeping indictments, I know some will disagree with my notions but I never want to coerce someone to physically or mentally leave the room. To me, that's a missed opportunity. So its part of the delicate balance. This freedom to voice one's concerns is a privilege and part of the privilege is being aware of who is hearing

you and what experiences he or she or they have brought into the room.

TT: *Do you think as a country we're moving towards greater artistic freedom or less? In other words, do you feel optimistic about free expression and the arts moving forward?*

IG: We're in a moment of high technological advancement in the area of communication modes. Everybody has some combination phone—television-typewriter-jet pack that allows them to become a pundit, a rock star and a prophet all in one keystroke.

However, again I stress this notion that if we don't know how to really listen, contemplate and dissect what we're hearing, then all this free expression is just cacophony. Part of how we're trained to digest art and information has been shaped by the conglomerated media companies that control the oldest communication modes

(television, radio, motion picture). These modes are used predominantly to sell us products and narrow agendas. As new modes begin to develop, become more common, more affordable, the ways in which art and information are transmitted will change.

I am neither pessimistic nor optimistic—I'm sure. I know that as a species we will continue to evolve towards an unparalleled echelon of love and respect as speakers, listeners, picture makers and viewers.

TT: *What are some of the things people can do to help protect artists' freedom of expression?*

IG: The general public must let it be known that compelling, fresh, honest art is an essential part of their existence—right up there with food, clothing, shelter and cell phones—and they're willing to sacrifice for it.

Don't miss Idris at the 2010 Bill of Rights Celebration!

**RSVP today online at aclu-nm.org
or mail in the form on page 3**

Keeping an Eye on Albuquerque Police



A Message from
Executive Director
Peter Simonson

Under Police Chief Ray Schultz, the Albuquerque Police Department has avoided many of the problems that plagued previous police administrations—rashes of police dog attacks, spying on activists and excessive police shootings. Until now that is. Since January the APD has made the news on regular occasion for practices that leave me wondering, “what’s going on in the state’s largest municipal police agency?”

The pattern of questionable activity begins with the use of deadly force. In the last eight months, Albuquerque police have shot ten people, killing seven—a marked increase from previous years that caused even the right-leaning *Albuquerque Journal* to call for an independent investigation. To be fair, national statistics show that police departments sometimes experience wide fluctuations in the use of deadly force from one year to the next. Tucson police have recorded zero shootings so far this year, but last year registered eight. The sudden rise in Albuquerque’s shootings, though, coincides with some other eyebrow-raising signs.

Last month the New Mexico Criminal Defense Lawyers Association and the ACLU publicly protested an APD sting operation that baited people on the streets of downtown to “steal” a backpack planted by officers at a centrally-located ATM. At least 5 individuals were nabbed in the scheme and earned jail time. Evidently officers behind the operation weren’t kidding around. They loaded the backpack with \$2,500 worth of valuables—

enough to trigger a 3rd degree felony and saddle people with a permanent criminal record.

As soon as reports of the sting scheme reached the news, Albuquerque Public Safety Director Darren White announced the program’s cancellation, but it took bad press to elicit that response. What’s more, White acknowledged other similar operations that the APD would continue using, including a scheme to lure would-be robbers with abandoned bikes and another that coaxes otherwise innocent people to steal automobiles.



Are Albuquerque police so underutilized that they must resort to manufacturing crimes to keep themselves busy?

Shootings and sting schemes coincide with an increase in the number of written complaints against APD that are reaching the ACLU—mostly unwarranted searches and arrests. Can these patterns be traced to the change in leadership at City Hall? It’s no secret that newly-appointed Public Safety Director Darren White favors a heavy-handed approach to law enforcement.

The ACLU has expressed its concerns to officials in the mayor’s office and is exploring multiple cases against APD officers. This is a situation that bears watching. Albuquerque has a history of problems with its police—a history we don’t want to revisit. If you are an Albuquerque resident, let Mayor Berry know that police shootings and entrapment schemes are troubling signs. He needs to hold APD accountable.

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Events
Continued

October 23

STREET ARTS: Defending Artistic Liberty Panel

2:00 to 3:00 PM
at 516 ARTS gallery
Downtown Albuquerque

The more provocative art becomes, the more likely it will spark a public outcry and move government officials to censor. Join the discussion and learn what's black and white about artistic freedom, and where the gray lies!

November 6

STREET ARTS: Diction and Contra Diction

7:30 PM
at the KiMo Theatre
in Albuquerque

Featuring Cecil Taylor, Amiri Baraka, Idris Goodwin and Chaz Bojorquez

Don't miss Diction and Contra Diction, an evening of poetry, performance, music and graphic arts in celebration of hip-hop culture and free expression.

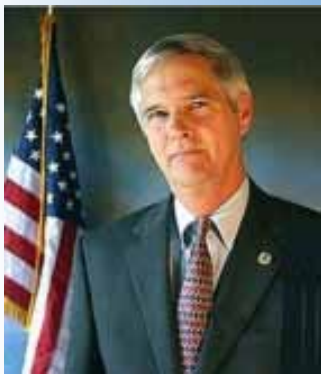
Visit the aclu-nm.org for a special Diction and Contra Diction preview.



Check out our online calendar for updates and new events at aclu-nm.org

Northern Office Dispatch

Passing Judgment on the Drug War



“Force is not the only way to change behavior; education and example can be powerful weapons.”

For the last installment in the series of events celebrating its 10th anniversary, the ACLU-NM Northern Chapter is proud to present *Passing Judgment on the Drug War* with Judge James Gray, a self-avowed “drug warrior” turned drug legalization advocate.

His book, *Why Our Drug Laws Have Failed And What We Can Do About It: A Judicial Indictment of the War on Drugs*, is the culmination of his experience as a former federal prosecutor, defense attorney and trial judge. Those experiences convinced him that our nation's program of drug prohibition is not just a failure, but a hopeless failure.

“Drug prohibition has resulted in a greater loss of civil liberties than anything else in the history of our country,” Judge Gray wrote. “The United States of America leads the world in the incarceration of its people, mostly for non-violent drug offenses. Statistics show that all racial groups in our country use and abuse drugs at basically the same rate, but most of those incarcerated

are people of color. The war on drugs has contributed substantially to the increasing power, bureaucracy, and intrusiveness of government. And, of course, the sale of illicit drugs is by far the largest source of funding for terrorists around the world. If we were truly serious about fighting terrorism we would kill the ‘Golden Goose’ of terrorism, which is drug Prohibition.”

Judge Gray served as a soldier in the “War on Drugs” for more than two decades. He was a staff judge advocate and criminal-defense attorney for the US Navy JAG Corps, and he worked as a federal prosecutor for the US Attorney's office in Los Angeles.

In 1983 Gray was appointed to the Santa Ana Municipal Court. In 1989, he was elevated to the Superior Court of Orange County, retiring on January 4, 2009.

Judge Gray concludes that fighting to repeal drug prohibition is the best and most lasting gift he could make to his country. He acknowledges that drugs are truly dangerous, but the “War on Drugs” has turned a disease into a plague.

In his bold work combatting the illegal-drug problem in America, Judge Gray continues to mobilize civic leaders, government officials, corporations, non-profit organizations, the media and the public around the country to join him in “just saying ‘no’” to our nation's catastrophic war on drugs.

Visit aclu-nm.org to get a sneak peak of Judge Gray in action, interviewing with FOX News and Reason TV.

IN ALBUQUERQUE:

Thursday, September 30, 6:00-7:00 PM
UNM Law School, Room 2402
1117 Stanford NE

IN SANTA FE:

Friday, October 1, 5:00-6:00 PM
Old PERA Building, Apodaca Hall
Santa Fe Trail, across from the Capitol

STREET ARTS

A Celebration of Hip Hop Culture & Free Expression



FALL 2010 Visual Art • Spoken Word • Music • Film & more

ACLU-NM has teamed up with 516 ARTS and other local arts organizations to present STREET ARTS: A Celebration of Hip Hop Culture & Free Expression during October and November 2010 in Albuquerque, featuring local, national and international artists in a major exhibition at 516 ARTS, performing and literary arts events, mural projects, tours of street arts projects, panel discussions, workshops, a Spoken Word Festival and a Hip Hop Film Festival. Learn more at aclu-nm.org.

Legal Highlights



The ACLU-NM Legal Department litigates 30 to 40 cases per year in order to advance and defend civil liberties in the State of New Mexico. You can learn more about our work on our website at <http://aclu-nm.org/tag/legal-advocacy-and-litigation/>.

No-Fly Lawsuit

The national ACLU, the ACLU of Oregon and ACLU-NM have filed suit in the Federal District of Oregon on behalf of seven *de facto* expatriated Americans. The clients appear to be on the U.S. government’s no-fly list and, as a result, most are stranded overseas, unable to secure alternate means of travel. Each of the plaintiffs in the case have been told by airline employees that they are not allowed to fly over U.S. airspace after the airlines refused boarding when they presented their tickets. The FBI will not confirm or deny that they are on a list, and no process exists to challenge the information that may have led to their inclusion on a list.



Steven Washburn

One of the plaintiffs is Las Cruces native Steve Washburn, a former Las Cruces fireman and a U.S. Air Force veteran. To return home, he was forced to fly from Ireland to Brazil, to Mexico City, to Juarez, and then drive across the border to avoid U.S. airspace. During his travels, Mexican officials detained and questioned him for twenty four hours. To this day Washburn has no idea why he is on the no-fly list.

In a recent interview with the media, Washburn was quoted as saying, “When we went to board the plane they told me ‘I’m sorry, we can’t let you get on the plane. You’re on the U.S. no-fly terrorist watch list. That was the moment I found out for the first time I was on the no fly list.”

“You feel abused and you get angry because you’re thinking, ‘This is injustice,’” he continued. “No one will tell you why or how you got on the list. Growing up in America we’re taught the great American system in that you’re innocent until proven guilty.”

Is the FBI Profiling Your Neighborhood?

In conjunction with twenty nine other state ACLU affiliates, ACLU-NM filed a Freedom of Information Act (FOIA) request with the local FBI field office asking for records related to the agency’s collection and use of race and ethnicity data in local communities. According to an FBI operations guide, FBI agents have the authority to collect information about and create maps of so-called “ethnic-oriented” businesses, behaviors, lifestyle characteristics and cultural traditions in communities with concentrated ethnic populations.

It is unclear how the FBI is collecting the data and to what end. The FBI’s attempt to collect and map demographic data using race-based criteria for targeting purposes invites unconstitutional racial profiling by law enforcement. In the event that the FBI does not provide a full response as required by FOIA, ACLU-NM will file suit in order to shed light on these unsettling tactics.

Fighting for Inmates’ Reproductive Choice

ACLU-NM recently discovered that both the Metropolitan Detention Center (MDC) and the Regional Correctional Center (RCC) in Albuquerque have obstructed inmate access to abortions. In one egregious case, an inmate repeatedly requested—and was denied—an appointment for an abortion at both facilities over the course of three months. When she was finally released, she was in her third trimester.

In *Doe v. Arpaio*, a landmark case brought by the ACLU of Arizona in 2008, the U.S. Supreme Court affirmed a lower court’s ruling that this type of obstruction is illegal.

“A pregnant woman in prison does not lose her right to decide to have an abortion any more than she gives up her right to have a child,” said Brigitte Amiri, a staff attorney with the ACLU Reproductive Freedom Project. “It is not up to prison officials to decide whether a woman prisoner should carry a pregnancy to term or not.”

The former MDC/RCC inmate does not wish to pursue legal action and wants to remain anonymous, but ACLU-NM will meet with both jails to discuss improvements to existing policies. Through Inspection of Public Records Act requests, ACLU-NM has discovered that RCC’s policies are in accordance with best practices. MDC’s, however, are not. We will push for both policy reform and for the facility to provide notice of an inmate’s right to receive an abortion while in custody.



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www.twitter.com/aclunm

Join our community
Stay in
Take the loop
action



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The need has never been greater for freedom-loving people to join the ACLU and take a stand against the growing threats to our most cherished liberties.

Become a card-carrying member of the ACLU or renew your membership today!

You can join or renew online at aclu-nm.org or contact the Development Department at (505) 266-5915 ext. 1001 or supportus@aclu-nm.org.



To make a donation online right away, visit www.aclu-nm.org and click the **Donate Now** button. You may also fill out the envelope accompanying this newsletter to mail your contribution.

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New Staff



Jennifer Cohen, *Staff Attorney*

Jennifer joined the ACLU of New Mexico in August 2010 as a staff attorney. Before coming to New Mexico, Jennifer clerked for the Honorable Chief Judge James G. Carr in Toledo, Ohio.

After graduating from Cornell University with a B.A. in Government, Jennifer went on to attend the University of Chicago Law School where she worked in the Mandel Legal Aid Clinic, Civil Rights and Police Accountability Project and served on the board of the law school's ACLU chapter. Jennifer also worked at the Chicago Journal of International Law and published an article entitled *Islamic Law in Iran, Can it Protect the International Legal Right of Freedom of Religion and Belief* in the Summer of 2008.

Jennifer is also an avid lover of music and a talented vocalist who sings opera, jazz, blues, soul and musical theater.

"I think you need look no further for evidence of Jennifer's commitment than her willingness to relocate to a state she'd never been to before her interview," said ACLU-NM Managing Attorney Laura Schauer Ives. "Not only does she bring very strong credentials and valuable experience to the table, but also a clear passion for the ACLU's work. I am confident that Jennifer will be a very meaningful addition to our legal team, and we are extremely honored to welcome her."



Brian Erickson, *Project Coordinator*

Brian Erickson joined the Regional Center for Border Rights (RCBR) in August of 2010 to help respond to and document civil and human rights violations in southern New Mexico and to expand coordination of similar efforts among partners throughout the U.S.-Mexico border region.

Upon graduating from Pacific Lutheran University in Tacoma, Washington with B.A. degrees in Spanish and Global Studies. Brian made the trek across country to join the Latin America Working Group in Washington, D.C., where he helped coordinate efforts among organizations located both in and out of 'the beltway' and reached out to grassroots advocates across the nation to push for just U.S. policies towards Mexico and the U.S.-Mexico border region. Having lived in Arizona prior to his undergraduate studies, Brian is excited to once again find himself in the border region. He enjoys sports and music when not working alongside others to foster recognition of the civil and human rights shared by those who also call this region home.

"We're extremely pleased to have Brian aboard," says RCBR Director Vicki Gaubeca. "Not only are his interests and work experiences a good fit, but he also comes to us via the Border Servant Corps, a program founded in 1997 with the support of the Peace Lutheran Church in Las Cruces, New Mexico. Border Servant Corps members are chosen through a competitive application process and are committed to the four main tenets of the organization: community, social justice, simplicity, and spirituality."

Support the ACLU of New Mexico!

Become a sponsor of the 2010 Bill of Rights Celebration.

You, your family or your business can be a:

- **Free Speech Virtuoso ... \$5,000 sponsor**
- **Master of Artistic Expression ... \$2,500 sponsor**
- **Patron of Protest ... \$1,000 sponsor or**
- **Soap Box Hero ... \$500 sponsor**

Event passes, program ad space, recognition at the event and Website/newsletter thanks are included in all sponsorship packages.

Program ads and memorial ads from \$25 to \$500 also available.

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