

Vol. 46 | No. 2 | Summer 2011

the TORCH

The Newsletter of the American Civil Liberties Union of New Mexico

in this issue

The School Club that Almost Wasn't	P.2
ED's Notes	P.3
Your Religion or Your Job	P.4
Racism on the Front Lines	P.5
Development	P.6

ABQ Redistricting P.7

Corner

New Staff P.8

NON PROFIT
ORGANIZATION
U.S. POSTAGE
PAID
ALBUQUERQUE, NI
PERMIT NO. 59

AMERICAN CIVIL LIBERTIES UNION OF NEW MEXICO FOUNDATION P. O. BOX 566 ALBUQUERQUE, NM 87103 7/505-266-5915 WWW.ACLU-NM.ORG

SPECIAL ISSUE: Discrimination in New Mexico

Many people in this country think of discrimination as something we have overcome, a problem that is no longer significant. It is true that our country has come a long way in fighting discrimination, but it is still a painful reality for many people in America. Today, as in the past, the American Civil Liberties Union leads the fight to end discrimination in all its forms. In the past three months, the ACLU of New Mexico represented clients in three cases involving three different types of discrimination. These brave New Mexicans chose to stand up to prejudice. These are their stories.

The School Club that Almost Wasn't

tarting an extra-curricular club at a high school is generally a routine process. You fill out some forms, get a faculty member to act as the club's sponsor and gather signatures from fellow students to show there is an interest. Then, a school administrator reviews the application and gives their final approval. But what if the club you want to form is a Gay-Straight Alliance?

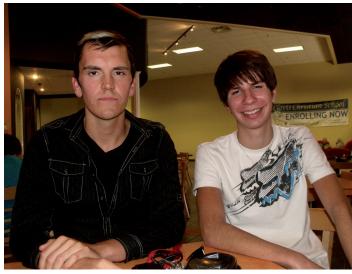
In late February, Clovis High School (CHS) senior Steven De Los Santos, spurred to action by the high number of teen suicides caused by anti-gay bullying around the country, applied to create the school's first Gay-Straight Alliance (GSA). The stated mission of the club was to "build a bridge between gays and straights, to create a safe environment for students and learn to support each other, to educate the school community about homophobia, gender identity and sexual orientation, and to fight discrimination, harassment and violence." Steven and his fellow students found a teacher to sponsor the group, obtained approval from the school principal on March 1 and set about planning their first meeting.

Three days later, the principal revoked his approval, explaining that he had overstepped his authority by not referring the club to Clovis Municipal Schools Superintendent Terry Myers. The application, which the principal had approved immediately, sat on the superintendent's desk unaddressed. As the weeks went by, Steven and the other students began to suspect that the delay was intentional.

A Pattern of Discrimination

Clovis High School has a rocky history when it comes to LGBT issues. There have been several attempts to form a GSA in the past, but the students "got discouraged," according to one teacher at CHS. Before Steven's application, the only time a GSA made it all the way to the superintendent for approval was in 2004. The application was denied.

In May 2008, the high school yearbook, *The Plainsman*, published photos of two lesbian couples—along with



James Walker (L) and Steven De Los Santos (R), seniors at Clovis High School

nine straight couples—as part of a two-page spread about student relationships entitled "Do you want to go out?". Some local parents and Christian groups were outraged. One of the loudest voices belonged to former Lt. Governor Walter Bradley who proclaimed, "I think it's highly inappropriate to place that in that venue [the yearbook]. That is no place for that type of negligent exploitation of our kids."

In response to the community backlash, the school board voted to give school principals authority to review students' work before publication so that they could serve as a firewall against future attempts to acknowledge the existence of gay and lesbian students. The teacher who oversaw the yearbook publication was also asked to step down.

Last year, a junior at CHS wrote the ACLU of New Mexico reporting that the school suspended him and several other students. Their crime? Participating in the annual "Day of Silence" in which students remain silent for a day to protest the actual silencing of LGBT people due to harassment, bias and abuse in schools.

Continued on page 2





THE TORCH

The Torch is a quarterly 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 Specialist at: mmccoy@aclu-nm.org

Printed in the United States.

ACLU OF NEW MEXICO STAFF

Peter G. Simonson Executive Director

Kathryn Turnipseed Deputy Director

ADMINISTRATION & FINANCE

Erin Pearson
Office Administrator

COMMUNICATIONS

Micah McCoy

Communications Specialist

DEVELOPMENT

Julie Weinstein
Director of Philanthropy

Valerie Torrez

Development Associate

LEGAL

Laura Schauer Ives Managing Attorney

Leon F. Howard Staff Attorney

Alexandra Freedman Smith Staff Attorney

Andrew Polnett Paralegal

POLICY AND LEGISLATIVE ADVOCACY

Lissa Knudsen
Director of Public Policy

SOUTHERN OFFICE & REGIONAL CENTER FOR BORDER RIGHTS

Vicki Gaubeca Director

Tania Chozet

Policy Advocate

Brian Erickson *Project Coordinator*

INTERNS

Katherine Leung
Development Intern

Ryan Schotter Legislative Intern

Clovis GSA, ctd.

Continued from page 1

Considering this pattern of anti-LGBT discrimination in the school and community over the past few years, students were rightly concerned when the Clovis Municipal School Board announced that it would review the district's school clubs policy in the board's upcoming meeting. The proposed changes to the policy would make Clovis High School a "closed forum," abolishing *all* student non-curricular clubs.

The Equal Access Act, passed by U.S. Congress in 1980, says public secondary schools must either adopt a "closed forum" or a "limited open forum" policy for student non-curricular clubs. The law states that if a public secondary school allows even one non-curricular student club to form, they have established a limited open forum and must allow all other non-curricular students clubs to form. Schools have sometimes attempted to "close" their forums and ban all non-curricular clubs as a sort of nuclear option to prevent students from forming Gay-Straight Alliances.



ACLU-NM Staff Attorney Alexandra Freedman Smith speaking at the Clovis school board meeting April 26

The Clovis superintendent claimed that the timing of this club policy review was coincidental and was unrelated to the pending GSA application. James Walker, a CHS senior and an editor for the school newspaper, was skeptical, stating, "The timing seems a little too convenient." In response, James wrote a news article for the school paper, explaining to the student body the current status of the GSA and the school board's impending policy changes. However, the principal censored the article and it never appeared in the school's paper.

Partnering with the ACLU

Having exhausted all their avenues and weary of seeing the school deny LGBT students a place in the community, Steven De Los Santos and James Walker reached out to the ACLU of New Mexico for assistance.

"When we learned of their situation, we knew we had to get involved," said ACLU-NM Staff Attorney Alexandra Freedman Smith. "LGBT students in Clovis have been systematically silenced and marginalized by school officials and other prominent members of the local community—the very people who are supposed to provide a nurturing educational environment. LGBT students have the same free speech and association rights that all Americans do."

This was not the first time the ACLU of New Mexico has been called upon to defend students' right to form a GSA. In 2007, the Farmington school board considered abolishing all student non-curricular clubs to block a GSA at Piedra Vista High School. The ACLU of New Mexico represented students in the matter and forced the school board to allow the club to form despite the religious objections by some

parents in the community.

Hoping to secure the same outcome for the students in Clovis, the ACLU-NM legal staff drafted a letter to the members of the Clovis School Board and the superintendent. The letter called into question the board's motivations for revising district policy regarding clubs, warned the board that they risked violating students' constitutional rights and informed them that representatives from the ACLU of New Mexico would be present at their upcoming board meeting.

When the April 26th school board meeting arrived, the room was packed with students who came to support the GSA and other student non-curricular clubs.

"It's about bringing people together," Steven told the board. "Because people don't always have that kind of support. They may not get it at home, they may not get it from their peers. There are many times we have to put on masks and don't get the chance to be ourselves. I feel like this club gives people the opportunity to be themselves and be around people who support them."

Despite the overwhelming support for the GSA and a limited open forum, the school board voted unanimously to adopt a closed forum with no explanation or internal debate.

Fighting Back

When the school board chose to close the forum, they did so with the caveat that student non-curricular clubs would still be permitted to use school facilities outside of instructional hours. Although the closed forum made it more difficult to organize a GSA, it did not prohibit its formation outright. But the application and the club's fate remained in limbo, unsigned on the superintendent's desk. Speculating that the district might intend to delay the club's approval in the hopes that Steven's graduation would derail the club's formation, the ACLU of New Mexico and the club's organizers turned up the heat on the school board.



Steven De Los Santos speaking at a pro-GSA rally in downtown Clovis, NM on May 1

The ACLU of New Mexico worked with local and statewide media to garner heavy news coverage of the GSA issue, subjecting the school board's decision to intense public scrutiny. Steven, along with students from Eastern New Mexico University, organized a pro-GSA rally in downtown Clovis, and the popular Albuquerque paper, *The Weekly Alibi*, published James's article about the GSA struggle that his principal had censored. LGBT rights supporters outside New Mexico began to take notice as well. The online advocacy organization Change.org created a petition in

Continued on page 3

Executive Director's Notes

Secretary of State Crying "Wolf"

ate in the legislative session, as two bills hung in the balance that would make photo ID a requirement to vote and that would deny driver's licenses to immigrants, newly-elect Secretary of State Dianna Duran made a stunning announcement. Her office had uncovered records of 37 immigrant driver's license holders who had voted illegally in the previous election. When reporters quizzed her about the evidence for such claims, Duran became curiously quiet. When ACLU and other organizations demanded proof of her allegations through public records requests, Duran stonewalled, citing "executive privilege" and driver privacy protection laws to deny the requests. In the end, Duran's evasiveness caused the story to fizzle. Immigrants kept their drivers licenses (for another year). New Mexicans can still vote in most elections without having to prove their identity.

Poorly executed as Duran's disclosure may have been, pairing the notion of illegal immigration with fears about voter fraud is a clever tack—Karl Rove clever. What better way to coax Americans into accepting a photo ID condition on their right to vote than by galvanizing them with their anger towards undocumented immigrants? "Not only are immigrants stealing our jobs, but they're trying to hijack our elections as well!"

One week before Duran made her announcement, Colorado Secretary of State Scott Gessler declared that his office was "nearly certain" that 106 non-citizens had voted in Colorado's recent election and that as many as 4,947 voters were "likely" non-citizens when they cast their vote. Three years earlier, Gessler's predecessor, current U.S. Rep. Mike Coffman, said it would be "great" if a records search uncovered illegal immigrants with felony convictions who were registered to vote in Colorado. In a 2007 email, he wrote, "What would be really compelling would be that somehow we could get a list of illegals who have been convicted of felonies and who are registered to vote... [Such revelations] would have given me the leverage to get the legislation passed to tighten up the voter registration system," he said.

The ACLU's concern is that any effort to "tighten up" voting requirements is really just an excuse to create unnecessary hurdles for some segments of our population to vote, especially the poor, elderly, and Native Americans. In 2006 the ACLU sued to stop the City of Albuquerque from implementing an ordinance that would make photo ID a requirement for voting at the polls. Although we won in federal district court, the ruling was overturned in the 10th Circuit Court of Appeals after the US Supreme Court handed down a bad decision on a similar Indiana law.



What typically goes unreported about voter ID laws is that they only require photo identification from people who go to the polls to vote. Those who vote by absentee ballot escape scrutiny of the identity.

It's no coincidence that Republican voters consistently outnumber Democrats in absentee voting.

Political campaigns for public office are partisan by nature and there's nothing wrong with that. However, the process by which we elect our representatives must remain entirely neutral and unaffected by party politics. For our democracy to remain healthy, we cannot allow one group of people to bend the electoral process in its favor. It's not just unfair, it's wrong.

As we approach the 2012 elections, you can expect to hear more shocking revelations from the GOP about "voter fraud." The ACLU and its allies will be doing everything possible to challenge this scheme to disenfranchise voters and undermine public trust in the electoral process.



Peter Simonson ACLU-NM Executive Director

Clovis GSA, ctd.

Continued from page 2

support of the GSA, gaining signatures from thousands of people all around the United States.

Meanwhile, the ACLU-NM legal team drafted a demand letter informing the school board and the superintendent that if the GSA was not immediately approved, the school district would face a discrimination lawsuit.

Facing a deluge of unflattering press coverage, overwhelming public support for the GSA and the threat of a lawsuit from the ACLU, the school district relented. On May 5, just ten days after the school board's meeting, the district's attorneys informed the ACLU of New Mexico that the gay-straight alliance was approved and club members could begin meeting immediately.

"This is definitely a good day for us," said De Los Santos upon learning the good news. "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. Today, I heard those words, 'It's approved.' It's 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."

Visit the "Freedom Forum," the ACLU of New Mexico Blog, online at aclu-nm.org to watch a short video on the struggle to form a gay-straight alliance club in Clovis, NM.

The special discrimination feature continues on page 4 with "Your Religion or Your Job."



ACLU OF NEW MEXICO BOARD OF DIRECTORS

Gary Mitchell, President Theo Crevenna, Vice-President Kevin Hoover, Treasurer (Foundation)

John Salamack, Treasurer (Union)

Ellen Lacayo, Secretary Mark Ayers, National ACLU **Board Representative**

Ahmad Assed

John Briscoe

Michelle Brown-Yazzie

Peter Falley

Gene Grant

Stanley Hordes

Bill Hudson

Tova Indritz

Kendra Jimenez

Patricia Jones

Becca Kitson

Gene Lindsay (Emeritus)

Peter Ossorio

Adriana Ramírez de Arellano

Joe Sackett

Andrew Schultz

Trish Steindler

Frank Susman

ACLU OF NEW MEXICO LEGAL PANEL

Reber Boult Phil Davis

Jane Gagne Matt Garcia Julie Sakura

Maureen Sanders

NORTHERN CHAPTER **BOARD OF DIRECTORS**

Burt Alpert Barbara Carnett

Karen Elliott

Kay Grotbeck

Brad Holian

Drew Renner

Trish Steindler

Elliot Stern

Frank Susman Julia Valdez



DID YOU

KNOW THAT:

Everything you do online

leaves a trail of personal

Electronic privacy laws have

not been updated since

1986—*before* the invention

PRIVACY 2.0

Demand your

dotRIGHTS!

Learn what you can do by

visiting **dotrights.org**,

home of the ACLU online

privacy campaign.

of the world wide web?

information behind?

Discrimination in New Mexico

Your **Religion** or Your Job



"Shave your beard or lose your job!"

ahaj Khalsa couldn't believe his ears. For the past nine years, Sahaj had served the city of Española and the surrounding areas as a paramedic, providing emergency medical care to those who needed it most. He was good at his job,

had been promoted and, by all accounts, was an exemplary employee. But his employer, Presbyterian Health Services (PHS), said he must either go against the teachings of his religion, or find employment elsewhere.

A practicing Sikh, Sahaj has maintained all of the tenets of the faith since birth. As such, Sahaj has never shaved his beard nor cut his hair, which he wears in a religious turban called a 'dastaar.' Maintaining an unshaved beard is an integral symbol of faith, dignity and identity for Sikh men. These highly visible articles of faith make Sikh men immediately recognizable—and sometimes targets of religious discrimination.

In the early 2000s, nearly all of the ambulance drivers in Española were bearded Sikhs, hired from Hacienda de Guru Ram Das, a spiritual community home to 350 Sikhs just outside the city. However, by the end of the decade, the hospital came under new administration, ushering in policies and attitudes hostile to Sikhs. A qualified Sikh employee was passed over for promotion because "none of the employees, except Sikh employees, would listen to him" and employees began making derogatory comments, referring to Sikh employees as "ragheads" and "diaperheads."

When the Sikh employees reported this discrimination, the hospital Human Resources took nominal only steps to address the problem, so the hostility continued unabated. No longer welcome at Presbyterian Health Services, one by one all the religiously observant Sikh employees either resigned or were forced to quit. By 2010, Sahaj was the last bearded Sikh working at the hospital.

This hostility came to a head in February, 2010 when a fellow employee threatened, verbally abused and physically assaulted Sahaj at work. The coworker's threats included statements directed at Sahaj's religion. Sahaj filed an official complaint with the hospital administration, but instead of punishing the aggressor, they retaliated against Sahaj by announcing a new uniform policy that prohibited employees from wearing facial hair.

Ostensibly, this "no beards" policy—never mentioned in the nine years Sahaj worked for PHS—was intended to bring



Sikh paramedics, once a common sight in Española.

the hospital into compliance with OSHA safety standards regarding the use of medical respirator masks. Standard respirators sometimes do not seal properly if the wearer has longer facial hair.

Sahaj returned to the hospital administration with a compromise: unused, lying in a hospital storage room gathering dust, were four specialized respirators that cover the wearer's entire face, enabling even those with long beards to create an airtight seal. The administration said that this compromise was unacceptable because the mask was too unwieldy and would hinder Sahaj from performing his duties, a claim Sahaj immediately disproved by passing an OSHA standard fit test.

Despite the efficacy of this solution, in the next staff meeting the administration reiterated the policy, stating "if Sahaj chooses to have facial hair, he chooses not to work here."

"Title VII of the U.S. Civil Rights Act says that employers must make reasonable accommodations for employees whose sincerely held religious beliefs pose obstacles to compliance with workplace policy," said ACLU-NM Managing Attorney Laura Schauer Ives. "Unfortunately the conduct of PHS administration was far from reasonable."



At the 2008 Obama presidential election rally in Española. Sirinirongkar Khalsa & Sahaj as mobile EMS.

"It became clear to me that their goal was not patient safety, it was to get rid of the Sikh employees, because all of their concerns about patient safety had been addressed repeatedly," said Sahaj.

For several months, Sahaj worked with the threat of termination hanging over him. Suddenly, and without explanation, management informed Sahaj that they had reversed their "no facial hair" policy, but the special respirators were for emergency room use only, and he would have to purchase his own at the cost of \$800. This abrupt and arbitrary reversal in policy and their offensive demand that he pay for his own respirator was the last straw. Faced with this intolerable work environment, Sahaj was forced to resign in December 2010.

On May 11, the ACLU of New Mexico filed a complaint with the Equal Employment Opportunity Commission of New Mexico, alleging that Presbyterian Health Services subjected Sahaj Khalsa to religious discrimination. With the aid of the ACLU, Sahaj seeks damages for the emotional stress he suffered during his time at PHS and loss of income since he was forcibly terminated.

"All I wanted was to do my job helping people in my community get the urgent medical care they needed," said Sahaj. "My Sikh religion did not prevent me from performing that job, but the prejudice of my supervisors did."

Discrimination in New Mexico

Racism on the Front Lines



SPC Adam Jarrell during his deployment to Afghanistan in 2009

rom the time he first entered boot camp, Adam Jarrell was trained to trust his fellow soldiers, to have unflinching faith in the men and women serving by his side. His officers told him that in a combat situation this bond between soldiers could mean the difference between life and death. Adam never believed that anyone who wore the same uniform would betray this trust.

Adam's desire to serve his country and his community began very young and is rooted in a family tradition of military service. His father served in the Marine Corps and his uncle is a veteran of the Navy, and he always planned on following in their footsteps to pursue a career in either the military or law enforcement.

"I could never decide which I wanted to do more," said Adam. "One day I realized that if I joined the National Guard, I could do both."

The New Mexico Army National Guard provided the perfect solution. In the National Guard, Adam could serve as soldier part time while pursuing a career in law enforcement. Adam enlisted when he turned 18, and, at 20, became the youngest Sheriff's deputy in Lea County, New Mexico.

Since joining the National Guard, Adam responded to several states of emergency, including Hurricane Gustav—the largest evacuation effort in U.S. history, served in Germany and in 2009 was deployed to Afghanistan for Operation Enduring Freedom. During his deployment, Adam served with distinction in some of the most dangerous areas of Afghanistan, earning several medals and awards for his service.

Although Adam faced the stress of working in a combat zone every day, the worst stress stemmed from a place he never expected—his fellow soldiers. One day in Afghanistan, Adam witnessed a non-commissioned officer (NCO) physically abuse two subordinate soldiers and reported the incident to his commander. In a breach of military rules, Adam's commander disclosed who made the complaint, exposing Adam to retaliation from his supervisors. They wasted no time.

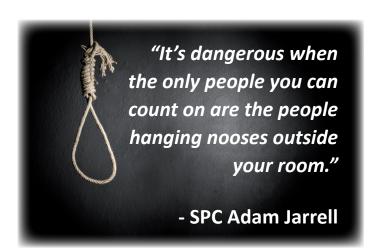
His supervisors began a racially-motivated campaign of harassment and intimidation against Adam, the only African-American soldier in the entire unit. They began to publically refer to Adam as "mayate," a slang term often considered the Spanish counterpart to the word "nigger." They also made threats of physical violence against Adam, punished him for infractions he did not commit, and worst of all, hung a noose outside the barrack where Adam slept.

"That was the last straw," said Adam. "It's dangerous when the only people you can count on are the people hanging nooses outside your room. How am I expected to entrust my life to a fellow soldier who hates me because of the color of my skin? How are we to accomplish our mission if unit cohesion is poisoned by racism? This is a serious problem, not just for me, but for the entire unit."

Adam repeatedly attempted to bring this abuse to the attention of his commanding officer, but his Captain went so far as to condone the racist treatment. For months Adam lived not only with the constant danger inherent in the battlefield, but also in the shadow of racial hatred.

When Adam returned home from his deployment, he continued to seek justice for the abuse and harassment he suffered in Afghanistan. He took his grievances up the chain of command as far as he could go, all the way to Maj. General Kenny Montoya, commander of the New Mexico Army National Guard. However, rather than investing their energy in ridding their unit of racist behavior, the New Mexico Army National Guard chose to instead focus on ridding themselves of Adam Jarrell.

Currently, the National Guard is processing two separate attempts to discharge Adam early from duty. Their reasons for seeking early discharges include Adam's allergy to bee stings—a known condition the Guard accepted him with—and missing part of a training session where his tormentors were also present.



Having exhausted all possible remedies within the Guard, Adam reached out to the ACLU of New Mexico as a final resort. On June 6, the ACLU of New Mexico filed a racial discrimination complaint with the federal Office for Civil Rights, Department of Justice. The complaint demands that the National Guard hold accountable those who facilitated and fostered racial discrimination and retaliation against Adam for reporting misconduct.

"No one should suffer the kind of racial hatred Specialist Jarrell experienced, least of all someone who is on the front lines of battle," said ACLU-NM Executive Director Peter Simonson. "Our military is supposed to maintain a professional, disciplined fighting force. People's lives depend on it. Racism and racially motivated threats have no place in our state's National Guard units."





Join the ACLU of New Mexico

Online Community

Receive email alerts and take action on key civil liberties issues when it matters most.

Sign up at: www.aclu-nm.org

Make a difference today!

We're on facebook!



www.facebook.com/aclunm

...and Twitter!



www.twitter.com/aclunm





Share your appreciation.

If you own appreciated stock, you can make a gift to the ACLU Foundation, defend freedom, and pay no capital gains tax on the securities you donate. You'll enjoy the added benefit of an income tax deduction for the fair market value of the securities, no matter what you originally paid for them.

Have Questions?

www.aclu.org/stockgift

jweinstein@aclu-nm.org 505-266-5915 x1001

This information is not intended as tax or legal advice. We recommend that you consult with your legal and financial advisors to learn how a gift would work in your circumstances. Laws and regulations governing all gifts and availability of certain life income gifts vary by state.

Development Corner

Investing in Justice Nationwide

Dear Friend,

I recently returned from our national ACLU headquarters in New York City, where I spent two extremely rainy days with a group of ACLU national and affiliate program directors from across the nation, sharing stories and ideas about the challenges and opportunities we each face as we fight daily for freedom.

As we explored a wide range of local and national issues, I learned more about the similarities in the cases we see. Learning about Gideon International distributing Bibles inside of Doyle Elementary School in Tennessee and the issues they're facing around Sharia Law reminded me of some of the religious intolerance we've seen here in New Mexico recently. Staff from every ACLU state affiliate I spoke with reported facing the same challenges we do: police racial profiling, Arizonastyle anti-immigrant legislation, attacks on women's health care services, inhumane conditions in overcrowded prisons, fights to finally end marriage discrimination...the list goes on. However, it's not just the challenges we have in common; we share triumphs as well. The ACLU of Texas recently helped students overcome intolerance to form a gay-straight alliance at one of their schools, just like we did in Clovis, New Mexico this May.

Hearing stories from across the nation—and having no shortage of stories to share from New Mexico—I felt frustrated and heartbroken for the people who have been wronged or harmed with injustices. But, I was also inspired for many reasons. I was inspired by the ACLU's 90 years of dedicated work and progress. Because of the ACLU, our country is a much fairer and just nation than it was in 1920. I was moved by the passionate staff that consistently defends individuals who are unable to defend themselves and at the same time works to create lasting, widespread policy change to protect everyone.

And, I was inspired by you—and the over 500,000 card-carrying ACLU members—who invest their energy and money in this critical and historic work. You may or may not be aware, but whether you invest in ACLU of New Mexico or in the national ACLU, **you're actually investing in every single state in the nation!** Your dollars are shared both locally and nationally, and that's something that we *all* should be inspired about.

As you've seen in these pages, heard on the news and read on our website, we've got our own frightening stories and statistics here in New Mexico. Thankfully, the ACLU of New Mexico is well prepared to stand up to every new threat to our basic liberties, fighting every day to make our state more open, free and just. We're expanding our New Mexico staff, increasing our capacity and setting ambitious goals to keep up with the needs of our community. This is the trend for other ACLU affiliates across the nation, as well.

Please help keep the trend moving in a forward direction by making a personally significant tax-deductible contribution today. There is an enclosed envelope for your convenience, and you can also donate securely through our website at www.aclu-nm.org.

Now more than ever, the ACLU of New Mexico (and every ACLU affiliate across the nation) is counting on you to continue your partnership in the fight for equality, and deepen your financial investment in this work. I hope you share my feeling of inspiration, and **feel proud of your role in protecting countless individuals and shaping history**, both here in New Mexico and across the nation.

In solidarity and with thanks,



Julie Weinstein
Director of Philanthropy



Thanks' to everyone who made it out to the 2011 ACLU-NM Annual Meeting, Under Attack: Protecting Civil Rights in an Age of Extremism.

See you again next year!

Legal Brief

Drawing Lines: Albuquerque Redistricting Suit

very ten years, after the latest census data becomes available, states and municipalities must redraw their representatives' districts to reflect changes in population. This constitutionally required practice ensures that every resident receives equal representation at every level. However, this year, the City of Albuquerque unlawfully postponed redistricting until after the city council elections this coming October. This move leave's Albuquerque's West Side, which grew significantly over the past decade, grossly underrepresented. On June 7, the ACLU of New Mexico filed a lawsuit in an attempt to force Albuquerque to postpone the elections, redraw the city's districts and correct this serious problem.

"At the heart of our democracy is the principle of 'one person, one vote'," said ACLU-NM Executive Director Peter Simonson. "When one city council district is grossly underrepresented, other areas of the city speak with a louder voice when it comes to making decisions about political leadership, bond proposals, and other important issues that affect us all. Failing to redistrict waters down the vote of citizens living in high-growth areas."

The City of Albuquerque is divided into nine separate districts, each holding one seat on the city council. By law the boundaries of these districts must be drawn in such a way that each district is roughly equal in population. According to the latest census data, District 1 and District 5—both on the West Side—have 90,170 and 83,165 residents respectively. The remaining seven districts all have constituencies ranging in the low to mid-50,000 range.

For the past three decades following the release of new census data, the City of Albuquerque has moved swiftly to redistrict before the next city council election, ensuring that all areas of the city remained equally represented. This year, with full knowledge of the current major imbalance, the city chose to postpone redistricting until after the October 2011 city council election.

"The entire purpose of census data is to make sure that our government accurately represents who we are and the communities we live in," said ACLU-NM cooperating attorney David Urias. "By ignoring the latest census data, the Albuquerque City Council devalues the votes of almost two-fifths of the city's population."

In its lawsuit on behalf of the more than 170,000 people currently living on the underrepresented West Side, the ACLU of New Mexico asks the court to prohibit the City Council of the City of Albuquerque from holding elections until they have completed redistricting as required under the Constitution.



Bill of Rights Celebration

Saturday, October 22, 2011

National Hispanic Cultural Center; Salón Ortega 6pm-9pm

\$175 or \$150 early registration (before Sept.1)

Catered By: La Fonda del Bosque

RSVP Line: 505-266-5915 x1011

rsvp@aclu-nm.org

or purchase tickets online at aclu-nm.org

Interested in sponsoring the event or participating on the Host Committee? Please contact Valerie Torrez, Development Associate at 505-266-5915 x1006 or vtorrez@aclu-nm.org.







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 aclu-nm.org.



SUPPORT THE ACLU!

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.

CONTACT THE ACLU OF NEW MEXICO

American Civil Liberties Union of New Mexico PO BOX 566 Albuquerque, NM 87103 info@aclu-nm.org Tel: (505) 266-5915 Fax: (505) 266-5916

Southern Office & Regional Center for Border Rights Las Cruces, NM Tel: (575) 527-0664 Fax: (575) 527-0111

Visit us on the web: www.aclu-nm.org

New Staff

Tania Chozet, Policy Advocate



ania Chozet joined the Regional Center for Border Rights (RCBR) as the Policy Advocate in May. Tania will be responsible for implementing strategies and campaigns to achieve policy change in border enforcement policies and practices that protect and advance civil liberties in southern New Mexico and the U.S.-Mexico border region.

Tania received her undergraduate degree from Yale University and earned her law degree at the University of San Francisco School of Law.

A native of El Paso, Texas, Tania has strong ties to the border area. When Tania left the border region for college, she departed with the intention of returning to someday work on border policy. One technology career later and a law degree in hand, she returned to proudly call this region "home" again.

Tania's experience with border advocacy is extensive. She has worked with The Border Peace Alliance, Las Americas Immigrant Advocacy Center and, in 2010, Tania traveled to Arizona to work as a fellow for Promise Arizona on a campaign to mobilize Latino and immigrant voters against SB 1070. Her time at Promise Arizona furthered her passion for serving the immigrant community, both nationally and locally. Also, during law school, Tania researched the convergence of criminal and immigration law and its adverse impact on national security.

In addition to border advocacy, LGBT rights and criminal justice issues are also close to Tania's heart.

"We are excited about Tania joining the ACLU of New Mexico team," said RCBR Director Vicki Gaubeca. "She is a passionate and effective advocate for immigrant and border rights. We are especially glad to bring an attorney on board; Tania's legal expertise will help take our advocacy work at the RCBR to a new level."

New Staff

Lissa Knudsen, Director of Public Policy



n June, the ACLU of New Mexico welcomed Lissa Knudsen as the new Policy Director. Lissa will lead the ACLU's efforts to promote policy-making that advances civil liberties at all levels of government, with emphasis on New Mexico state government.

Between 2009 and 2011, Lissa served as President of the Graduate and Professional Student Association at UNM while she completed graduate coursework in Health Communications. During that time she fought to have student fee hearings videotaped and made accessible online. She also organized a movement to oust UNM's food service provider because the company rejected collective bargaining for its employees.

Over the last five years she has lobbied as a volunteer advocate on behalf of the American Cancer Society, Animal Protection NM, and People for Animal Welfare NM. She built coalitions and successfully advocated for legislation allowing breastpump use in the workplace and preserving appropriations for UNM ethnic centers, the Southwest Indian Law Clinic, and the Office of International Programs and Services. She also has coordinated volunteer advocacy for various animal care laws at both county and state levels.

Lissa has a Masters in Public Health from California State University and significant coursework in health communications.

"We are impressed with Lissa's knowledge about the legislative process and her leadership in standing up to powerful opponents," said ACLU-NM Executive Director Peter Simonson. "I'm confident that we have found an exceptional advocate to lead our public policy advocacy, not just in the state legislature, but at all policy-making levels."