

the TORCH

FIFTY YEARS DEFENDING FREEDOM | 1962 - 2012

The Newsletter of the American Civil Liberties Union of New Mexico

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It was supposed to be a father-son road trip: A chance to reconnect with each other, visit with relatives out west and have a little fun. But a run in with New Mexico law enforcement cut their trip short and turned what should have been a vacation filled with happy memories into an ordeal of harassment and humiliation.

Stephen Skinner, a retired steel mill worker from Chicago, and his son Jonathan Breasher, a small business owner, got off to an unlucky start. They set their rental car's GPS for Las Vegas and headed out West from the Windy City, driving all night through the Midwestern cornfields and high plains of Colorado. Little did they know that they had mistakenly routed their trip to Las Vegas, New Mexico, not their destination in Las Vegas, Nevada.

Normally, a mistake like this would mean no more than a few extra hours added to the driving time and a funny story to tell friends when they got home. However, as they passed through Raton, NM shortly after sunrise, a New Mexico State Trooper pulled them over for travelling five miles over the speed limit.

"He gave us a warning ticket, and then as he was walking away, he turned back and asked if he could search our rental car," said Stephen. "We didn't have anything to hide, so I said yes."



The state trooper proceeded to search the car, opening the trunk and digging through their luggage. In their bags amongst their clothes and personal items, the trooper found \$17,000 cash. Immediately suspicious, the state trooper began to aggressively question Stephen and Jonathan who explained that they had brought the money for fun and relaxation in Las Vegas and to help Stephen's sister remodel her new home in town.

The trooper didn't believe them. He called in backup, including a K9 drug dog unit, and separated Stephen and

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Defending Free Speech in Roswell

In the past two years, the Roswell Police Department (RPD) has arrested brothers Joshua and Jeremy De Los Santos a combined seven times. Their crime: preaching in public.

Joshua and Jeremy are members of the Old Paths Baptist Church in Roswell, NM, where Joshua also serves as the pastor. Citing Mark 16:15 of the King James Bible, Joshua and Jeremy believe that they are commanded to "Go...into all the world and preach the gospel to every creature." In fulfilling this commandment, several times a week they go to various public places throughout the city—parks, sidewalks and plazas—and preach in a "confrontational" style.

Often they direct their preaching at elements of society they believe to be immoral: nightclubs, rap concerts, various community gatherings and even other churches are the object of their protest. The practice has not endeared them to the public.

In 2010, the Roswell Police Department began a campaign of harassment and intimidation against the De Los Santos brothers, arresting Jeremy for disorderly conduct



Jeremy (L) and Joshua (R) De Los Santos

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Police Profiling for Profit

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Jonathan for interrogation. The drug dog “alerted” on their rental car and the troopers began dismantling the glove box and spare tire compartment looking for drugs.

As they concluded their fruitless search, the trooper who made the original stop referred to Stephen—an African American and nearly 60 years old at the time—as a ‘boy.’ Although the troopers found no drugs or any evidence of illegal activity whatsoever, they threatened to call the Drug Enforcement Agency.

“After the search was over he says, ‘okay you guys can go,’ recalled Stephen. “He had taken all our luggage out of the car and put it on the ground. We put all our luggage back in our bags, put our money back in the car—and then, as we’re leaving, I said, ‘All of this for nothing.’”

The trooper replied that it wasn’t over yet.

“I asked him what he meant by that,” Stephen said. “And he just said, ‘Trust me. It’s not over yet.’”

And it wasn’t. A few hours later as they passed through Albuquerque, an Albuquerque Police Department (APD) vehicle began tailing them and pulled them over for an “improper lane change.” Minutes later, a federal Homeland Security Officer arrived on the scene and, over Stephen and Jonathan’s protests, went straight to their luggage and seized their vacation money.

Because Stephen’s wife forgot to put his name on the rental car agreement, APD also seized their rental car. Then they drove the two of them to the airport and dumped them there with no money other than a jar of loose change intended for the slot machines. Stephen’s wife wired them enough money so they could get a hotel for the night and fly home the next day.

“I think they stopped us because we were two black people,” said Stephen, reflecting on the experience. “It was the way that we were treated. I’ve never been treated that way before. That one officer addressed me as a ‘boy’—I’m sixty years old. I’ve never been in trouble before, I’ve paid my taxes, worked all my life, raised my kids, tried to do what’s right...I felt like I was harassed.”

Stephen and Jonathan were never charged with a crime.

How is this possible? Under state and federal civil asset forfeiture laws, law enforcement agencies can seize and keep property if they feel there is probable cause that the *property itself* is involved in a crime, but have insufficient evidence to obtain a criminal conviction against the property owners. Unlike criminal asset forfeiture, with civil forfeiture, a property owner need not be found guilty of a crime—or even charged—to permanently lose their cash, car, home or other property. The property owner then has

the burden of proving the seized property is not subject to forfeiture.

As the law stands today, people may be innocent until proven guilty, but their assets are guilty until proven innocent.

Few defendants have the resources or the knowledge to challenge the forfeitures, leaving their property to go directly into law enforcement coffers. The arrangement creates a strong profit incentive for law enforcement to overuse and abuse civil asset forfeiture.

To combat this profit incentive, the New Mexico State Legislature passed a law in 2002 that required that local and state law enforcement place all criminal and civil assets they seize into a general fund. This fund is used for drug recovery programs and a variety of other crime prevention initiatives. The law, while well intentioned, has not been entirely successful in removing the profit motive from policing. Often, local and state law enforcement will call in the federal government to make the seizure—as they did with Stephen and Jonathan—who will then kick back the majority of the money to the local police to use at their discretion, bypassing the state fund.

According to a 2010 study by the Institute for Justice, the federal government kicked back more than 20 million dollars from the assets forfeiture fund between 2002, when New Mexico’s attempt in civil asset forfeiture reform went into effect, and 2008. The vast majority of those funds were never recovered by their owners.

But, with the help of the ACLU of New Mexico, Stephen and Jonathan’s story has a happier ending. We were able to recover all of the money the government seized from the two men and return it to the rightful owners.

However, with more than three million dollars’ worth of civil assets kicked back to local and state law enforcement each year in New Mexico, Stephen and Jonathan’s money is just a drop in the bucket. We need to tighten up our civil asset forfeiture laws to completely take the profit out of policing. All civil asset forfeiture funds shared by the federal government need to go directly into the general fund like our legislature intended.

Stephen and Jonathan’s ordeal also shines the spotlight on racial profiling by law enforcement. People should never be criminal suspects simply because of the color of their skin. The ACLU remains committed to eradicating racial profiling by law enforcement where ever it rears its head. In the late 1990s we litigated one of the largest civil rights class action suits in New Mexico history against the Hobbes police department for profiling and harassing African-Americans, and we currently are litigating a major racial profiling case against the New Mexico State Police for targeting African-American truck drivers for inspection at the Lordsburg Port of Entry.

Whether it’s fighting policing for profit or racial profiling, the ACLU is here to defend you. The unfortunate truth is that we sometimes need protection from the very people who are supposed to protect us.



STEPHEN SPEAKS OUT IN ALCU-NM WEB VIDEO

Go to aclu-nm.org to hear Stephen Skinner talk about his experience with racial profiling, or scan the QR code to the right with your mobile device camera to go directly to the video.



Executive Director's Notes

A Mixed Bag in Arizona Law Ruling



PETER SIMONSON
Executive Director

The ACLU and other civil rights organizations were bracing for the worst. Given its recent record on civil rights and the stunning way it swept aside restrictions on corporate campaign expenditures, the U.S. Supreme Court seemed destined to uphold the Arizona anti-immigrant law, SB 1070.

But the Court did the unexpected, striking down three of four key provisions in the law and affirming with crystal clarity that immigration policymaking is the sole province of the federal government. The surviving provision is worrisome, to be sure, but the outcome could have been much worse. What provision did the Court let stand and how might it affect New Mexicans?

Over the last two years, much of the debate surrounding SB 1070 has focused on Section 2(B), the “show me your papers” provision. Section 2(B) enables law enforcement to inquire about immigration status if they believe someone is an immigrant. The federal government had challenged this provision on its face, meaning that the language of it alone implied a conflict with federal immigration laws. But the Court disagreed:

“There is a basic uncertainty about what the law means and how it will be enforced. At this stage, without the benefit of a definitive interpretation from the state courts, it would be inappropriate to assume Section 2(B) will be construed in a way that creates a conflict with federal law.”

The danger of allowing Section 2(B) to stand is that it opens the door to Arizona police stopping and detaining people for long periods because they look foreign. New Mexicans are especially vulnerable to such scrutiny because our population is so diverse and we often travel to our neighboring state.

But, in its majority opinion, the Court recognized only a narrow window within which Arizona police could implement Section 2(B) without running into constitutional problems. “Detaining individuals solely to verify their immigration status,” the Court said, “would raise constitutional concerns.” The Court also seemed skeptical of any situation in which law enforcement prolonged the detention of someone who has been stopped for a separate crime in order to conduct an immigration inquiry.

The press has done a poor job of reporting these nuances in the majority opinion, but they could be instrumental in challenging local law enforcement attempts to enforce federal immigration law both in Arizona and in states like New Mexico. The ACLU of New Mexico has long maintained that police cannot prolong an otherwise lawful detention (say, for a traffic violation) simply to verify immigration status without violating protections against unwarranted searches and stops. The Court’s majority opinion appears to add weight to that argument.

The complete story of the “show me your papers” provision still has not been told. The Ninth Circuit has yet to hear the ACLU’s facial constitutional challenge to the provision, and the Court made it clear that a constitutional or federal preemption claim could succeed if an as-applied case presented the right set of facts.

The ACLU has been preparing for this moment. In anticipation of a bad ruling, national ACLU Executive Director Anthony Romero raised nearly \$9 million to challenge racial profiling and illegal detentions in Arizona and to combat copycat laws in other states. The Court’s decision was considerably better than expected, but it leaves the ACLU with plenty of work to do. Even if the majority opinion gave narrow parameters for Section 2(B) to be implemented in a constitutional way, it still put the burden on individuals to bring civil rights litigation when law enforcement ignores those parameters and violates their rights.

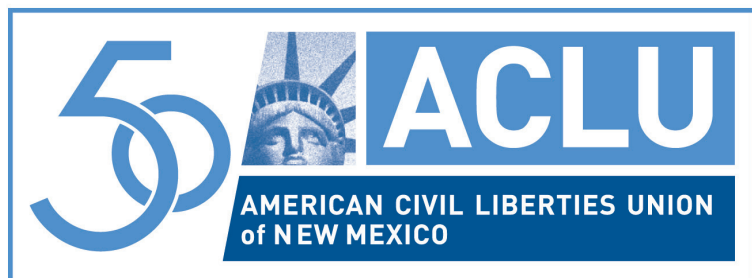


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1962 - 2012

Honor ACLU History with an Investment in the Future

Dear Friends,

It's time to celebrate! This year, the ACLU of New Mexico celebrates five decades of defending and advancing civil liberties in New Mexico. The ACLU-NM owes its success to the hard work and dedication of board members, staff, cooperating attorneys, volunteers, thousands of card-carrying members, and generous donors. In conjunction with our anniversary, we are recognizing six individuals whose extraordinary contributions to the ACLU made the organization the formidable defender of civil liberties that it is today. We're dedicating a space in our headquarters to display professional portraits of each individual with inscriptions of each person's role in the ACLU and how they contributed.

Among our honorees this year, we will recognize the following people with Memorial Tribute Awards:

- **Grace Williams.** Grace, who passed away last year on Independence Day, was a founding member of the ACLU of New Mexico. Grace served with passion and energy as the Executive Director of the ACLU of New Mexico for 18 years, from 1975 to 1993. During her long tenure with the affiliate, she grew the organization in size, impact and influence, winning significant victories in the cause of liberty.
- **Bill Dixon,** beginning in the 1980s and until his death in 2003, served as a cooperating attorney. Bill was the preeminent First Amendment lawyer in the State of New Mexico and our organization's go-to expert on such matters. Among the many cases he cooperated on, Bill represented religious leaders who claimed that they were being illegally excluded from jury service because of their religious opposition to the death penalty. For his service and dedication, Bill received ACLU of New Mexico's Cooperating Attorney of the Year Award in 2002.
- **Paul Phillips.** Ever since 1958 when he defended members of the NAACP in Hobbs, Paul Phillips fought vigorously for civil liberties in New Mexico until his passing in 2003. In June of 1967, Paul defended a group of Alianza families in Tierra Amarilla, including children, who were held by the State Police and National Guard for two days in a barbed wire sheep pen with access to only one privy. Phillips also successfully led the ACLU's legal challenge to the Bernalillo County Seal which included a Christian cross and the motto "Con esta venceremos" (With this we will win). Serving as legal director for many years, Phillips was an early and influential leader in the organization. Paul was a founding member of the ACLU of New Mexico and was awarded the ACLU of New Mexico Lifetime Achievement Award in 2002.
- **Joyce Briscoe.** An Albuquerque Public Schools teacher for 25 years, Briscoe dedicated three days a week volunteering with ACLU-NM after her retirement. She organized community demonstrations to raise public awareness about the USA Patriot Act and headed projects on student privacy, teachers' rights, military recruitment and intelligent design. For her selflessness and commitment to the ACLU mission, Joyce received ACLU of New Mexico's Volunteer of the Year Award in 2005.
- **Ray Schowers.** For over 10 years, Schowers dedicated his time and energy as ACLU of New Mexico President of the Board. Schowers has served in every ACLU-NM board office, as national board representative, as legal director, as a cooperating attorney, as chair of virtually every board committee, as spokesman and advocate for ACLU positions, as a lobbyist, as a fundraiser and as a clear, outspoken voice of reason and insight. In 1993 Ray was awarded the ACLU-NM Civil Libertarian of the Year Award.
- **Jack Steadman** was a 60-year member of the ACLU and 29-year veteran of the ACLU of New Mexico board of directors. As Gary Mitchell, ACLU of New Mexico's board president, said of Jack after his passing in 2010, "Jack's zeal to protect civil liberties knew no bounds."

With these six Memorial Tribute Awards as a daily visual reminder, it is our intention that the memory and legacy of Joyce Briscoe, Bill Dixon, Grace Williams, Paul Phillips, Jack Steadman and Ray Schowers will live on.

As we honor these invaluable individuals who dedicated their lives to defending and advancing civil liberties in our Land of Enchantment, we invite you to make a gift of \$50, \$500, \$5,000—or any amount—in honor of someone you are proud of. Consider it an 'honor investment' to seed the next fifty years of efforts to protect civil liberties for all New Mexicans. Make your honor investment by using the enclosed envelope or contributing securely online at www.aclu-nm.org.

The ACLU is more than just a non-profit; it is an institution that has helped shape New Mexico history. 50th anniversaries are traditionally associated with gold, representing strength, optimism, wealth and resistance to corrosion. Let's take this moment in time as an opportunity to reinforce our foundation, inspire our base, celebrate our accomplishments and look forward to meeting the challenges of the next fifty years.

Come enjoy a celebration of freedom in New Mexico on Friday, August 24th at the Hotel Andaluz in downtown Albuquerque. Join friends and allies with live music, a short film premier highlighting our rich history, delicious food by Lucia, hosted Tractor Brewing Co. beer and wine, and an extravagant Lady Liberty birthday cake! We can't wait to see you there!

In celebration and with gratitude,

Julie Weinstein
Director of Philanthropy
Sustainability Committee Co-Chair

Kevin Hoover
Board Treasurer

P.S. Remember to RSVP early for the 50th Anniversary Celebration, as space is limited. This will be a celebration not to be missed! To RSVP online or for information about sponsorships or program ad sales, please visit our website at aclu-nm.org.

Join the celebration!

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Celebrate fifty years defending freedom in New Mexico! Enjoy live Latin World Music by the **Nacha Mendez Trio**, a gourmet fiesta feast by **Lucia Restaurant**, birthday cake, a sponsored beer and wine bar and the world premiere of a short film highlighting our history and accomplishments since our founding in 1962!

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Be a part of history and have your ad appear in the 50th Anniversary Celebration program:

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Contact Micah McCoy at mmccoy@aclu-nm.org or (505) 266-5915 x1003 for more information on event advertising.

If you or your business would like to **become a sponsor** of the 50th Anniversary Celebration, please contact Madi Rothstein at mrothstein@aclu-nm.org or (505) 266-5915 x1006.

Free Speech in Roswell

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Joshua and Jeremy practicing open air-preaching.

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We will be happy to answer any questions you may have.

as he attempted to preach on a public sidewalk outside of a night club. A few months later, they arrested Jeremy—again for “disorderly conduct”—as he preached outside the Old Paths Baptist Church. He was preaching on church property at the time of his arrest.

The officers transported Jeremy to the RPD headquarters for booking, where they berated and threatened him.

“They told me that they had ‘tricks,’ and knew how to use them,” recalled Jeremy.

He soon found out what sort of tricks they had in mind. After booking, officers led Jeremy out to the squad car—the same he had arrived in—for transport to the Chaves County Detention Center. As he entered the back seat, his eyes watered, he began to cough and had difficulty breathing. Someone had sprayed the rear seat of the patrol vehicle with pepper-spray or a similar chemical agent.

The pepper-spray incident was the first but not the last time RPD used excessive force against Jeremy. On Memorial Day, 2011, he was with his young son preaching at a public event when a police officer arrested him. RPD officers took Jeremy to the Roswell Police station, handcuffed his hands behind his back and chained him to the wall in a stress position. The handcuffing reduced the circulation to his shoulder, arms and hands and caused pain and later numbness.

“They chained me to the wall like I was some kind of animal,” said Jeremy. “You don’t even treat a dog like that. They won’t even chain up a dog at the dog pound.”

The De Los Santos brothers and the small group of followers who engage in street preaching have been arrested a combined total of 19 times in the past two years. Every time the charges were dismissed by a court of law.

The constant arrests have taken a financial toll on the two brothers. Each time RPD arrests someone they must contend with attorney’s fees and bail for release. In addition, Joshua and Jeremy estimate that RPD has confiscated \$1,000 worth of property from them, including cameras, video cameras, smartphones and bullhorns. None of this property has been returned to their rightful owners.

“We don’t have the money to be bailing out,” said Joshua. “We shouldn’t have to live in fear of using free speech, but in Roswell, unfortunately, we do.”

Most of the arrests have been for charges of “disorderly conduct,” a catch-all charge officers often employ when they want to arrest someone but can’t think of anything else to charge them with. When RPD’s vendetta against the De Los Santos brothers began to first make news in 2010, Travis Holley, an officer spokesperson for RPD, justified the charges, saying:

“Disorderly conduct, as with any law, is based on the idea that my freedom ends where yours begins. When anybody’s conduct reaches the point where it disturbs others, that’s when it’s disorderly conduct and it becomes a problem.”

With such a weak understanding the Constitution, it is small wonder that the Roswell Police Department has repeatedly violated the De Los Santos brothers’ free speech. The First Amendment was created specifically for the purpose of protecting speech that is disturbing to others. Popular

speech does not need protection; it is unpopular, offensive speech that requires protection under the law.

In April, the ACLU of New Mexico filed a lawsuit against RPD on behalf of the De Los Santos brothers, alleging that RPD officers violated the brothers’ First, Fourth and Fourteenth Amendment rights. The allegations include false arrest, false imprisonment, illegal detention, malicious prosecution, retaliation for exercise of free speech, violation of the right to free exercise

of religion and excessive force. With this lawsuit, the ACLU aims to end RPD’s informal policy of prohibiting the De Los Santos brothers and their associates from exercising their First Amendment rights in traditional public forums.

RPD officers have a responsibility to protect and serve all people within their jurisdiction—not just the ones they like, not just the ones they agree with. Nothing in the Constitution guarantees your right to not be offended; there is, however, a right to speak freely, even where that speech gives offense. The proper response to bad speech is never suppression, but rather more better speech.

“They chained me to the wall like I was some kind of animal. You don’t even treat a dog like that. They won’t even chain up a dog at the pound.”

- Jeremy De Los Santos

Pregnant Teens Have a Right to an Education Too

Shantelle Hicks was an eighth grader at Wingate Elementary School, a Bureau of Indian Affairs boarding school located in Fort Wingate, when she discovered she was pregnant. Earlier this year, after being notified of her pregnancy, school administrators opted for some “tough love.” First, they kicked her out of school, telling her she was a bad example to the other female students.

The ACLU of New Mexico stepped in, sending the school a letter informing them that it is against the law to deny a student access to education because she is pregnant. The school quickly readmitted Shantelle.

Unfortunately, this was just the beginning of Shantelle’s ordeal. A few weeks later, the school’s director and another staff member forced her to stand in front of the entire school at the assembly so they could announce her pregnancy to make an example of her in front of her classmates. Shantelle had not told anyone other than the administrators and her sister that she was pregnant before the announcement.

“It was so embarrassing to have all the other kids staring at me as I walked into the gymnasium,” she said. “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 school’s actions against Shantelle were also a violation of her constitutional right to equal protection under the law, Title IX’s prohibitions against sex and pregnancy discrimination and her basic right to privacy. We immediately filed a lawsuit on her behalf.

The story has since received national media attention from outlets such as the Huffington Post and the New York Daily News. Many media commentators, such as the Washington Post, called this episode for what it was: a blatant attempt by school administrators to bully one of their own students.

Shantelle’s ordeal may be extreme, but the truth is that pregnant girls all over New Mexico face humiliation and discrimination from their teachers, other educational staff and their fellow students. This type of discrimination can be a major barrier to them receiving an education.



Vicky Hicks (L) and daughter Shantelle (R)

In preliminary research conducted last year, the ACLU-NM discovered that pregnant teens in New Mexico face other educational barriers as well, including absence policies and other administrative practices that disregard the unique challenges students face when they are pregnant.

These barriers simply can’t be tolerated. New Mexico has the second highest rate of teen pregnancy in the country. Although becoming pregnant as a teenager is rarely ideal, it’s in the best interests of the teen mom, her new child and society as a whole that she receive the education to which she is entitled so she can go on to provide for herself and her child.

In addition to the Hicks litigation, the ACLU-NM recently assembled a working group to conduct additional research into this problem and develop potential solutions. This group, which is meeting monthly through the end of 2012, includes public school administrators, education advocacy organizations, student service providers and even some teenage mothers. We plan to develop a report by November 2012 – which we will present to lawmakers, educators, the media and the general public – that describes reasonable ways to address this issue.

Steven Robert Allen
 Director of Public Policy

“I Won’t Fill Your Birth Control Prescription”

When Albuquerque resident Susanne Koestner called in her birth control prescription to the Walgreens pharmacy at 10300 Central SE, she got a response she didn’t expect.

“I requested my birth control prescription be filled as soon as possible, but they told me I had to wait until the following day,” said Susanne. “When I asked why, the pharmacist said he could not fill the prescription because it was against his religious beliefs.”

Susanne was angry, shocked and a little frightened that the pharmacist could have that much power over her medical prescriptions.

“I responded by saying something along the lines of ‘So because of your religious beliefs my rights and health care needs are compromised?!’ and hung up,” said Susanne.

But Susanne had no intention of leaving it at that. She filed a complaint with the Walgreens district office and the State Pharmacy Board, but learned that it was corporate policy to allow pharmacists to refuse to fill prescriptions accord-



Susanne Koestner

ing to their religious beliefs. They told her that the only thing she could do was go to a different Walgreens or have it filled the next day when a new pharmacist came on shift.

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Birth Control

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This policy is problematic for many reasons. Most obvious is that birth control medication is rendered less effective when it is not taken on schedule. Causing women needless delay in the administration of birth control puts women's health at risk. Fortunately, Susanne was able to get her prescription filled that same evening at another pharmacy across town, but for many women in rural areas or for women with limited mobility or limited access to transportation, there is no other option and they are left at the mercy of their local pharmacist's schedule.

The way Walgreens' "religious refusal" policy currently works promotes sex discrimination. A man can walk into Walgreens and readily buy condoms, but a woman seeking birth control will never know whether she will be able to fill her prescription at any given time. This discrimination based on the sex of the customer is illegal under the New Mexico Human Rights Act.

At Susanne's request, the ACLU of New Mexico and the Southwest Women's Law Center stepped in to help in June, 2012, two weeks after the incident. The two organizations co-signed a letter to the Walgreens district office explaining the problems with their current policy.

The ACLU is deeply committed to preserving individual religious liberty, but businesses cannot use religion to discriminate. If Walgreens wants to continue to allow individual pharmacists to refuse to fill medications that violate their conscience, they must implement a policy that ensures that women still have seamless access to healthcare. Walgreens needs to have another pharmacist on call to fill the prescription or arrange to have it filled at a nearby pharmacy and delivered to the customer's preferred pharmacy. Any religious refusal policy must not cause unreasonable delay or require that a woman travel to obtain her doctor-prescribed medication.

As of this writing, Walgreens has not responded to our request for an improved policy, but the ACLU of New Mexico continues to apply public pressure. Susanne's story received heavy coverage by TV, radio and print and more than 1000 New Mexicans have signed the ACLU's petition asking Walgreens to fix their policy.

"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 do not believe that I should be unable to receive my medication based on the individual beliefs of each pharmacist. It is Walgreens' responsibility to provide seamless patient care to me."

RCBR Family Separation Report Preview

The right to family unity is a fundamental right protected by the International Covenant on Civil and Political Rights. However, every year, thousands of mixed immigration status families in the border region are torn apart because of heavy-handed enforcement of the broken U.S. immigration system. Husbands are taken from wives, children left behind to care for younger siblings, families shattered.

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



Ricardo, Sandra & José

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."

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.

Look for ***Torn Apart: How Immigration Policy Destroys New Mexican Families*** online at aclu-nm.org when it becomes available in August 2012.