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■ SUMMER 2008



# THE TORCH

The Newsletter of the American Civil Liberties Union of New Mexico

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**SAVE THE DATE!**

**2008 Bill of Rights Dinner**  
Saturday, December 6th  
Sheraton Albuquerque Uptown  
[www.aclu-nm.org](http://www.aclu-nm.org)

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## Immigrants Should Have "No Fear" to Contact Police

*Peter Simonson, Executive Director*

Police agencies in many states have adopted policies prohibiting their officers from inquiring into immigration status unless it's pursuant to a criminal investigation. The policies are smart community policing. Immigrant families will not report crimes to police if they think it will invite scrutiny of their immigration status.

The ACLU-NM Border Rights Project has launched a campaign to persuade sheriff's departments and police agencies in the border region to adopt policies that create a bright line between police responsibilities and immigration enforcement. Dubbed the "No Fear" campaign, the initiative seeks to relieve immigrant families of the trepidation surrounding contact with local law enforcement when immigrants are victims of or witnesses to crimes.

Recent developments in Otero County highlight the need for the No Fear campaign. Last fall, sheriff's deputies in that county swept through the small town of Chaparral detaining people on the basis of race and questioning them about their immigration status. The officers entered homes without warrants, harassed law-abiding people, and created a general environment of fear that caused many people to stay off of the streets and some families to keep their children home from school.

The ACLU sued Otero County and, through legal settlement, the sheriff's department adopted a policy that prohibits deputies from investigating immigration status unless the questioning contributes to a legitimate criminal investigation. The policy serves as a

*Continued on page 4*

## Special Issue of The Torch

### Responsibility, Patriotism, Fairness: Discussing Immigrants in America

Immigration, along with the American ideals of equality, fairness and social tolerance have built the political, economic and cultural strength of this country from colonial days to the present. Yet, virtually every group of newcomers—from the Germans, Irish and Italians to the Chinese and others—has faced discrimination, hostility and stereotyping from those already here. The tensions between today's newest immigrants and established residents are much the same.

Regardless of one's views on U.S. immigration policy, the fundamental civil liberties protections of the Bill of Rights and the U.S. Constitution protect every person in this country—including noncitizens. The government can legitimately control its borders, but the power to exclude and deport people must be exercised fairly and consistently, subject to our constitutional norms and U.S. obligations under international law.

Because of New Mexico's unique position as a border state, the protection of immigrants' rights from un-

lawful police practices is a top strategic priority for the ACLU of New Mexico. In this special issue of *The Torch*, we devote special attention to the topic of immigrants' rights. You will learn about our campaign to stop enforcement of federal immigration laws by local police in order to restore trust between communities and the local law enforcement agencies that protect them. We will highlight cases with significant impact on the immigrant and non-immigrant communities, such as the case against the Otero County Sheriff's Department that settled in April.

This is an important issue. We hope you come away from it with a better knowledge of immigrants' rights and the ACLU's reasons for defending them. You might also find some tools to talk with your friends and family about this critical topic.

**WHITNEY POTTER  
COMMUNICATIONS DIRECTOR**

*Please send any comments or questions to [wpotter@aclu-nm.org](mailto:wpotter@aclu-nm.org)*

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## Executive Director's Message

### The Only Position on Immigration for a Civil Libertarian to Take

The following note arrived in our office not long after I spoke to a group in Santa Fe about our case against the Otero County Sheriff's deputies for unlawfully searching the homes of immigrant families in Chaparral, New Mexico:

*I support most of the work the ACLU does. However I will not renew my membership because of the ACLU position on immigration.*

Mail like this no longer surprises me, but it does bewilder me.

The "ACLU position on immigration" goes something like this:

*The ACLU recognizes the authority of the United States to control who enters the country and to set immigration policy. However, the ACLU believes that these policies must be consistent with our American values of fairness and humane treatment. Our government should act in accordance with our constitutional norms of due process and equal protection and adhere to U.S. obligations under international law.*

There are plenty of ACLU positions for a member to take issue with, but this isn't one of them. Either you believe in the fair and equal treatment of people, across the board, or you don't believe in any of it at all.

The vitriol many Americans reserve for immigrants these days is as disturbing as it is perplexing. Our efforts to strike down overzealous sex offender laws never inspired such malice from the public as our lawsuit against Otero County sheriffs. Any thoughtful observer has to wonder at the motivations for hostility that is so plainly out of sync with the magnitude of immigrants' offense.

The most ardent advocates of border walls and immigration-crackdowns like to frame their animosity as indignation over the disregard some immigrants show towards the nation's immigration laws. How-

ever, another narrative often lurks behind that message—one that the *Santa Fe New Mexican* neatly captured in an October 2005 interview with a member of the New Mexico Minutemen:

*"The problem is the number of illegals," Humphries said. "The United States is getting too diverse," he said. "It's losing its core culture."*

*Humphries said he owns a house in Chihuahua, Mexico, speaks Spanish and has "hundreds of Mexican friends."*

*But, he said, "When I come back to the United States, I don't want to feel like I'm in Mexico."*

Similar comments are heard in the halls of Congress to justify the most draconian reforms of our immigration laws.

One word best describes an aversion to racial diversity and a conviction that we must preserve our "core culture," and it is not "patriotism."

When government begins drafting laws with the motivation of ensuring cultural homogeneity, we are sliding back towards an episode of world history that is more reviled than just about any other.

Make no mistake, there is only one position for a true proponent of freedom to take in the immigration debate. That is, to stand up for the fair, equal, and humane treatment of People, regardless of their national origin and without concern for their immigration status.



PETER SIMONSON

## ACLU in the Courts

### Summer 2008 Legal Report

*George Bach, Staff Attorney*

#### **Border Patrol Agents' First Amendment Rights**

In collaboration with the ACLU of Arizona, ACLU-NM filed suit in federal court in Tucson on behalf of two Supervisory Border Patrol Agents who were placed on fence-building and maintenance crews after speaking out against the practice of "shotgunning." Shotgunning occurs when Agents stop random vehicles with no legal reason for doing so. The lawsuit claims the Agents were retaliated against in violation of the First Amendment.

#### **KRWG Reporter's Privilege**

ACLU-NM protested New Mexico State University police's demand that Evan Woodward, news editor for public radio station KRWG FM (operated by NMSU) release his notes from interviews he conducted about recent scandals there. Thereafter, NMSU police did not pursue their request to Woodward and have closed their investigation.

#### **Las Vegas City Schools Baccalaureate**

Executive Director Peter Simonson, Staff Attorney George Bach, Law Clerk Paige Duhamel and cooperating attorney Andy Schultz are addressing a Las Vegas high school re-

quirement that seniors attend a church service as a part of graduation week this year. A demand letter was issued requesting that the school agree not to sponsor such ceremonies in the future.

#### **Farmington Local Labor Ordinance**

After a bench trial in February 2008, George and cooperating attorney Justin Lesky obtained a favorable ruling in this First Amendment lawsuit trial before Senior U.S. District Judge James A. Parker. The lawsuit challenged the City of Farmington's overly restrictive ban on the Firefighter Union's activities, such as "no confidence" votes, political endorsements, and meetings at the fire station in off hours. The judge issued findings and conclusions of law from the bench that were in favor of the Firefighters union on all claims.

#### **Otero County Immigration Raids**

The Mexican American Legal Defense and Educational Fund (MALDEF), the ACLU of Texas, the ACLU of New Mexico, and cooperating attorney Joleen Youngers filed suit against Otero County, its sheriff and numerous deputies,



## Legal Report *Continued from page 2*

alleging unconstitutional violations against undocumented immigrants. In September, Otero County deputies rounded up and deported over 25 undocumented immigrants, under the pretext of investigation of petty misdemeanors.

In May 2008, the lawsuit settled for an unspecified amount of damages and attorneys fees for the immigrants. Otero County also agreed to adopt a Standard Operating Procedure changing its handling of immigrants, including an agreement not to inquire about immigration status when investigating petty misdemeanors.

### **Immigrant Detention**

ACLU-NM is assisting the ACLU of Alabama file petitions for writs of habeas corpus for immigrant detainees who have been incarcerated there indefinitely, and have entered their appearances on several cases there at that affiliate's request. ACLU-NM continues to meet with immigrant detainees in New Mexico and to keep track of the length of their detention to ensure detainees are released on time.

### **Taser Policies**

In response to the recent Taser deaths in New Mexico, ACLU-NM sent public record requests to law enforcement agencies throughout New Mexico requesting a copy of their policies on Taser usage. Then, as necessary, ACLU-NM will seek modifications to those policies.

### **Amicus Brief on Local Law Enforcement of Immigration Law**

Cooperating attorney Brian Pori contacted ACLU-NM about his client's criminal case pending in federal court. George and Law Clerk Brendan Egan filed an *amicus* brief in support of Mr. Pori's motion to suppress evidence, on the grounds that the local police were only investigating civil immigration violations when they arrested his client, an investigation which we contend they had no authority in which to engage.

### **Discrimination Against HIV+ Individuals**

Cooperating attorney Karen Mendenhall of Eaves & Mendenhall, P.A., is litigating two separate New Mexico Human Rights Act cases involving the termination of individuals' employment because of their HIV status.

### **MVD Residency Regs for Homeless**

In response to complaints from homeless advocates, ACLU-NM contacted MVD about regulations regarding the ability of homeless individuals to obtain IDs. The issue centers around whether or not affidavits from two homeless shelters are sufficient to vouch for an individual's New Mexico residency. MVD confirmed that homeless individuals may use affidavits from two different shelters to support residency requirements.

### **NYPD Monitoring of New Mexico Peace Groups**

ACLU-NM is pursuing New York Police Department's refusal to provide records of their monitoring of New Mexico peace groups. The lengthy administrative process for public records disclosure at NYPD is ongoing. The New York Civil Liberties Union has agreed to represent ACLU-NM if NYPD ultimately refuses to provide the requested documentation.

### **New Mexico Children, Youth and Families Department**

Cooperating attorneys Dan Yohalem, Peter Cubra, Phil Davis, and Lee Hunt filed suit on behalf of ACLU-NM against CYFD for breach of contract. The suit alleges that CYFD failed to live up to the agreement reached by the parties regarding the conditions of juvenile detention in New Mexico.

### **Domestic Partnership Retiree Health Care Benefits**

Co-Legal Director Maureen Sanders and George are litigating this case on behalf of three same-sex couples over retiree benefits for same-sex partners. The State fails to provide healthcare insurance for a retired state employee's partner, despite the fact that the partner received insurance while the state employee was still working, pursuant to an Executive Order. Maureen, George, Paige, and Ken Choe at the national ACLU Lesbian Gay Bisexual Transgender & AIDS Project are preparing a motion for summary judgment in this matter against the State of New Mexico.

### **To'hajiilee Basketball**

In July 2007, Co-legal Directors Jane Gagne and Phil Davis, and George filed suit on behalf of members of the To'hajiilee High School basketball team and their parents. During a tournament last year, State Police unlawfully searched the players and their bus when another team alleged it had had items stolen from the locker room. ACLU-NM believes the To'hajiilee players were searched because they are Native American. The discovery period is complete. Both sides have filed motions asking the Court to enter judgment in their favor.

### **Bush Visit Protest**

In January 2008, Josh Hsu and Catherine Crump from the national ACLU filed this lawsuit regarding disparate treatment of protesters during a presidential visit to Los Ranchos de Albuquerque in September 2007. War protesters were pushed back out of sight of the President's motorcade, while supporters were permitted to stand on the curbside.

### **Unlawful Search & Seizure Resulting from Astorga Search**

Co-Legal Director Jane Gagne won a slam-dunk motion for summary judgment in this Fourth Amendment lawsuit regarding former in-laws of Michael Astorga who were unlawfully searched and detained during Bernalillo County Sheriff's scorched-earth hunt for Mr. Astorga. The in-laws were in fact cooperating in the search when they were detained and their home was searched. U.S. District Judge Bruce Black held that familial association alone was insufficient grounds for the search and seizures. The case is now on appeal brought by the County.

### **Albuquerque Voter I.D.**

Andy Schultz and Kip Purcell of the Rodey Law firm are handling the appellate briefing for ACLU-NM, after the City appealed after losing in the district court. The appeal was stayed to await the US Supreme Court decision this on the Indiana Voter ID case. In May 2008, the Supreme Court upheld Indiana's voter I.D. law, which had significant differences to the Albuquerque ordinance.

### **Albuquerque DWI Seizure Ordinance**

This lawsuit struck down an ordinance that would have permitted Albuquerque Police to seize and forfeit vehicles upon first *arrest* (not conviction) for DWI. After ACLU-NM sued, State District Judge Theresa Baca declared the ordinance unconstitutional in August 2005.

In May 2007, the New Mexico Court of Appeals reversed the district court, stating that the plaintiffs (ACLU-NM and its Executive Director Peter Simonson) did not have "standing" to sue because the ordinance had not gone into effect yet when they filed suit. ACLU-NM appealed to the New Mexico Supreme Court. On June 27, 2008, the Supreme Court entered an opinion that affirmed the Court of Appeals. The high court did clarify, however, that "standing" in New Mexico is not jurisdictional in nature, an argument that ACLU-NM had submitted.

### **Buck et al., v. City of Albuquerque**

This case arose out of Albuquerque police actions against protesters on March 20, 2003, the beginning of the war in Iraq. Cooperating attorneys Mary Lou Boelcke, David Stotts, Peter Schoenburg, Cammie Nichols, Cindy Marrs, and Co-Legal Director Phil Davis recently defeated almost all of the motions filed by Defendants trying to dismiss Plaintiffs' claims. The Defendants appealed Judge James Parker's rulings on qualified immunity to the Tenth Circuit Court of Appeals. Cammie Nichols and Mary Lou Boelcke argued the case to the Tenth Circuit in March 2008.

### **Guild Cinema**

In December 2007, Peter, Brendan, Communications Director Whitney Potter, and George responded to an eleventh hour call from the Guild Cinema in Albuquerque, which had received a notice that it would be cited for zoning violations if it proceeded to show "Pornotopia," an erotic film festival. Ultimately, the Cinema was noticed but not penalized. ACLU-NM is continuing to meet with City officials in the hope of avoiding future litigation.



### **ACLU OF NEW MEXICO LEGAL DEPARTMENT**

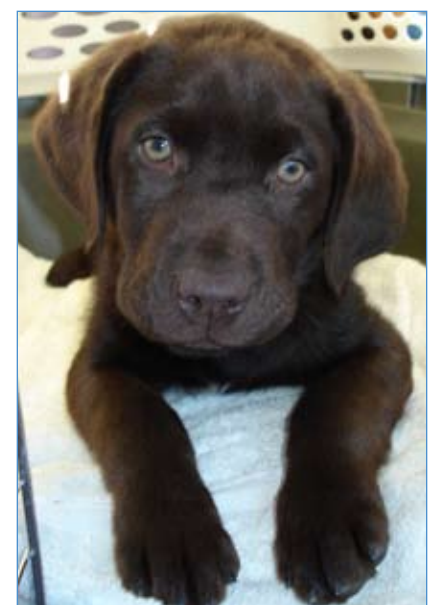
The ACLU of New Mexico's Legal Department undertakes litigation that advances and defends constitutional rights in New Mexico with an emphasis on cases that have a broad policy impact. We represent ordinary people who have experienced an injustice and have decided to reclaim their rights. The legal report provides information on many of our cases. For more information and updates on the ACLU of New Mexico's legal docket, please visit [aclu-nm.org](http://aclu-nm.org).

### **LEGAL PANEL**

Reber Boulton  
Phil Davis  
Jane Gagne  
Maureen Sanders

### **NEW LAW CLERKS**

UNM Law students Paige Duhamel and Pamela Hernandez have accepted offers for summer and fall 2008 ACLU-NM law clerkships, respectively. Pamela is currently a co-president of the ACLU-NM UNM Law School chapter.



Danger Dog, one of our favorite civil liberties guard dogs!

**QUESTION: What does the Constitution have to do with immigrants' rights?**

The constitutional guarantees of due process and equal protection apply to all persons in this country, not just to U.S. citizens. The government can legitimately control its borders but must respect the rule of law.

The Constitution was designed to protect minority points of view and the most vulnerable segments of our society. Immigrants by definition fall into that category.

When the government takes away due process and equal protection from one vulnerable group, it creates opportunities to deny those rights to all Americans. Laws that diminish one group's rights put everybody's freedom in jeopardy.

**QUESTION: Why shouldn't local police enforce immigration laws?**

Several communities across the country are experimenting with using local police forces as immigration agents. But there are good reasons why the enforcement of the nation's immigration laws should be left to the federal government alone.

**Local police enforcement of immigration laws promotes racial profiling.**

Most local police are not trained or authorized to enforce immigration law. When they try to enforce those laws, they characteristically rely upon skin color and accent to determine who to investigate for immigration violations.

Instead of spending limited resources investigating people on the basis of what they look or sound like, police should follow leads based on actual criminal evidence. That's the tried, true, and legal method of law enforcement.

**Police enforcement of immigration laws reduces public safety for everyone.**

Immigrants lose trust in local law enforcement when police act as immigration agents. Without assurances that they will not be subject to immigration inquiries, detention, and possible deportation, many immigrants will not come forward with vital information about crimes that they witness, or crimes that happen to them.

Police depend on the cooperation and trust of immigrants, documented and undocumented, to ensure public safety—for the entire community under their watch.

**Immigration enforcement is the responsibility of the federal government.**

Asking police to become experts in distinguishing valid forms of identification from invalid forms is an unrealistic expectation. Even immigration lawyers and federal agents can find it difficult to make determinations related to immigration status.

**“No Fear”** *Continued from page 1*

model for other police agencies in the region, many of which are unclear about where police responsibilities do and should end, and Border Patrol duties begin.

Police departments in Albuquerque and Santa Fe have already adopted policies similar to

Otero County's. The ACLU was instrumental in convincing Governor Bill Richardson to issue an executive order in 1995 that prohibits state police from enforcing federal civil immigration laws.

In New Mexico we are free of the hateful anti-immigrant ordinances and pacts between local police and immigration authorities that have sprouted up in other states. The unique racial diversity of our state surely helps to protect us.

Our most astute policy makers realize that any laws which unfairly target the mostly Mexican immigrant population are likely to spill over into civil rights violations against native Hispanic citizens.

New Mexico has an opportunity to demonstrate a different model for managing immigration—one that relies on fairness, not fear. With the No Fear campaign, the ACLU will lead the way.





student  
mother  
neighbor

# America is a nation of immigrants.

What kind of an America do we want to live in? One that makes life so intolerable for millions of families that they leave? Or an America that brings immigrants out of the shadows and gives them the chance to learn English, pay taxes without fear of Government reprisal, and contribute to the advancement of our country?

Decades of reactionary policies have done little to solve the immigration question.

**It's time for a new vision.** To learn more about the ACLU's stand on immigrants' rights, go to: [www.aclu.org/immigrants](http://www.aclu.org/immigrants)

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## Member Profile

### John Briscoe, ACLU-NM Board of Directors

*Kathleen MacRae, Development Director*



JOHN BRISCOE

“ [The Bill of Rights] is so fundamental to our citizenship, to our country. It’s what makes our country different. And it’s worth working for; it’s worth preserving; it’s worth standing up for. How legal issues arise and how the ACLU of New Mexico addresses them I think is just wonderful.”

John Briscoe is the kind of member that any non-profit organization would love to have on their board of directors. When asked about his interest in development—raising money for the ACLU of New Mexico—he replied that he’s decided that the “development stuff” is great fun. When pressed if asking people for money was challenging, he said, “No, it’s not difficult because most of it isn’t talking about money. Most of it is understanding what’s important to people and trying to develop a common goal with them.”

John is the principle architect and owner of Briscoe Architects of Albuquerque. He’s been a long time member of the ACLU, but was not extensively involved until after the sudden death of his wife, Joyce. Two years ago, John was elected to the Board of Directors. He’s now an active member of the Board Administration Committee, the Development Committee, and a *Friend of the Legacy Challenge*.

“My interest is basically the Bill of Rights,” he said. “That’s so fundamental to our citizenship, to our country. It’s what makes our country different. And it’s worth working for; it’s worth preserving; it’s worth standing up for. How legal issues arise and how the ACLU of New Mexico addresses them I think is just wonderful.”

One of the ways John chose to honor his wife’s life and work, was to establish the Joyce Briscoe Legal Advocate Fund. Contributions to the fund support the ACLU-NM’s legal program. He has also included the ACLU in his estate plans, and as a result qualified his bequest for a matching grant under the *Legacy of Liberty Challenge*.

When asked what was special about the Challenge, he said, “Well, everyone likes a bargain and it’s a bargain right now because of the generous 10% matching donation that’s currently available. It’s a phenomenal incentive to go in and get something done that needs to be done anyway. We all need to get our wills straight. We all need to think about these things.”

“More importantly, in the long run, setting aside some money for the things that one finds most important to them—that’s what we all want to do. So do it! ...Talking about and accepting our mortality is the issue with wills—well get over it! It’s something to talk about, it’s something to plan for, and if you don’t plan, (the money) will go somewhere anyway and you won’t like it,” he continued.

See the article below for more information about the *Legacy of Liberty Challenge*.



“ One of my goals in life is to ensure that after I’m gone, the causes that I believe in continue to thrive. *The Legacy Challenge* provides for that and that makes me very happy.”

-KEVIN HOOVER, ACLU-NM BOARD MEMBER

## Defend Freedom Today with Your Gift for the Future

“ The decision to leave something to the ACLU was one that my son and I discussed—I wanted to be sure that he understood my intention and that he was comfortable with it. Our conversation was very meaningful, as we share values. And although it’s not easy to talk about dying, we were both happy to talk about what is important to both of us and what we want to contribute to the world.”

-TRISH STEINDLER  
ACLU-NM BOARD MEMBER

“I’m not ready” is how many people feel about estate planning or writing a will. It’s understandable—everyone is busy, finding a lawyer is a hassle, and talking to your spouse or family members about death is uncomfortable and emotional at best. But putting your affairs in order does not have to be as complicated or as daunting as you fear and doing so ensures that your loved ones will be cared for and your assets will be distributed according to your wishes, not state law.

Making a gift in your will or trust to an organization like the ACLU or an institution, such as your alma mater or the local hospital, is a common practice for large and small bequests. Right now, including the ACLU in your will or trust can result in an immediate cash donation of up to \$10,000 to support ongoing programs, as well as provide a future bequest, due to the *Legacy of Liberty Challenge*.

The *Legacy of Liberty Challenge* wants to encourage supporters to take the steps necessary to include the ACLU in their will or other estate plans now. The program is supported by the Robert W. Wilson Charitable Trust. By simply notifying the ACLU that you have made a legacy gift, prior its expiration on May 31, 2009, you can help New Mexico qualify for an immediate contribution to support our work.

To help you get started with the estate planning process, the national office put together a booklet called *Taking Care of What Matters*. Important topics covered in the booklet include:

- o Evaluating your personal situation,
- o Talking it over with your family,
- o Finding a lawyer you can trust, and
- o Considering estate planning alternatives.

For a copy or more information about the *Legacy of Liberty Challenge*, please contact Kathleen MacRae, Development Director at 505-266-5915, ext. 1001. Thank you for considering making the ACLU of New Mexico a beneficiary of your estate. By doing so, you help defend freedom today and tomorrow.





## We Want to Know!

# SURVEY: What are your civil liberties concerns and priorities?

**1** Which of the following trends concerns you the most about the current policies of our federal government? Pick only one.

- a) The torture and denial of due process to foreign detainees in Guantanamo, Abu Ghraib, and other military prisons.
- b) The expansion of executive branch powers through legislation like the USA Patriot Act and secret spying activities like the Terrorist Surveillance Program (i.e. warrantless wire-tapping).
- c) Growing efforts to keep tabs on Americans through a national ID card scheme, video camera surveillance, facial biometric technology, and schemes to mine and analyze Americans' financial, genetic, and other personal data.

**2** Which of the following ACLU programs/efforts would you like most to learn more about? Pick three.

- a) Providing proper criminal defense for "high value" detainees in Guantanamo.
- b) Stopping the government's illegal wiretapping of Americans.
- c) Fighting the implementation of the REAL ID Act and the creation of a national ID card.
- d) Closing Guantanamo and stopping the unlawful, indefinite detention of people designated 'enemy combatants.'
- e) Reforming the USA Patriot Act and related anti-terrorism laws.
- f) Curbing the expansion of federal programs to mine Americans' financial, genetic, and other personal information for surveillance purposes.
- g) Stopping 'extraordinary rendition' and the use of torture to interrogate terrorist suspects.
- h) Dismantling government watch lists, including "no-fly" lists maintained by the Transportation Security Administration and the US Treasury Department's list of "suspicious" people.

**3** Which statement comes closest to expressing your view on the question of immigration to the United States?

- a) Stopping the flow of undocumented immigrants into the United States should be one of the government's top priorities. Return as many unauthorized immigrants back to their countries as possible. Through workplace raids, highway immigration checkpoints, and other programs, make it as challenging as possible for undocumented immigrants to continue living here.
- b) Bring immigrants out of the shadows. Create a secure and orderly process for them to legalize their status. Allow immigrants to pay taxes, learn English and contribute to our country. Require them to abide by our laws, but also acknowledge their rights.

**4** In your opinion, which of the following are the most important civil rights challenges for the ACLU to address in New Mexico? Pick three.

- a) Reforming conditions in our jails and prisons;
- b) Protecting religious freedom in our schools;
- c) Ensuring that immigrants are treated fairly and humanely;
- d) Defending the right to reproductive choice;
- e) Establishing equal rights for gay men and lesbians;
- f) Stopping police abuse and racial profiling;
- g) Protecting free speech, especially the freedom to protest the government's policies;
- h) Repeal of the death penalty;
- i) Protecting the right to vote.

Please return the survey to  
 ACLU-NM  
 Attn: Whitney Potter  
 P.O. Box 566  
 Albuquerque, NM 87103



### SURVEY INSTRUCTIONS

Thank you for taking the time to share your opinion about civil liberties and what's important to you. Your response to this survey will play an important role in our public education efforts, and help us continue to successfully defend our most cherished freedoms. Now more than ever, we need a strong membership behind us as we undertake some of the most significant civil rights cases in our history.

Please return the survey to ACLU-NM, Attn: Whitney Potter, P.O. Box 566, Albuquerque, NM 87103.

You may also visit our Web site [www.aclu-nm.org](http://www.aclu-nm.org) and take the survey online.



## New Development Director Joins Staff

In April, Kathleen MacRae joined the staff of the ACLU-NM as development director. Kathleen has been a friend to the ACLU for years and will be familiar to many of you as the former director of the New Mexico Coalition to Repeal the Death Penalty.

"We are thrilled to have the critical role of development director filled by someone as experienced as Kathleen. Not only does she know how to lead and manage a development team, she is very familiar with, and committed to, the issues at the heart of the ACLU," said ACLU-NM Executive Director Peter Simonson.

Expanding the annual campaign and major donor program will be a primary focus over the next year. Kathleen will organize board members, staff, and volunteers to spearhead these efforts in order to raise the local funds needed to support the recent growth of the affiliate, including the additional staff positions and recently opened offices in Santa Fe and Las Cruces.

"I believe that I've found a great niche for myself at the ACLU," she said. "All of the important work the

ACLU-NM is doing through the Border Rights Project, the expanded legal program, and the comprehensive legislative program that emphasizes LGBT rights, voter rights, privacy and criminal justice reform naturally attracts supporters. Converting that support into financial contributions just isn't that big of a leap. People want to be involved; they want to help. Usually, all we have to do is ask."

Kathleen received her Master's Degree in Social Work with specialties in community organizing and development, public policy analysis and non-profit administration from Rhode Island College. She moved to New Mexico about ten years ago after living in Guatemala and Canada where she owned various small businesses that manufactured and distributed Guatemalan clothing and handicrafts. In addition to her work at the NM Coalition to Repeal the Death Penalty, she has been active in the Santa Fe Living Wage Network, the Santa Fe Community Action Network and peace-oriented organizing.



KATHLEEN MACRAE  
 DEVELOPMENT DIRECTOR

**CIVIL LIBERTARIANS STORM  
CAPITOL HILL, JUNE 2008**



(From L to R) Diane Wood, Daniel Williams, and Kathryn Turnipseed in front of U.S. Rep. Udall's office in Washington D.C. at the 2008 ACLU Membership Conference. ACLU members from throughout the U.S. went to our nation's capital for three days of advocacy, leadership discussions, Capitol Hill meetings and hands-on activist training. Elected officials, celebrities, renowned experts along with some of the ACLU's most inspiring clients, came together to stand up for freedom.

Go to [www.aclu.org/conference/2008](http://www.aclu.org/conference/2008) for highlights from the conference.

**THANK YOU FOR SHOWING  
YOUR ACLU PRIDE!**

In June, several Lesbian, Gay, Bisexual, Transgender (LGBT) Pride celebrations took place around the state. These events are organized to educate, commemorate and celebrate the LGBT culture, and advocate for civil rights.

**Thank you to our ACLU-NM outreach team who showed their ACLU pride this year!**

**UPCOMING EVENT**

**GUANTÁNAMO**

**Protecting the Rule of Law**

**Sunday July 27th at 5 p.m. | Santa Fe Women's Club | 1616 Old Pecos Trl**

Following the recent Supreme Court ruling that extends the right of habeas corpus to prisoners detained at Guantánamo, reports are surfacing that the Bush administration is planning the closure of the detention camp. Nevertheless, the Bush administration is continuing to rush through proceedings of high profile detainees before the November election. The ACLU renews its call for the prison and the military commissions occurring there to be shut down once and for all.

**Please join the ACLU of New Mexico for a conversation about the developing situation in Guantánamo with special guests Nancy Hollander, Michael Herzenberg, and Peter Simonson.**



**Nancy Hollander, Criminal Defense Attorney**

Nancy Hollander has practiced criminal law for thirty years and has considerable experience defending clients charged with offenses related to terrorism and national security. Ms. Hollander is lead counsel for Mohamedou Ould Slahi, a Mauritanian man currently imprisoned at Guantánamo Bay.

**Michael Herzenberg, Reporter/Anchor, KRQE News 13**

Michael Herzenberg is a reporter and anchor for KRQE News 13. On his recent visit to Guantánamo, he covered the 70 New Mexico National Guard troops who are there to provide support for the military tribunals set up to try terror-war suspects at Guantánamo Bay and assure the humane treatment of the prisoners. During his visit, Mr. Herzenberg came face to face with operational security: tight limits on information, always-present military minders, and censorship of video and still images.



**Peter Simonson, Executive Director, ACLU of New Mexico**

As primary spokesperson for the ACLU of New Mexico, Peter Simonson develops all policy positions and represents the organization in the media and in public on such diverse topics as national security, "zero tolerance" in public schools, racial profiling, separation of church and state, and the protection of free speech rights. Under Dr. Simonson's leadership the organization has grown from 2,500 members in 2001 to over 6,000 today. Its legal docket has grown from a dozen civil liberties cases a year to well over 30.

**WHEN: Sunday July 27th at 5 p.m.**

**WHERE: Santa Fe Women's Club, 1616 Old Pecos Trl**

**BRING A FRIEND! This event is free and open to the public.**

**QUESTIONS? Call (505) 266- 5915 ext. 1003 or [wpotter@aclu-nm.org](mailto:wpotter@aclu-nm.org)**

**Fight Back!**

**Support the American Civil Liberties Union of New Mexico**

Please accept my tax-deductible donation made out to the ACLU of New Mexico Foundation in the amount of:

- \$25,000+ Executive Director's Circle
- \$15,000+ Liberty Council
- \$10,000+ Constitution Circle
- \$5,000+ Roger Baldwin Circle
- \$1,000+ Guardian of Freedom
- \$500+ Safe and Free Council
- \$100+ Defenders Circle
- \$\_\_\_\_\_ Other

My donation of \$\_\_\_\_\_ is enclosed.

Membership contributions to the ACLU of New Mexico support legislative and lobbying work and are not tax deductible. Please make checks for membership payable to the ACLU of New Mexico.

- I would like to become a card-carrying member of the ACLU-NM and make a gift of \$20 for an Individual membership.
- I would like to make a gift of \$30 for a Joint Household membership.

Please charge my ACLU-NM Membership/Foundation gift to my (circle one): MasterCard/Visa/American Express

Card Number \_\_\_\_\_ Expiration Date \_\_\_\_\_

Donation Amount \_\_\_\_\_ Authorized by \_\_\_\_\_ Security Code \_\_\_\_\_

In order for us to accurately record your membership/gift and send a receipt, please complete the following:

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**RETURN TO:**

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SUMMER 2008