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the TORCH

The Newsletter of the American Civil Liberties Union of New Mexico

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Border Communities Living in Fear

Unless you live somewhere along the 2,000 mile stretch between the U.S. and Mexico, it's tough to imagine the pressures brought to bear on many families who make this region their home. Throughout border communities, every mundane errand, every drive to the supermarket or trip to soccer practice holds the possibility that a friend, sibling, parent or other close relative will be picked up and deported.

Families of mixed status, including U.S. citizens, legal residents and undocumented workers, live in constant dread of being split apart, their livelihoods lost and loved ones scattered. Even Latino families who have lived in the region for generations suffer the daily indignities of racial profiling, unwarranted interrogations and harassment.

Over the past fifteen years, a massive border security buildup has transformed a once peaceful region into a militarized zone brimming with thousands of agents from the U.S. Border Patrol, Immigration and Customs Enforcement, FBI, ATF, DEA...and the list goes on. The Border Patrol alone has almost 17,500 agents stationed along the southern border, or the equivalent of 8.8 agents per linear mile. This hyper-saturation of federal agents places unnecessary stress on border communities and converts every person of color—regardless of their actual citizenship status—into a suspect.



To mitigate civil and human rights violations in border communities, the national ACLU supported the opening of the ACLU-NM Regional Center for Border Rights (RCBR). Vicki B. Gaubeca, director of the Regional Center for Border Rights, characterizes the border this way: "Sometimes it's hard to believe that border communities are part of 'the land of the free' or that the U.S. Constitution applies here. Surveillance technologies at the border and interior checkpoints commonly invade privacy and the numbers of armed federal agents make you think of a war zone."

Emily Carey, program coordinator for the RCBR, notes that even the most simple and routine tasks are disrupted by U.S. border policy.

"I have people tell me that their neighbors go to the store for them to buy food and prescription medications because

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Northern Chapter Celebrates 10th Anniversery



ABOVE: Founding board members of the ACLU-NM Northern Chapter. Standing left to right: Hugh A. Linn, Denise Clegg, Kay Grotbeck, Burt Alpert, Sherry Sandlin, Stan Rosen, Miriam Linn, Chantel Reynolds, Mike Schultz, Scott Abbot, Tukey Cleveland, Alfred Hobbs. Seated: Trish Steindler, David Fitelson

Ten years ago in a Santa Fe restaurant over green chili enchiladas, fifteen local activists came together to put their passion for freedom and liberty into action and created the Northern Chapter of ACLU-NM. Since then, the Northern Chapter has developed into a vibrant community of dedicated civil libertarians, addressing important local and national issues, reviewing state legislative proposals, monitoring county jail conditions, educating the public, and promoting ACLU issues within the community. This year, we can all be proud to celebrate the Northern Chapter's initiative, activism and contributions to the cause of civil liberties in New Mexico.

"One of the first initiatives that the Northern Chapter created was reading bills that came out of the Roundhouse during the legislative session," says founding member Burt Alpert. "We'd read the bills from start to finish to see whether they advanced or hindered the cause of civil liberties."

Continued on page 4

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Visit www.aclu-nm.org to learn more about our work!



THE TORCH

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Living in Fear

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they are afraid to go outside their homes for anything that isn't absolutely necessary. Many of these people have children who are U.S. citizens, and there is this feeling, this creeping horror in the back of their minds that says, 'What if something happens to me and I get deported? What happens to my children?'"

The situation is exacerbated by the creation of agreements between Homeland Security and local law enforcement agencies that authorize municipal and county officers to assist in enforcing federal immigration law. This "deputizing" of local law enforcement officers as federal agents fosters an environment in which local communities are afraid to even contact their local police when they are victims of or witness to a crime.

"When I conduct presentations in border communities, I always ask the question, 'If one of you were to witness a crime, how many of you would feel comfortable calling your local law enforcement officers,'" says Carey. "Almost no one ever raises their hand. This is pretty chilling when you consider its effect on public safety. If these folks are unwilling to call the police when they are witnesses or victims to a crime, how are the police going to do their job?"

There is plenty of evidence that lack of trust in local law enforcement takes a toll on public safety. A resident of Roswell, NM recently testified at a local police committee meeting that she and her neighbors witnessed the beating of a young man in the street, yet no one called the authorities because they couldn't trust them not to involve immigration officials. Women who are victims of domestic violence are made especially vulnerable by this erosion of public trust. Many cases of domestic violence go unreported as women choose to endure continued abuse rather than report their partners and face the risk of deportation and separation from their children.

New Mexicans specifically experienced the negative effects of such an agreement with federal agencies in 2007 when the Otero County Sheriff's Department began raiding the homes of suspected undocumented immigrants in the town of Chaparral, NM. Under the auspices of Operation Stonegarden (an agreement with Homeland Security that reimburses local law enforcement for resources and overtime), Sheriff's deputies entered homes without warrants and interrogated occupants about their immigration status. Reports from these raids include the use of especially egregious tactics such as climbing through windows and impersonating pizza deliverymen in an attempt to gain entrance to private residences.



The influx of agents profoundly disrupts life in communities along the border.

In response, ACLU-NM and the Mexican American Legal Defense and Educational Fund (MALDEF) sued the Otero County Sheriff's Department for raiding homes without search warrants, interrogating families without evidence of criminal activity and targeting houses on the basis of race and ethnicity. As a direct result of this lawsuit, Otero County changed their standard operating procedure to prohibit law enforcement officers from asking immigration status in the hopes of preventing further civil rights violations. Since then, four other counties in New Mexico—Luna, Hidalgo, McKinley and Sierra—have adopted similar policies.

The RCBR has responded to these widespread problems by advocating for policy change at the national, state and local levels in cooperation with a coalition of border rights advocacy organizations. In addition to policy work, the RCBR directly addresses the fears and concerns of affected communities through the use of "Know Your Rights" presentations. Since 2007, RCBR staff have conducted dozens of bilingual presentations in vulnerable communities throughout southern New Mexico, empowering locals with the knowledge they need to protect their families from abuse.

Another RCBR initiative designed to combat rights violations is the creation of an online, bi-national abuse documentation system in collaboration with immigrant advocacy groups on both sides of the U.S.-Mexico border. In 2009, ACLU-NM received a \$95,000 grant from the Four Freedoms Fund to coordinate this effort. Once the system

is implemented, it will provide consistent data for trends analysis, enabling the ACLU and coalition partners to track the location and severity of rights violations and leverage the data to effect policy change.

"Currently, no common abuse documentation system exists, and information about abuses along the border is isolated within various organizations that deal with border issues," explains Gaubeca. "As people begin to use this documentation system, we hope to get a more complete picture and to create an online community sharing their stories. The online documentation system will be a place where NGOs can gather to share strategies and cooperate to influence more fair, humane and just border and immigration policies."

"Our broken immigration system has put an entire region in a stranglehold," adds Gaubeca, "one that ultimately affects all of us. The level of unnecessary suffering experienced by families in these affected communities contradicts our core American values. It is time that we develop solutions that address the root causes of the immigration problem so parents won't fear to leave their homes, children won't grow up distrusting the police and victims of crimes will not fear to seek justice."

Alert: Domestic Partner Benefits for State Employees

New Mexico state workers have alerted the ACLU-NM that state agencies are charging higher insurance premiums to cover a domestic partner when an employee signs up for family health coverage. State employees with domestic partners and children should check their pay stubs and alert their benefits administrators if they believe that they are being charged more than is listed on the state employee health insurance benefits schedule for family coverage available to married state employees with children.

Executive Director's Notes

Can *Free Speech* Go Too Far?



A Message from Executive Director Peter Simonson

The Supreme Court's recent ruling on campaign finance law stirred outrage among many ACLU supporters. It seemed like insult heaped upon injury after profit-hungry corporations wrecked the economy, paid obscene bonuses with taxpayer money and stalled health care reform. Now they are rewarded with unfettered speech rights? Is there any end to corporate influence in America?

Some of this outrage has been directed at the ACLU for submitting an amicus brief that sided with the Court. It is true that the ACLU has a long-standing policy of supporting electioneering speech for all, including corporations. But it's also true that the national ACLU Board of Directors has been debating this policy since 2007, and that finding the correct balance between money and First Amendment freedom is a complex and controversial undertaking.

So, what are the implications of the ruling? Contrary to what you may have read, the Supreme Court did not do away with limits on direct corporate contributions to political campaigns. Those bans remain intact. The Court's deliberation did focus on the ability of corporations to pay for communications (TV ads, mailers, etc.) that promote or oppose candidates for office. In a nutshell, the Court ruled that political speech—whether it concerns the worthiness of a candidate for election or an issue of political concern like limits on abortion—deserves the highest levels of protection and cannot be censored just because the source of opinion is a corporation. Like people, the Court said, corporations enjoy First Amendment rights.

Raising Exxon or Monsanto to constitutional personhood may be a difficult notion to swallow. But this ruling applies to non-profit corporations as well, including the ACLU, the Sierra Club, Planned Parenthood and most other organizations that advocate for the public's welfare. At stake in this debate is the freedom of all 'corporations' to alert the public about the actions of our political leaders—who may also be candidates in pending elections—with respect to civil liberties, the environment and our general wellbeing.

The ACLU's opposition to limits on electioneering speech dates back to 1972, when the New York Times refused to print an ACLU ad criticizing President Richard Nixon's busing policies and praising Members of Congress who supported court-ordered busing as a remedy for school segregation. Based on its understanding of the 1971 Federal Elec-

tion Campaign Act, the Times treated the ad as support for the listed congressional members and opposition to Nixon's candidacy in the approaching elections. A three-judge court held that the Times' interpretation "establishe[d] impermissible prior restraints, discourage[d] free and open discussion of matters of public concern and as such must be declared an unconstitutional means of effectuating legislative goals" (American Civil Liberties Union, Inc. v. Jennings).

Rarely have we seen good results from laws that empower the government to make decisions about who gets to speak and how much. Debate over Citizens United has centered on the rights of corporations to speak, but the First Amendment also guarantees a right to receive information. How do campaign finance laws infringe on the freedom of those Americans who wish to hear what corporations have to say about political candidates?

No rational person would question whether inequities in wealth breed inequities in speech, but campaign finance restrictions haven't proven to be a very effective tool for leveling the playing field. Twenty-six states permit corporations to spend general treasury funds on electioneering communications in state political races. Elections in those states are no more skewed or corrupt than in the other twenty-four that passed corporate spending limits.

Despite our skepticism of campaign finance laws, the ACLU found plenty that was disturbing in the Citizens United decision. Faced with narrow questions about the applicability of the Bipartisan Campaign Reform Act (McCain-Feingold Act), the Court took the opportunity to strike down all limits on corporate expenditures (again, not including direct campaign contributions) to influence public opinion about political candidates. It was a rare display of judicial activism that should raise as much alarm among Americans as the practical implications of the Court's decision.

The ACLU is concerned where broad, overreaching court rulings such as Citizens United might eventually lead. We remain committed to maintaining the right to free speech *and* the integrity of the electoral process, both of which are essential to the health of our nation.

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- Frank Susman

**Upcoming
10th Anniversary
Santa Fe Events**

April 17

**Student Civil
Liberties Training**
8:30 AM - 3:00 PM
BF Young Professional
Development Center
1300 Camino Sierra Vista

June

Santa Fe Gay Pride Day
Date and time TBA

August 15

**Freedom of Expression
Conference**
3:00 - 5:00 PM
Museum of Indian Arts
and Culture

October

**The War on Drugs or
Criminal Justice:
An Evening with
Norm Stamper**
Date and time TBA

**ACLU OF NEW MEXICO
CHAPTERS**

**Are you part of your local ACLU
of New Mexico chapter?**

The ACLU of New Mexico has a number of vibrant, active, and effective chapters throughout the state. Find an ACLU of New Mexico chapter in your area below.

**Northern New Mexico Chapter
(Santa Fe)**

Frank Susman, President
LTCSusman@Comcast.net

**Southwestern Chapter
(Silver City)**

Peter Falley, President
falley@q.com

**UNM Law School Chapter
(Albuquerque)**

Jerry Archuleta, Co-President
archulje@law.unm.edu
Lou Ann Branch, Co-President
branchlo@law.unm.edu

10th Anniversary

Continued from page 1

The bill reading committee continues this important work today. Once a bill has been read, the reader marks the relevant passages and sends it to ACLU-NM Policy Director Diane Wood at the ACLU Northern Office in Santa Fe. With some of the leg-work on the bills completed, Diane can swiftly move to advocate for bills that advance civil liberties, or maneuver to defeat those that try to take New Mexicans' freedoms away.

Another priority for the Northern Chapter is monitoring local county jail conditions. Trish Steindler, a chapter founder and current member of the ACLU-NM Board of Directors, helped establish the Northern Chapter's prison oversight committee.

"In August of 2000, we organized a very well attended forum called 'Jail, Santa Fe Style'," recalls Steindler. "In the forum we addressed the fact that the conditions inside the private prison run by Cornell Companies, Inc. were very poor. We felt that a citizens' oversight committee was necessary, and we began working with the County Commissioners and the then director of the jails, Greg Parrish, to establish such a committee."

After doggedly pursuing the issue with the county, the Northern Chapter secured a resolution from the County Commissioners establishing an official citizens' advisory committee to monitor conditions within Santa Fe County correctional facilities. The County Commission mandated

the oversight committee to inform themselves about practices in the adult and juvenile facilities and make recommendations to the administration and commissioners based on their findings.

The Jail Oversight Committee functioned for seven years from 2002 until 2009 when the county dissolved it. While it was in operation, the committee rigorously advocated for humane conditions in the county's correctional facilities and made a substantial impact on the health care provided in the adult facility.

One of the Northern Chapter's biggest contributions to ACLU-NM has been their public education and outreach program. The chapter has sponsored at least one public education event for every year of its existence, highlighting important issues such as the death penalty, drug policy, voting rights and indefinite detention. With the help of Diane Wood, the Northern Chapter

even convinced the Santa Fe public schools to show the ACLU documentary series, *The Freedom Files*, as part of their social studies curriculum.

It's been a tough decade for civil liberties in the United States, but Americans everywhere rallied and stood up to those who would dilute or destroy our constitutionally guaranteed freedoms. In these troubled years, the Northern Chapter emerged as a powerful advocate for the Bill of Rights in northern New Mexico and continues to be an influential force for justice in the community. The ACLU-NM thanks the members of the Northern Chapter—past and present—for their dedication and support.

American Civil Liberties Union
2000 - 2010
of New Mexico: Northern Chapter



ACLU members than New York or California.

Because of you, ACLU-NM is holding its own through tough economic times. Thank you for your support and sticking with us in 2009. Yes, our average gift size is lower than it was in 2008 and 2007; but the number of donors giv-

Looking Ahead to 2010

New Mexico is a hotbed of civil libertarians! Even though we rank in the bottom third in state population, with slightly fewer than 2 million people and only 15 persons per square mile, there are only 23 ACLU affiliates with more members than the ACLU of New Mexico. Incredibly, per capita, New Mexico has more

ing to us locally is growing. Our supporter retention rate is high, which reflects your loyalty to the cause of liberty and freedom, and we are interesting new members in our work. These are strong indicators of the success ACLU-NM has achieved defending and expanding civil liberties locally, as well as supporting national efforts.

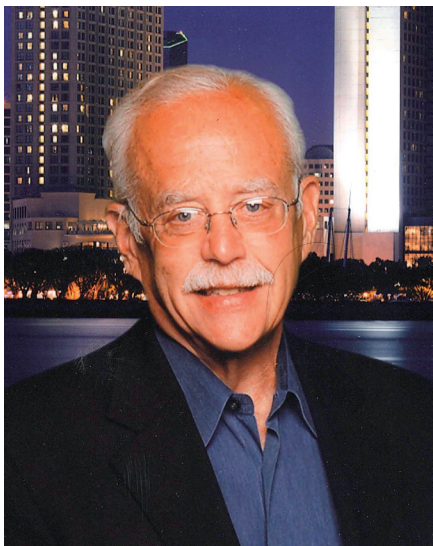
Looking ahead to 2010, we will maintain this momentum—winning legal cases and challenging governmental abuses so that we can continue to add members and raise the funds needed to support our work. Please use the enclosed envelope to make a contribution today. Your gift will be put to immediate good use helping improve conditions along the border with Mexico, protecting the free speech of citizens in local communities, challenging racial profiling practices by the state, and impacting policy at the national level such as defending reproductive freedoms in health insurance reform legislation. Thank you for your support.

- Kathleen MacRae, Development Director

ACLU Ambassadors Wanted

ACLU-NM Development Director Kathleen MacRae is looking for a handful of volunteers to assist with a fundraising campaign to be launched in September 2010. Comprehensive training and support provided. If you love to talk about civil liberties, you are a perfect candidate for this fun, important work. Please call Kathleen at 505-266-5915 x1001 or email kmacrae@aclu-nm.org.

Thanks!



Member Profile: Frank Susman

Frank Susman, the president of the ACLU-NM Northern Chapter, has a long and storied involvement with the ACLU. Susman joined the ACLU in 1966 shortly after graduating from Washington University Law School and has dedicated a significant portion of

his professional and private life to the cause of civil liberties ever since. In addition to his current involvement with the Northern Chapter, Susman sat on the national ACLU board for ten years and served as president and board member of the ACLU of Eastern Missouri.

“I think I always had an interest in civil liberties, but one of the earliest issues I was actively involved in would be reproductive freedom. That became a mainstay for me over the years,” says Susman.

It would not be an exaggeration to say that Susman put his passion for reproductive rights into action at the highest level. He argued six reproductive freedom cases before the United States Supreme Court—to our knowledge more than any other attorney—as well as many other reproductive rights cases at the district and state level. He won many of these cases and helped build the framework of legal protections that guarantee a woman’s right to determine her own reproductive healthcare needs. In recognition of his work, Susman has received over 50 awards celebrating his tire-

less advocacy for civil liberties, especially championing women’s rights.

In the course of his long career, Susman also litigated several cases as a cooperating attorney for the ACLU, including a case in Missouri that involved the local police arresting and strip-searching college students.

“A group of sociology students at the University of Missouri had built a shanty town on the quadrangle as a demonstration against South African apartheid, which was still going on at that time,” remembers Susman. “The university had declared that area a no-protest zone, but the students refused to relocate. As a result, the university called the police to arrest the students on charges of trespassing. The police came, arrested them, took them to jail and strip-searched them. I represented the protestors in the subsequent lawsuit and obtained punitive damages on their behalf.”

Though Susman sued police departments from time to time, it never prevented him from actively supporting the efforts of local law enforcement. In 1967, he became a commissioned officer in the St. Louis Police Department Reserve and served as a member and Vice-Chair of the St. Louis Commission on Crime and Law Enforcement. By the time he left St. Louis in 2002, Susman had achieved the rank of Detective Lieutenant Colonel in the Reserve. He continues to assist law enforcement efforts as a special consultant to this day.

From the halls of the U.S. Supreme Court and ACLU national board room down to the local municipal courts and ACLU chapters, Frank Susman has been a relentless and dedicated advocate for liberty and freedom. Susman, now retired, lives in Santa Fe with his wife Nancy.

2010 ACLU Board of Directors Candidates



ACLU of New Mexico Board Members are elected to serve staggered three-year terms with a third of the positions becoming vacant each year. This year, the Board Administration Committee of the ACLU-NM Board of Directors has nominated seven candidates to fill seven board openings. Because there is no competition for the openings, the Committee concluded that there is no need for a vote by the membership. We publish the candidate statements here to introduce the board members who shall begin three-year terms on April 1, 2010.

John Briscoe

As responsible citizens, we all must decide what is important in our lives and act accordingly. The ACLU works to defend the basic human rights of all individuals. We are fortunate to live in a country that was founded upon such principals, and service to the primary organization defending those rights is an honor and a privilege.

I have enjoyed my first three years of Board service and look forward to a second term. The ACLU of New Mexico has become an important entity in our state with the guidance of many dedicated individuals. I want to do whatever I can to make sure that continues and feel that

Board service is an important way to see that the principal of respect for all individuals’ basic rights remain at the forefront of public discussion.

Michelle Brown-Yazzie

As the daughter and grand-daughter of advocates for Native American civil rights, I have demonstrated and believe in utilizing my education, experience and passion to serve my community towards achieving a better quality of life. As an enrolled member of the Navajo Nation and a descendent of the Confederated Salish & Kootenai Tribes and the Oglala Lakota Nation, and having been raised in both reservation

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Upcoming Events

APRIL

Reclaiming Our Civil Rights on the Border: An Evening with Dolores Huerta

The ACLU-NM Southern Office and Regional Center for Border Rights invites you to learn about the current state of civil rights in the border region. Special guest and renowned civil rights activist Dolores Huerta will be presenting.

Tuesday, **April 13th**, 7:00 - 8:30 PM. Registration begins at 6:30.

The Alma d’Arte School
 402 W. Court Ave.
 Las Cruces, NM

Tickets for the event are \$10 and may be purchased at the door or online at www.aclu-nm.org

Student Civil Liberties Training

High school and college students are invited to attend a civil liberties training hosted by the ACLU-NM Northern Office. Come learn about your rights in school, at the workplace and on the streets!

Saturday, **April 17th**, 9:30 AM - 3:00 PM (Lunch provided)

BF Young Professional Development Center
 1300 Camino Sierra Vista
 Santa Fe, NM

RSVP: (505) 982-8181

MAY

ACLU-NM Annual Membership Meeting

The ACLU-NM Annual Membership Meeting is just around the corner. Save the date and join us to learn more about the exciting work we’ve done throughout the year.

Saturday, **May 22nd**, location and time TBA

Continued on page 6

Events

Continued

JULY

Spoken Word
Workshops

ACLU-NM is partnering with 516 ARTS to provide a series of spoken word workshops with acclaimed break beat poet Idris Goodwin. Join us and explore how free expression in the arts can be used to advocate for social and political change. Space will be limited, call Micah McCoy at (505) 266-5915 x1003 for more information

Four Saturdays in **July, 10th-31st**
10:00 AM - NOON
Outpost Performance Space
Albuquerque, NM

OCTOBER

2010 Bill of Rights
Celebration

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

October 9th
Albuquerque Museum of
Art and History

Board Elections

Continued from Page 5

and urban settings, I have witnessed and have been directly impacted by institutionalized inequities and apathies, such as in the areas of education, health care, housing and more.

I would be honored to serve on the ACLU of New Mexico Board of Directors, not only to contribute my experience and education towards addressing issues important to all people that make up our diverse state, but also as an opportunity to learn. Over the past ten years of my legal career, I have worked in public service at the tribal, state and federal levels of government, from prosecuting domestic violence and child abuses cases to securing state and federal legislation and funding to address the needs of tribal communities. What I have learned from my teachers (parents, grandparents & community leaders) and during my career is that victories are achievable, yet in our current society there is always still much more work to be done. I look forward to the opportunity to serve and partner with the members of ACLU and its staff in furtherance of the goal of protecting civil rights and liberties for all New Mexicans.

Kevin Hoover

I am extremely proud of my association with the ACLU of New Mexico and would very much like to continue serving on the board of directors. The work that this organization does on behalf of individuals around this state is amazing. I have been involved in human rights issues for about 25 years and can honestly say that I’ve never been involved with a group of more dedicated individuals who truly care about not just my issues, but the issues of anyone who needs to have their civil rights protected. Over time, I think it’s easy for someone who’s not working on the front lines of the fight to somehow think that the responsibility for continuing the cause is someone else’s. My involvement with the ACLU of New Mexico reminds me that it is everyone’s responsibility to stay involved and connected to the issues.

This past year our state affiliate won a very important case securing health care benefits for domestic partners of retired state workers, which is an issue near and dear to my heart. It was a great reminder of why I want to continue my involvement on the Board of Directors, and I would be honored to be re-elected.

Stanley M. Hordes

I have been passionate about the need to protect civil liberties since I attended elementary school in the suburbs of Washington, DC, where the principal threatened me with corporal punishment unless I participated in the singing of Christmas carols.

But it was the study of history that forged my belief that the violation of constitutional rights to freedom of expression, freedom of assembly, freedom of the press, separation of church and state, and right of habeas corpus are detrimental to the maintenance of a civilized society. History has shown how easy it is to succumb to fear during times of crisis by suppressing these basic principles, resulting in the loss of the freedoms envisioned by the visionary founders of our nation. It was the suppression of civil liberties by a frightened society in World War I and its aftermath that led to the establishment of the national ACLU in 1920. Today we are witnessing a similar collective fear of terrorist acts by “doers of evil,” accompanied by another assault on our constitutional rights.

I am proud to serve on the Board of the ACLU-New Mexico, and to support the magnificent work performed by the staff and legal team to protect the civil rights and liberties of New Mexicans, and I would like very much to continue in this role in the future.

Pat Jones

I seek re-election to the ACLU-NM Board of Directors Because “Freedom Can’t Protect Itself.”

It is 2010 and some people just don’t understand.

My being committed and working toward protecting our basic civil rights and freedom of speech is important to me.

It is 2010 and some people just don’t understand.

Tough times call for strong leaders who we as voters and tax payers must make more accountable.

It is 2010 and some people just don’t understand.

I will continue being a community activist and working with others who understand “The Patriot Act” violates all of our protected freedom and rights.

It is 2010 and some people just don’t understand.

The past administration did everything possible to erase, erode and kick to the curb (in the name of progress) hundreds of years of hard work by masking the Patriot Act as a means of protecting our nation from terrorists.

It is 2010 and some people just don’t understand.

Thanks to all of you who support the ACLU and work diligently to ensure a better nation and world for all of us.

Please vote for me and I will continue to be a community activist and work hard for the organization.

It is 2010 and I will help people who just don’t understand.

Rebecca Kitson

I welcome the opportunity to continue to serve on the Board of Directors for the ACLU of New Mexico. As a local attorney who works extensively with the immigrant community of New Mexico, I know the civil liberties challenges that face often-voiceless segments of our state. Further, I recognize the unique challenges facing our border state and hope to continue to serve and support the essential work of our Regional Center for Border Rights. Their work with border communities as well as their monitoring of the Otero County Processing Center, a civil immigration detention facility in Chaparral, is of profound importance to our state.

As a graduate of UNM School of Law and now as an adjunct professor, I will work to promote the participation of law students in the important work of the ACLU. I recognize the fundamental importance of working with fellow board members to raise funds and assist in assuring the financial wellbeing of our affiliate. Overall, the New Mexico affiliate of the ACLU is the only organization of its kind in our state, and is thus essential to assuring freedom for all individuals who call the state home. I am excited to continue to work with the truly outstanding staff and the dedicated fellow board members of the ACLU of New Mexico.

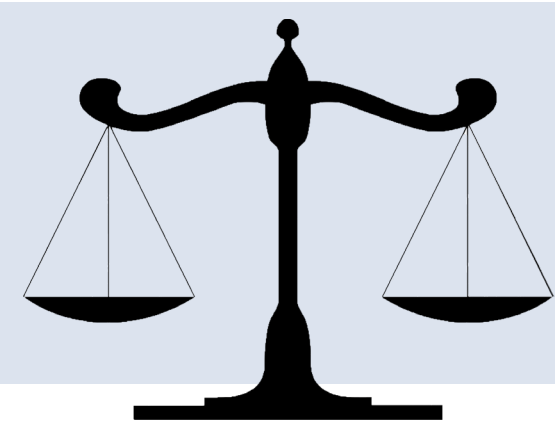
John Salamack

It has been a pleasure to serve on the ACLU-NM Board these past years and I hope to continue in my role as a Board member into the future. ACLU-NM has grown amazingly over these past years—from a small affiliate in a small state to a major ACLU office addressing critical civil liberties issues within New Mexico and its neighboring states.

Participating in that growth has given me much personal pride and an enduring commitment to the organization, its mission and its ideals. I will be honored to continue in that role with renewed enthusiasm and try to make a significant contribution to the organization’s continued success as it continues to grow in relevance and stature.

It would give me great personal satisfaction if the ACLU membership elects to have me continue in that role.

Legal Highlights



The ACLU-NM Legal Department litigates 30 to 40 cases per year in order to advance and defend civil liberties in the State of New Mexico. You can see our full docket and learn more about our work on our website at www.aclu-nm.org/legal/docket.html.

Suit Secures Essential Mental Health Care for Detainees

In January, ACLU-NM and Disability Rights New Mexico (DRNM) settled their lawsuit against the Doña Ana County Detention Center (DACDC), securing essential mental health services for detainees. The settlement marks the end of a lawsuit brought as a class action by detainees who alleged that DACDC failed to provide adequate treatment for detainees with mental health disabilities. Under the terms of the settlement, DACDC will improve its intake screening process and provision of treatment, and it will modify segregation cell use as well as seclusion and restraint procedures to comply with constitutional standards and the Americans with Disabilities Act.

The settlement agreement mandates that DACDC implement standard screening procedures in its intake process in order to identify at the outset which detainees require treatment for mental disabilities. This will ensure that detainees receive immediate attention and avoid a deterioration of their condition that could put themselves, security staff and other detainees at risk. The agreement also requires that detainees with significant mental health disabilities be housed in a specialized mental health unit within the detention center and that they be supervised by corrections officers who have undergone special training regarding mental health issues.

A key achievement of the settlement was an assurance that placement in isolation cells—used inappropriately throughout the nation when dealing with detainees or inmates with mental disabilities—will not be used for detainees with mental disabilities unless all other less restrictive options have been exhausted. In addition, when physical restraint becomes necessary, corrections officers will only hold detainees until a trained medical professional is able to diagnose and administer treatment.

ACLU-NM Staff Attorney Brendan Egan, Disability Rights New Mexico Attorneys Nancy Koenigsberg and Tim Gardner, the Bazelon Center for Mental Health Law and ACLU-NM cooperating attorneys George Bach, Peter Cubra and Michael Lilley represented the plaintiffs in this case.

Defense of Free Speech in Commission Meetings

The public comments portion of city and county commission meetings have long been a forum for citizens to air their concerns about governmental policies, sometimes contentiously. In recent months, local officials in two New Mexico communities attempted to censor the comments made at their meetings.

In December, the ACLU-NM legal team won a victory for free speech when a New Mexico court ruled that the Valencia County Commission could not ban local resident Michael Wood from attending or making public comments at commission meetings. Wood alleged that the ban, issued by the commission in September, was a prior restraint and discriminated against the content of his comments, violating his First Amendment right to free speech. The 13th Judicial District agreed and ruled that the commission did not have a legal right to ban Wood.

This ruling comes on the heels of a similar controversy in Truth or Consequences where the city commission instituted a rule that required all public comments to be submitted in writing, in advance for scrutiny. This requirement was ostensibly created to prevent local citizens from disrupting meetings with pernicious personal attacks. Practically, however, it served to prevent citizens from expressing legitimate concerns and criticisms. ACLU-NM informed the City Attorney’s office by letter that the rule was unconstitutional. It has since been dropped.

ACLU-NM cooperating attorney Steven M. Chavez, ACLU-NM Co-legal director Phil Davis, and ACLU-NM Staff Attorney Brendan Egan represent Mr. Wood.

ACLU-NM Contests Company’s English-Only Policy

In January, the ACLU-NM legal team filed a complaint with the New Mexico Department of Workforce Solutions on behalf of a woman discriminated against due to her national origin. SBM Site Services, a janitorial and maintenance company, recently informed their employees that they would no longer permit Spanish in the work place. Victoria Gamboa, an SBM employee with limited English, contested this policy and now faces harassment and possible demotion in retaliation.

By law, “English only” policies can be established in the workplace only when safety or essential business operations are compromised by the use of other languages. Neither of these conditions is satisfied in Ms. Gamboa’s case. Gamboa passed an English proficiency exam administered by SBM, demonstrating her competence in the basic phrases needed for routine interactions and workplace safety. ACLU-NM alleges that SBM’s “English only” rule constitutes national origin discrimination under Title VII of the 1964 Civil Rights Act and the New Mexico Human Rights Act.

ACLU-NM Staff Attorney Brendan Egan and law firm Bach and Garcia, LLC represent Ms. Gamboa.



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Dispatches



Northern Office Hosts Student Advocacy Day at Roundhouse

On February 1st, 61 high school and college students from throughout New Mexico attended the ACLU-NM Student Advocacy Day to lobby their legislators in support of the Domestic Partnership Rights and Responsibilities Act.

Students gathered at the First Christian Church in Santa Fe for a brief training session led by ACLU-NM Policy Director Diane Wood and then proceeded to the Roundhouse to speak with their legislators. After the students completed their lobbying, they attended an

Equality New Mexico rally outside the capitol building where advocacy groups, religious leaders and sympathetic legislators spoke in support of equality and fairness for LGBT partners and families.

“I think it is essential we have equal rights for everybody,” said Tessa Nasca, a Las Vegas, NM high school student who attended the event. “I think this is an issue that in fifty or sixty years, we’re going to look back at it and we just won’t believe that we denied people these rights. I really hope that I can live in a state that gives equal rights to every citizen.”

The 2010 Student Advocacy Day was co-sponsored by Equality New Mexico and the Gay Straight Alliance of New Mexico.

Regional Center for Border Rights Increases “Know Your Rights” Presentations

In an effort to reconnect with rural communities in southern New Mexico, the ACLU-NM Regional Center for Border Rights (RCBR) began the new year by conducting a series of Know Your Rights presentations. RCBR staff traveled to several locations in towns throughout Southern New Mexico to hold over a dozen gatherings.

Each presentation provides the tools that community members need to defend their civil rights when encountering law enforcement and to develop a family safety plan in the event of arrest, detention or deportation. At the request of participants, these meetings also frequently provide a forum to discuss the current local and national environment regarding immigration reform and border enforcement policy. Thirdly, Know Your Rights presentations allow RCBR staff to gauge continuing civil rights concerns or arising issues and to work with community members to plan options for redress.

In 2010, RCBR staff also began conducting Know Your Rights presentations for student groups visiting the area from around the country. These events focus on civil liberties in the border region—particularly with regards to immigration detention and removal policy—and expose students to opportunities for advocacy and further education upon their return home. Increasing awareness of the problems on the U.S.-Mexico border and the work of the RCBR is an important step towards developing networks for policy change.

Laura Schauer Ives Joins ACLU-NM Legal Staff



The ACLU of New Mexico has hired Albuquerque attorney Laura Schauer Ives as its new Managing Attorney. Ives takes over a legal program that litigates 30 to 40 cases every year to advance civil rights and civil liberties in New Mexico. She brings with her over a decade

of diverse civil litigation experience with special expertise in constitutional and civil rights law.

Ives attended the University of New Mexico for her undergraduate studies and went on to earn her Juris Doctor at the University of New Mexico School of Law. In law school, Ives focused her studies on constitutional law, constitutional rights, criminal procedure, church and state and First Amendment issues.

After graduation, Ives joined a small plaintiffs’ firm in Santa Fe, where she represented employees in discrim-

ination cases including *Gates v. Wal-Mart*, the largest civil rights class action suit ever filed. She also served as an Assistant Public Defender for the City of Albuquerque where she gained significant trial experience defending a diverse population. During this period, Ives bolstered her constitutional law experience in the areas of privacy, due process, and protection against unwarranted searches.

Over the past six years as a contract attorney, Ives litigated a wide variety of civil cases including guardianship proceedings through the Office of Guardianship involving alleged incapacitated adults. In this same period as a sole practitioner, Ives represented plaintiffs in employment discrimination claims involving age, gender, ethnicity and First Amendment retaliation.

“We are thrilled to have Laura as part of our team,” said ACLU-NM Executive Director Peter Simonson. “Her diverse legal experience and passion for social justice will lead our legal program to build on the successes of the past and open up new directions for the future of our work.”