



# the TORCH

The Newsletter of the American Civil Liberties Union of New Mexico

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## Justice is Within Reach

### ACLU of New Mexico launches police accountability app

"I said put your phone away!" yells Albuquerque Police Officer Pablo Padilla, as he snatches the iPhone out of the hands of the young man sitting on the curb filming him.

Taken aback, the young man asks the officer, "Do I not have the right to record—?"

"This isn't a debate!" yells Officer Padilla, stalking away with the phone. Moments later he takes out the confiscated phone and deletes all the video that the young man had just taken.

This scene, ironically captured on the officer's own lapel camera, occurred during a routine DWI stop in 2014 in which Padilla pulled over 25-year-old law student Jeremy Martin, who was driving through Albuquerque's university neighborhood with a group of his friends. When Martin failed to comply with Officer Padilla's demands that he sit on the curb, Padilla slammed him onto the ground, kneeling him in the groin so hard that one of his testicles later had to be surgically removed. After cuffing Martin and placing



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## ACLU-NM Stands with Planned Parenthood to Protect Access to Reproductive Healthcare

It takes a lot of guts to stand in front of a crowd of people and talk about your abortion. It takes even more guts to do it if some of those people in the crowd are screaming insults at you. But that's exactly what ACLU-NM field organizer Alanna Offield did September 29, at the Pink Out rally in support of Planned Parenthood at the University of New Mexico.

The rally was one of more than 300 such nationwide, organized to show solidarity with Planned Parenthood after the Center for Medical Progress, an anti-abortion extremist organization, released a series of secretly recorded and deceptively edited videos in an attempt to discredit Planned Parenthood's fetal tissue donation program. Standing before dozens of pink-clad Planned Parenthood supporters, Alanna shared how the organization had supported her with the health care she needed:

"When I was 17, I found out I was pregnant during my freshman year at college and I made the decision to have an abortion. For me, the decision was easy; I worked hard to graduate from high school a year ahead of schedule, and I was excited to be at college. I was sure of my decision, and I was fortunate enough to have the support of my family and friends."



**ACLU of NM staff supporting Planned Parenthood at the Pink Out rally in Albuquerque**

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**Justice Is Within Reach**

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him in his squad car, Padilla removed Martin's companions from the vehicle and destroyed the evidence they had just recorded.

Though shocking, this kind of behavior is not uncommon. Even though we have a First Amendment right under the U.S. Constitution to record police, over and over again we see law enforcement officers demanding that citizens put their phones away and stop recording them. If people refuse, they may find their phones seized and returned with the videos deleted. In some cases, the phones themselves have been destroyed or never returned at all.

But now, thanks to the ACLU, no one in New Mexico will ever have to worry about a law enforcement officer deleting footage from their phone.

**Mobile Justice New Mexico**

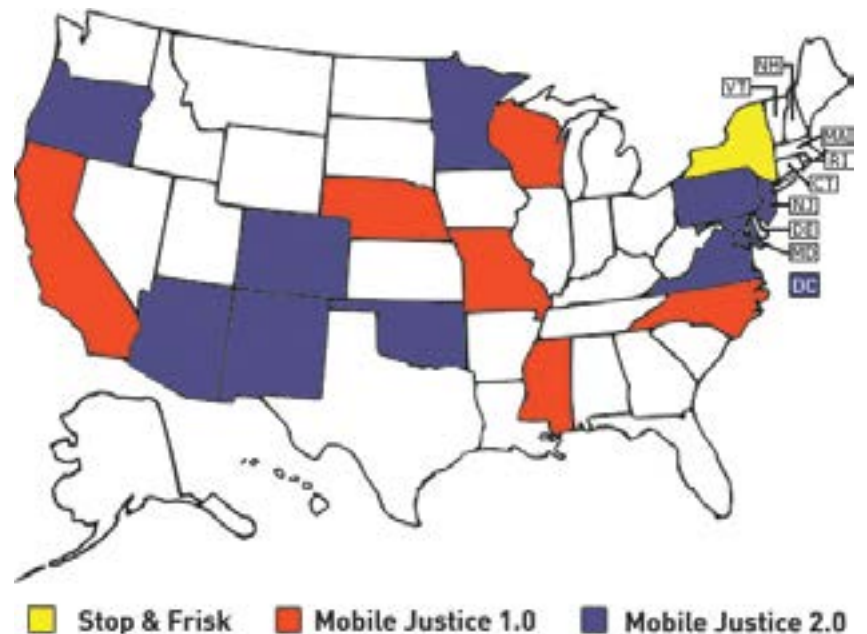
On November 13, after six months of development, the ACLU of New Mexico, along with nine other state ACLU affiliates and the Washington D.C. affiliate, launched the Mobile Justice 2.0 smartphone app. The Mobile Justice App is an innovative tool that helps people turn the technology they carry around in their pockets into powerful tools for holding police officers accountable. The app has four basic functions:

1. **RECORD AN INCIDENT:** This feature uses your smartphone's onboard camera to capture an encounter with law enforcement. As soon as the recording stops, a copy of that recording is uploaded to a secure ACLU of New Mexico cloud server. A copy is also saved to your phone. Not only does this allow the ACLU of New Mexico to review possible rights violations that may have occurred, it ensures that if a law enforcement officer takes your phone from you and deletes your recording, a copy is automatically backed up to a secure ACLU server.
2. **FILE A REPORT:** This feature allows you to submit a written incident report directly to the ACLU of New Mexico. It gathers information about where the incident took place, what occurred, who was involved, and other important facts. Reports filed through the app are treated as legal intake for the ACLU of New Mexico.
3. **WITNESS AN INCIDENT:** When the "witness" function is activated in the Mobile Justice New Mexico app, it notifies other nearby app users when you record an incident. Other app users can travel to your location to collaborate as responsible witnesses to the ongoing incident. When this feature is enabled, you will also receive notifications when an app user is recording an incident near you.
4. **KNOW YOUR RIGHTS:** The app includes some basic guidance on your rights when recording law enforcement officers on public property while they execute their duties. This section is for general education only, and is not intended to be specific legal advice.

Mobile Justice New Mexico is available for free download in both English and Spanish for both iPhone and

Android devices. In the first week alone, more than 900 New Mexicans have downloaded the Mobile Justice 2.0 app to their smartphones.

The original idea for the Mobile Justice app came about as part of the New York Civil Liberties Union (NYCLU) campaign to rein in NYPD's practice of "stop-and-frisk," an activity in which an officer stops and searches people on the street whom they deem "suspicious." Not surprisingly, the vast majority of these "suspicious" characters were young men of color who were completely innocent of any wrongdoing. An analysis by the NYCLU revealed that innocent New Yorkers have been subjected to police stops and street interrogations more than 4 million times since 2002, and that black and Latino communities continue to be



the overwhelming target of these tactics. To combat this practice, which raises serious concerns over racial profiling, illegal stops, and privacy rights, the NYCLU developed the Stop and Frisk Watch App in 2013 to help New Yorkers monitor police activity and hold the NYPD accountable for unlawful stop-and-frisk encounters and other police misconduct.

Following the app's enthusiastic reception by New Yorkers, eight other ACLU affiliates worked with the app developer to adapt the Stop and Frisk App into the Mobile Justice 1.0 app, which launched in six states in April, 2015. Since the Mobile Justice 1.0 release, the app has been downloaded more than 250,000 times.

"As soon as the Mobile Justice 1.0 app launched, my phone started ringing off the hook," said ACLU-NM Communications Director Micah McCoy, who spearheaded the development of New Mexico's version of the app. "Reporters and community members kept asking me 'When is New Mexico going to get the app? When can I get the app for my phone?' It was clear from the outset that this tool was in high demand here in our state, so we immediately signed on to help develop the next version."

**A new age of accountability**

Cell phone video has been a game changer for law enforcement accountability. The majority of Americans carry a cell phone in their pocket capable of recording high quality video at a moment's notice, and, thanks to the Internet, within seconds that video can be shared with millions. The ubiquity of cell phone video has made it so that we as a society are no longer able to ignore the problems of excessive use of force and racial bias that have plagued law enforcement at every level for generations.

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## Executive Director's Notes:

### Cutting Through the REAL ID Fear Mongering



The Senate bill is the only proposal that truly has support of policy makers from both parties. If we're serious about complying with the REAL ID Act then the governor and legislators in the state House should throw their weight behind this bill during the upcoming legislative session.

**Fact:** There is no evidence that a REAL ID-like system would have helped thwart the Paris attack in any manner. REAL ID is rooted in the myth that if we know who everyone is, we can find and stop the bad guys. But the Paris attacks show just how misguided this concept is. Many of the suspects in the Paris attacks were already well-known to intelligence authorities, and all suspects identified so far held EU citizenship.

**Fact:** Despite its stated fraud prevention goals, REAL ID cards will always be vulnerable to corrupt use. For example, REAL ID would do nothing to prevent people from getting legitimate cards in fake names, just as three of the 9/11 terrorists did by bribing a Virginia motor vehicles department clerk. In California over the last two years alone, federal authorities have brought charges against 10 such clerks, the latest in a bribery scheme that fraudulently issued 100 commercial driver's licenses.

Compliance with REAL ID will do little to improve our national security, while requiring significant sacrifices to our civil liberties. The vulnerabilities go beyond what we can foresee. Remember that the Social Security number was created in 1936 for the sole purpose of tracking earnings of U.S. workers. Today it is the most commonly used ID number system—by private and public sector alike—governing access to everything from credit to voting. In acquiescing to the requirements of REAL ID, we are giving the government permission to create an internal passport, including more data that can be hacked by identity fraudsters, and with many more applications than simply regulating Americans' access to planes and federal facilities.

Let's dispense with the fear mongering and get down to facts. The Senate has offered a solution to the Department of Homeland Security's bullying around REAL ID. The bill complies with REAL ID and provides New Mexicans with an option of which license to choose. The ball is in the House's court.

The recent attacks in Paris, Beirut, Nigeria, Mali, and Baghdad are a horrific reminder that there are groups of extremists in the world who seek to do us harm. But the way to fight back against these groups is not to willingly curtail our own freedoms as we did with the USA Patriot Act, the NSA wiretapping program and other post-9/11 surveillance schemes. We learned that once entrusted with such sweeping powers, our government is likely to abuse them. Once we forfeit those freedoms, we rarely win them back.

Yet in a recent editorial, the Albuquerque Journal urges us to strike that devil's deal, trading freedom for unproven promises of security in the REAL ID Act. It even goes so far as to suggest that the New Mexico legislature is inviting a Paris-like attack if it fails to repeal our homegrown driver's license law and comply with the Act. Short on facts, long on scare tactics, the editorial smacks of partisan opportunism.

**Fact:** This past session, the New Mexico Senate passed a truly bipartisan bill that would have fully complied with REAL ID, giving eligible New Mexicans the option of choosing between a federal-purpose "REAL ID" license for driving and air travel and a license for driving but not air travel. This option exists in many other states. There are many reasons why New Mexican citizens might choose to use their passport for air travel and decline a federal purpose REAL ID license, not the least of which is protecting them from being forced to turn over even more private information that increases their exposure to identity theft and data profiling by the government.

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## This envelope is where defending freedom starts.



Like what the ACLU of New Mexico is doing to protect freedom in our state? Generous gifts from supporters like you are what has enabled the ACLU of New Mexico to continue its critical work for more than 50 years. We encourage you to use the envelope provided in this newsletter to invest in the future of freedom here in New Mexico. You can also donate online at [www.aclu-nm.org](http://www.aclu-nm.org).

## NEW STAFF



**Tiffany McCree, Paralegal**

Tiffany McCree joined the ACLU as a paralegal in October of 2015. Tiffany was born and raised in Naples, Florida, a beautiful town on the sunny Southwest coast. She graduated in 2008 from Florida Gulf Coast University with a Bachelors of Science in Business Marketing. After graduation, she packed a few suitcases and booked a one way ticket to Boulder, Co where she enjoyed hiking the foothills of the breath-taking Rocky Mountains, skiing at A-Basin, reading along the Boulder Creek, and much more.

After a year in Boulder, Tiffany moved to New Mexico where she attained her Paralegal Certificate at the University of New Mexico, knowing that she wanted to protect the civil rights of New Mexicans. From April of 2011 to December of 2014, Tiffany worked as a civil litigation paralegal at Kennedy Kennedy & Ives law firm where she fought to protect the civil liberties of New Mexican residents. In her downtime, Tiffany enjoys loving on her dogs, skiing, hiking, and cooking up tasty vegetarian dishes.



# PHYSICIAN AID IN DYING

## **ACLU of New Mexico Argues *Morris v. New Mexico* before New Mexico Supreme Court**

**W**e now stand at end of a three year journey that started with a simple premise: dying people should not be forced to suffer at the end of their life.

In 2012, the ACLU of New Mexico filed the lawsuit, *Morris v. New Mexico*, on behalf of two Albuquerque oncologists, Dr. Katherine Morris and Dr. Aroop Mangalik, later joined by patient plaintiff Aja Riggs of Santa Fe. We asked the court to clarify that it is lawful in New Mexico for terminally ill, mentally competent people to seek aid in dying from their physician if they find their dying process has become unbearable. The 2nd District Court returned a strong opinion, ruling that New Mexicans have a constitutional right to aid in dying. Judge Nan Nash wrote:

*"This court cannot envision a right more fundamental, more private or more integral to the liberty, safety and happiness of a New Mexican than the right of a competent, terminally ill patient to choose aid in dying."*

New Mexicans everywhere breathed a sigh of relief, knowing that if they faced unbearable suffering at the end of a terminal illness, they will be able to choose a peaceful, dignified death with the help of their doctor. But that relief was cut short in August when the New Mexico Court of Appeals overturned the ruling

in a split decision. New Mexicans dying from terminal illnesses who believed they would have some measure of control and comfort at the end of life, now face a death in which that is no longer true.

With untold numbers of patients in New Mexico counting on us, we knew we had to move fast. Time, unfortunately, is one thing that terminally ill patients do not have to spare. We asked the New Mexico State Supreme Court to expedite the hearing, impressing upon them the urgency of the situation.

Thankfully, the New Mexico Supreme Court agreed to an expedited hearing in the case, and we argued on behalf of restoring physician aid in dying on October 26th.

We've written all the briefs, we've filed all the motions, we've made all of the arguments. All that's left to do is wait. We could get a decision from the court at any day now; indeed, it is possible we may have a ruling before this newsletter arrives on your doorstep. As we await news from the court, we wanted to put the focus back on some of the individuals for whom this compassionate care is so important.

Here, in their own words, are two New Mexicans who are asking the state to grant them their right to a peaceful death if their dying processes become too much to bear.

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### AJA RIGGS

*Patient Plaintiff  
Morris v. NM*



**M**y name is Aja Riggs. I'm 51 years old, and I live in Santa Fe.

Three years ago, I joined *Morris v. New Mexico* after I heard a story on the radio about two doctors asking the courts to clarify the status of aid in dying under New Mexico law. At the time, I was in treatment for an advanced and aggressive uterine cancer. I had had surgery, chemotherapy, and radiation and was about to start more chemotherapy.

Treatment was not an easy road. I experienced painful and dangerous complications, including trips to the ER and additional time in the hospital for a neutropenic immune system crash. That was a scary experience, but thankfully I was able to recover and continue treatment. Even though my odds for survival looked slim, I wanted very, very much to live.

But the amount of pain and intensive medical treatment I've had, made me think: If this disease is going to end my life, I don't know if I want to go to the very end with it. When I say the very end, I picture lying in pain or mostly unconscious, with my loved ones around me in distress, all of us waiting for me to die. Since that time, thankfully my cancer has gone into remission. Despite fatigue and other side effects, I am grateful to be able to enjoy life more than ever. But the odds are still high that the cancer will return and eventually cause my death. If that happens, I want the peace of mind of knowing that I can ask my physician for aid in dying if my suffering becomes unbearable.

Aid in dying is only one of many options for people at the end of a terminal illness, and I don't know whether I would ultimately choose it or not. I don't know if anyone can really know until they actually get there. But I do know that I want the choice.

That's what this issue is really about. It's about giving people more choices at the end of life. It's about compassion. It's about allowing people to leave an unbearable dying process and choose a peaceful death on their own terms.

On behalf of myself, and the many other New Mexicans who are facing potentially terminal illness, it is my hope that the court will affirm this fundamental right and reinstate physician aid in dying in New Mexico.

## DAVID BRADLEY

Artist  
Santa Fe, NM



**M**y name is David Bradley and I am 61 years old. I am a member of the Minnesota Chippewa Tribe and my wife and son are members of Jemez Pueblo. I have lived in New Mexico for almost 40 years.

After serving in the Peace Corps for two years, I came to Santa Fe to attend the Institute of American Indian Arts. After graduating first in my class, I received my Bachelor of Fine Arts degree at the College of Santa Fe. Since that time, I have made my living as an artist. I currently have a one-person exhibit of my work at the NM Museum of Indian Arts and Culture.

I was diagnosed with a terminal illness called ALS (aka Lou Gehrig's Disease) four years ago. ALS is a neuro-muscular disease that attacks the nervous system and the muscles. The median survival time after diagnosis is 3 years and 3 months, though many patients die sooner or later than this. I have the bulbar onset kind of ALS, which means that it attacks my breath-

ing, speech, eating and swallowing, one day I won't be able to speak at all, I won't be able to swallow food or water, and eventually my diaphragm and lungs will stop working and, unable to breathe, I will die. I don't want to spend my final days with tubes in me, trapped in a dying process where I slowly suffocate. I sincerely hope that the doctors can provide aid in dying when my suffering becomes too great.

When we are well, we all think we will live forever. When you get diagnosed with a terminal illness, the first thing to die are your hopes and dreams, you try desperately to comprehend what is happening to you, you struggle with the sorrow of knowing you will not live the life you had planned. You then go through specific stages of grieving, the same emotional stages of grieving that you go through when you try to cope with the death of a loved one. You grieve for your own death.

I believe that all mentally competent, terminally ill patients should have the option of aid-in-dying. When I heard that the New Mexico courts had made it illegal, I was sad to know that I no longer had that option. One of my worst fears is ending up in a hospital, nearly a vegetable, with all kinds of tubes in me keeping me a live against my wishes while my family stands by in anguish. As an independent artist, I have always lived my life on my own terms guided by my strong principles. I want that to be true in my final days as well. When I die, I want to experience a peaceful death, at home, surrounded by my loved ones.

## NEW STAFF, CTD.



**Karla Fernandez**  
Project Coordinator

Karla Fernandez joined the ACLU in August 2015, serving as the Project Coordinator for the Regional Center for Border rights through the Border Servant Corps volunteer program. Karla is a first generation immigrant from Puerto Rico, whose family emphasized the importance of cultural pride, bilingualism, compassion and education.

She studied Sociology and Leadership and Global Understanding at LaSalle University in Philadelphia, where she served as a tutor to high-risk and ESL students and as a student leader with the Community Building Team. Having served as an intern with a Community Development Corporation in her hometown of Allentown, PA, Karla was motivated to come and serve in the border region when she realized how diverse the needs of the Latino community are in the United States. Karla focused her senior thesis on the issues of Internalized Racial Oppression and the Intersectionality of Oppression and hopes to bring her passion and experience with this topic to her work at the Regional Center for Border Rights. To wind down, Karla enjoys Salsa dancing, adventuring, and hugging and climbing trees. While there aren't many trees to climb in Las Cruces, she has met her outdoorsy needs by gardening and cycling in the beautiful and unique climate of the desert southwest.

## America Should Continue to Welcome Refugees

**T**he ACLU mourns the horrific attacks in Paris, Beirut, Mali, and Baghdad and would like to express our grief, condolences and condemnation. At the same time, we caution against any reflexive reactions of politicians to curtail our civil liberties in response to those attacks. One lesson we have learned in the last decade is that when there is a terrorist attack, there is a tendency on the part of some to react by seeking to limit the very freedoms we need to protect.

Some politicians, including half the nation's state governors, have attempted to fabricate a link between the tragedy in Paris and the resettlement of Syrian refugees to the United States. Making policy based on this fear mongering is wrong for three reasons: It is factually wrong to blame refugees for the very terror they are fleeing, it is legally wrong because it violates our laws and the values on which our country was founded, and it is morally wrong to turn away families fleeing civil war and violence just because of their religion or national origin.

Disappointingly, our own governor, Susana Martinez, has been among the politicians who have joined in the fear mongering in the hopes of scoring cheap political points on the backs of families fleeing violence. Following the Paris attacks her office released a statement:

"The governor strongly opposes the Obama Administration's plan to accept more Syrian refugees until

there is a very clear plan in place to properly vet and place the refugees, and the voices of governors and the public can be heard."

The governor knows full well that the United States already has a rigorous and multi-layered security screening program in place for refugees seeking to resettle here. All refugees must pass background checks conducted by multiple U.S. agencies before being finally approved to travel to or settle in the U.S. In

fact, refugees are the single most scrutinized and vetted individuals who travel to the U.S.

Founded during a period of vicious red-baiting and anti-immigrant fear-mongering, the ACLU has always understood that it is our values—not our fears—that define us as Americans. We are a nation of refugees. From the pilgrims seeking safety from religious oppression, to the Irish fleeing famine and colonialism, to Cubans escaping political repression, America has always been a place where the persecuted could find

refuge, make a new start, and build a better tomorrow.

The ACLU calls upon all policy makers, at the federal and state levels, to affirm the need to welcome Syrian refugees who are fleeing the brutality of ISIS. These refugees—and the integrity of our refugee resettlement system—should not fall victim to the horrible Paris attacks perpetrated by a few individuals.



## Justice Is Within Reach

*Continued from page 2*

“It used to be that it was just an officer’s word against yours,” said ACLU-NM Executive Director Peter Simonson. “If a police officer roughed you up, the officer could easily say that you were ‘resisting’ or that they ‘felt threatened’ and all too often that would be the end of it. But video doesn’t lie, and it’s finally forcing us to reckon with a deep systemic problem that we have swept under the rug for far too long.”



Over the past few years, the constant stream of video showing officers brutalizing, even killing the people they are sworn to protect and serve has forced us to a cultural tipping point. From Eric Garner, who was choked to death by police officers in New York City, to Walter Scott, the unarmed man who was shot in the back by a police officer in North Carolina, to Anastasio Rojas, who was Tased and beaten to death by Border Patrol agents at a San Diego port of entry—all captured on video recorded by bystanders. Without those recordings, we may have never known the full story of what happened in the moments leading up to their deaths. The avalanche of video evidence has made institutional racism and police militarization impossible to ignore, impossible to accept.

In recent years, there have been a growing movement to equip law enforcement officers with body-worn cameras, which ideally would record all their interactions with the public. However, despite the widespread availability of the technology, only a handful of police departments in New Mexico have implemented body-worn camera programs. Among those departments that have body-worn cameras, there are still problems with the policies that govern their use.

“In Albuquerque, a community with deep-seated problems concerning police excessive use of force, we have seen next to zero accountability for officers who fail to turn on their cameras before responding to a call,” said Simonson. “Until police departments consistently enforce their own policies regarding the use of officer-worn cameras, there will be gaping holes in the efficacy of these programs.”

With the Mobile Justice app, the ACLU of New Mexico aims to fill some of those gaps by making filming the

police easy, accessible, secure, and reliable. That way, even if your city hasn’t yet implemented officer-worn cameras—or if you live in a city in which camera policies are ineffectively implemented—you still have a way to document what occurs during a law enforcement encounter. With the Mobile Justice app, you can take the ACLU with you in your pocket wherever you go, ready to document and report a violation of rights at a moment’s notice.

### Mobile Justice on the border

The Mobile Justice New Mexico app has special potential to make an impact in our state’s border communities. The U.S. Border Patrol is part of the largest law enforcement agency in the country and operates with a shocking lack of oversight and accountability. The agency claims extraordinary authority to operate 100 miles away from the nearest international border and beyond, regularly engages in racial profiling, and has a record of violence that has left at least 40 people dead—some of whom were unarmed children. No Border Patrol agent involved in these deaths has yet been publicly disciplined.

A recent report by the ACLU of New Mexico Regional Center for Border Rights uncovered anecdotal evidence that Border Patrol agents in New Mexico:

- Abuse innocent residents who are doing nothing more than going about their daily lives.
- Racially profile innocent border residents, making our communities less safe and sowing mistrust in the community.
- Put the health, safety, and dignity of border residents at risk by stopping ambulances and patrolling through health centers in violation of their own policy.

Border residents should never have to live with the constant fear of mistreatment and discrimination by law enforcement. Our border communities are safe and diverse communities where racial profiling by Border Patrol has undermined our constitutional rights and values. The Mobile Justice app is one way that New Mexicans can document harassment and abuse by Border Patrol and help hold agents accountable.

### Amplify the Mobile Justice App’s impact

At its core, the ACLU’s success has always been powered by our supporters, people who have a passion for protecting the rights and liberties that are guaranteed under our constitution. Today, we need to harness that passion to help make the Mobile Justice App as effective as possible in holding law enforcement in New Mexico accountable. We want this app on every phone in New Mexico, and you can help us do it in a couple of ways. First, download the app yourself. You can find links to download Mobile Justice New Mexico on our website at [www.aclu-nm.org/MobileJusticeNM](http://www.aclu-nm.org/MobileJusticeNM). Second, tell all your friends about the Mobile Justice app. Share the app on your social media accounts, and tell everyone why police accountability is important to you.

With your help, we can make sure that for every New Mexican with a smartphone justice is always within reach.

**Download the Mobile Justice app for iPhone and Android**

**Scan the QR code to download the ACLU of New Mexico Mobile Justice app, so you can take the ACLU with you on the go. With Mobile Justice New Mexico, justice is always within reach.**



## NEW STAFF, CTD.



**Diana Junco**  
*Administrative Specialist*

Diana joined the ACLU-NM team in September, 2015 as the Administrative Specialist. Diana has been a long-time New Mexico resident and loves the state. After graduating, Diana began working in the legal field as a file clerk for a local law firm, and for the past eight years has worked with a criminal defense firm doing everything from drafting legal documents to general bookkeeping. She is married with two children, and enjoys spending time with her tight-knit extended family. Diana is excited to be a part of the ACLU team and welcomes the opportunity to make a difference in the community.

## Standing with Planned Parenthood

*Continued from page 1*

Her story was greeted by supportive cheers from the students and community members gathered around her. But supporters weren't the only ones in the crowd that day. Students for Life UNM, a student-led anti-abortion group crashed the party to protest the event. Dressed all in black and holding signs calling for the de-funding of Planned Parenthood, they shoved their way through the crowd to shout over those speaking in support of Planned Parenthood, including Alanna.

Unfazed by their heckling and insults, Alanna continued:

"Planned Parenthood was where I had an abortion at 17, and it was where I took a pregnancy test that led me to decide to become a single parent at 22. After being told that the test was positive I decided right then and there, sitting in the lobby of the clinic that, while I was terrified, I was ready to become a parent. I asked lots of questions that day about pregnancy and birth and all of them were answered with the same compassion and honesty that I received asking questions about abortion at 17. Before I had health insurance it was the place I turned to for low cost birth control, pap smears, and STI testing. Planned Parenthood has been there for me during the most important decisions in my life and is a resource that should be protected!"

The protesters continued to heckle Alanna even through the part of her story where she recounted her decision to give birth to her daughter and become a mother. They didn't care about Alanna. They didn't care about her life, her decisions, or her daughter.

This is the kind of harassment and abuse that women face every day as they seek basic health care at Planned Parenthood clinics in New Mexico. Planned Parenthood in New Mexico has become a target for local anti-abortion groups like the ones who showed up at the Pink Out rally. Several extreme anti-abortion groups hold regular protests outside of Planned Parenthood and other clinics around the city to harass and intimidate women seeking medical care.

What these groups are doing at the local level mirrors the attacks on reproductive rights at the national level. Since the smear videos were released this summer, both Congress and state legislatures have put forth efforts to block funding for Planned Parenthood to provide basic health care to women nationwide and four

Republican-led House Committees initiated politically-motivated investigations against Planned Parenthood. The first committee, whose hearing coincided with the Pink Out rallies, uncovered no evidence of wrongdoing, and generally embarrassed itself as it fumbled through its questioning of Planned Parenthood President Cecile Richards.

The dirty secret behind all the Planned Parenthood attacks is that these extremists don't want to just de-fund Planned Parenthood; they want to make it impossible for a woman to access safe and legal abortion. Case in point: the same people that harass women outside of Planned Parenthood in Albuquerque are the same people who sponsored the dangerous ballot measure in Albuquerque two years ago that would have banned abortion after 20 weeks—with no exceptions.

The ACLU of New Mexico played a pivotal role in fighting that ballot measure two years ago, and we know the stakes are still high. Like Alanna, we're going to keep standing up for a woman's right to make private decisions about abortion without government interference, and no one is going to shout us down. We know how powerful it is when women share their personal experiences about their decision to continue or end a pregnancy. When stories like Alanna's are uplifted, we directly confront the shame and stigma surrounding abortion and show the unique circumstances that surround every pregnancy.

"Abortion is a common experience, with about 1 in 3 women having an abortion by the time she is 45. It's hard to believe that something so common could remain so stigmatized," said Alanna. "When women who have had an abortion don't talk about their experiences, we let people who don't understand or agree with abortion to tell our stories for us, and they are filled with judgment, misinformation, and shame. Realizing that was when I knew sharing my experience was important."

We know the fight is far from over. The attacks being waged against Planned Parenthood aren't just about fetal tissue donation or how they receive federal funds—it's an all-out war over a woman's right to have an abortion. That's why the ACLU of New Mexico is proud to stand with Planned Parenthood now and in the future. We are committed to protecting access to healthcare, including abortion. We know these personal decisions need to stay between a woman and her doctor, and we'll fight to keep it that way.

## ACLU Board of Directors Notice of Elections, 2016

If you desire to run for one of the seven open positions on the ACLU-NM Board of Directors, please send to the ACLU-NM Governance Committee:

A 250 word statement of interest to the ACLU-NM Board Governance Committee to be considered as a Board nominee; or a petition signed by 1% of the ACLU-NM membership (currently 4,185 members total), supporting your nomination, along with a 250 word statement of interest. NOTE: Statements of interest must include a statement of willingness to serve, if elected.

The ACLU-NM office must receive statements of interest/signed petitions by January 31, 2016. Nominees'

names will be placed on the election ballot and their statements will be published in the next issue of the ACLU-NM's newsletter, *The Torch*.

Please mail petitions and statements to:

Governance Committee  
c/o ACLU of New Mexico,  
PO Box 566, Albuquerque, NM 87103

Statements may also be faxed to: (505) 266-5916

Ballots and statements of interest will be mailed to members at least two weeks prior to the election. The election will be held on March 31, 2016.



### SW CHAPTER NEWS

The Southwestern Chapter of ACLU-NM held its Annual Meeting on October 23, open to all members and the public at large. In addition to reporting on the activities of our Chapter during the past year, we elected three Board members for the 2015 slate. Frances Vasquez and Barbara Tegge are each returning, and Mary Burton Risely, who was previously appointed to fill a vacancy, was elected to a three year term. There is still one vacancy on our 12 member Board which has not been filled. Any ACLU-NM member in the Southwestern region who would be interested in joining the most energetic ACLU Chapter in New Mexico should contact the Chapter by email or phone. Following the election, our program was a free screening of the 2014 Academy Award winning Documentary, *CITIZENFOUR*, the story of Edward Snowden.

At our regular bi-monthly meeting held on the second Thursday of November, the Chapter Board elected their officers for the coming year. Bill Hudson was again elected President; he did announce this would be his final year in that office. Bob Garrett is again the Vice President, and Lorna Ruebelmann returns as the Treasurer. Our new Secretary is long time Board member Marty Miller. Bill Hudson will continue to serve as the Chapter Representative to the ACLU-NM Board of Directors.

We will continue with our efforts to bring about change at the Grant County Detention Center. At least three of our Board members plan ongoing visits and monitoring the facility. We have completed the drafting of a Resolution for the creation of a County Detention Center Oversight Committee that will be taken to the County Manager and County Attorney for review in the coming month.

If you have an interest in participating in any of our activities, or have a concern you believe we should know about, you can contact Bill Hudson, the President, at (575) 536-3092 or [williamhudson43@msn.com](mailto:williamhudson43@msn.com)

## THE TORCH

The Torch is a publication sent to members and supporters of the American Civil Liberties Union of New Mexico. Please send any comments, questions or article submissions to Micah McCoy, Editor and Communications Director at: [mmccoy@aclu-nm.org](mailto:mmccoy@aclu-nm.org)

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## PHOTOS

RIGHT: Jorge Rodríguez gives testimony to congressional staff members in Washington, D.C.

BELOW: RCBR Field Organizer Cynthia Pompa presents at the inaugural Justice Academy.



# Dispatches from the Regional Center for Border Rights

## U.S. Customs and Border Protection Issues New Minimum Standards

For the first time in its history, U.S. Customs and Border Protection (CBP) issued nationwide, uniform standards on Oct. 6 to govern how CBP personnel interact with people who live or travel through the border region. CBP's new National Standards on Transport, Escort, Detention, and Search (TEDS), which apply to both Border Patrol and Office of Field Operations, are in part a response to the Regional Center for Border Rights' (RCBR) many years of dedicated policy advocacy in Washington D.C. and coalition building on the U.S.-Mexico border.

"CBP's public release of revised standards is a welcome nod towards transparency and an encouraging sign that the agency acknowledges border communities' longstanding concerns," stated Vicki B. Gaubeca, director of the RCBR at the ACLU of New Mexico. "At the same time, they fail to guarantee fair and lawful treatment for those in CBP custody and come with no structure for oversight or accountability."

Several constructive reforms in the new TEDS standards include limiting the use of shackles as a "punitive" measure while in CBP custody, and adopting principles required by the federal Prison Rape Elimination Act. In addition, the standards include an entire section on personal belongings, requiring agents to store belongings in a safe, clean and organized manner.

However, the TEDS standards continue to give CBP officials wide latitude to override the new requirements in deciding what is timely or operationally feasible and omit a nongovernmental access policy to allow for independent monitoring as other Department of Homeland Security agencies have done. They also maintain or exacerbate a number of constitutionally suspect policies that have already resulted in the systemic abuse and mistreatment of countless men, women, and children in Border Patrol custody.

"We commend the agency's initial effort, including its attention to children, LGBTQ persons and individuals with disabilities, but these leave much room for improvement," added Gaubeca. "These standards will serve as a baseline for further advocacy to ensure CBP respects equality and justice for everyone."

## RCBR Launches the Justice Advocates Academy

RCBR staff launched their inaugural Justice Advocates Academy on October 31. The RCBR and Equality New Mexico jointly developed the Academy to strengthen and broaden the social justice movement in the region. The six session curriculum works with 12 community leaders from Southern New Mexico to understand the intersections of oppression and privilege across social identities and to explore how these identities impact movements to dismantle systemic, institutionalized discrimination.

The six sessions will be led by different individuals, which include RCBR and EQNM staff, as well as New Mexico State University Professor Dr. Judith Flores-Carmona, an expert on critical race theory.

"As Audre Lorde eloquently stated, there is no single issue struggle because we don't live single issue lives," said Cynthia Pompa, field organizer at the RCBR. "The Justice Advocates Academy embraces this reality and allows us to gain a deeper understanding about how our identities intersect in hopes of creating the foundation for a stronger social justice movement in southern New Mexico."

The program will continue until January 2016. RCBR and EQNM staff hope to graduate 25-30 justice advocates annually from the academy.

## RCBR Urges Congress to Hold CBP Accountable



At the request of RCBR, both Senator Udall (NM) and Representative O'Rourke (El Paso, TX) hosted hill briefings on Nov. 5 for congressional staff members in Washington, DC. RCBR staff coordinated the briefings with the ACLU Washington Legislative Office and Southern Border Communities Coalition.

Approximately 40 staffers attended the morning briefing in the Senate, entitled "Civil Rights Along the Southern Border: How Reforming Customs and Border Protection Can Restore Public Trust and Accountability," and another 40 staffers attended the afternoon briefing in the House of Representatives, entitled "Improving CBP Border Policing Practices: How Can We Implement Much-Needed Accountability and Transparency Reforms?"

RCBR invited Jorge Rodríguez, a New Mexico State University student and candidate for a Master's degree in Criminal Justice, to brief staff on the effects of Border Patrol racial profiling at checkpoints. Jorge grew up in a small community near Hatch, NM, and has had to commute through Border Patrol checkpoints his whole life.

"Every time I return home from the movies, school, or grocery shopping in Las Cruces, I have a bad experience. Before I go through a Border Patrol checkpoint, I think about how I'm dressed, the music I'm listening to, and I sit up straight," Jorge explained to congressional staff. "But I can't change the color of my skin. No matter what I do, they treat me with suspicion. What's the point of having a Master's degree in Criminal Justice if I can't exercise my rights and be respected?"

The Nov. 5 briefings also featured testimonies from Astrid Dominguez of the ACLU Texas, Christian Ramirez of the Southern Border Communities Coalition, Valentin Tachiquin, the father of Valeria Munique Tachiquin who Border Patrol shot and killed in California, and Patrick Eddington of the CATO Institute.