

# Spanning the State

## Safeguarding the Constitution

### LGBT RIGHTS – EXPANDING BENEFITS FOR DOMESTIC PARTNERS

Although many domestic partners still lack the legal protections and benefits that married couples take for granted, ACLU-NM secured expanded protections for retired state employees and ensured benefits for the families of future retirees.



### RACIAL JUSTICE – PROTESTING RACIAL DISCRIMINATION

In the fall of 2009, the Whitten Inn in Taos fired several employees for speaking Spanish and refusing to anglicize their names. Since speaking Spanish did not interfere with the essential functions of the employees' duties, their termination appears to be illegal. ACLU-NM joined the community in protest, speaking out against discrimination in the workplace based on race and national origin.

### CORRECTION REFORM – PROTECTING PRISONERS FROM ABUSE

During a disturbance in another part of the prison, guards at the Northeast New Mexico Detention Center in Clayton locked seven nearly naked inmates in a shower, then videotaped them. After five hours, the inmates were forced to crawl through a small, filthy hole in the wall to return to their cells. ACLU-NM filed suit in June 2009 alleging that the treatment of these prisoners was cruel and unusual.



### CORRECTION REFORM – PROTECTING YOUTH

Over 1,500 youth who are cared for in state facilities each year will be safer and receive better treatment because of ACLU-NM. After six years of hard work, our cooperating attorneys forged an agreement with the NM Children Youth and Families Department (CYFD) that secured substantial improvements to essential health and safety services for youth in custody.

### POLICE PRACTICES – ENSURING PROPER OVERSIGHT

Following pervasive reports of alleged police misconduct in Las Vegas, ACLU-NM organized a series of public meetings with local officials to air the community's growing concerns and educate about civil rights complaint procedures. As a result, local citizens created a police oversight committee to investigate claims of rights violations and ensure that local law enforcement remains accountable to the community and the constitution.

### LGBT RIGHTS – FIGHTING FOR EQUALITY

Once again, ACLU-NM stood at the forefront of the movement for LGBT relationship equality. In both 2010 legislative sessions, we lobbied for the Domestic Partnership Rights and Responsibilities Act, which would provide crucial legal protections to domestic partners and their families. Though this legislation failed to pass, ACLU-NM continues to build support for LGBT rights.



### FREE SPEECH – DEFENDING THE RIGHT TO PROTEST

On the eve of the U.S. invasion of Iraq in 2003, thousands of Albuquerque citizens took to the streets to exercise their 1st Amendment right to disagree with the actions of the government. This peaceful protest was met with tear gas, batons, rubber bullets and numerous arrests. ACLU-NM represented 13 of the protesters who sued the Albuquerque Police Department for unlawfully suppressing their right to free speech. Although we did not win the case, ACLU-NM and the protesters sent a strong message to law enforcement throughout the state that violations of free speech will not go unchallenged.

### LGBT RIGHTS – SUPPORTING PRIDE IN GALLUP

Along with several other advocacy groups, ACLU-NM helped launch Gallup's first annual LGBT PRIDE celebration last summer. PRIDE celebrations raise awareness about important civil rights challenges facing the LGBT community and build support among the public for equality for all.



### FREE SPEECH – RESTORING ACCESS TO PUBLIC LIBRARIES

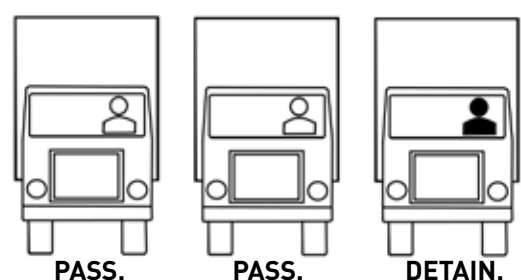
When the City of Albuquerque adopted a controversial regulation that banned all registered sex offenders from the city's public libraries, ACLU-NM immediately filed a complaint. This unconstitutional action restricted the 1st Amendment right to receive information. The federal court agreed and struck down the regulation in March 2010, ruling that it was an overly broad suppression of constitutional rights that did not address a narrowly defined public safety need.

### IMMIGRANTS' RIGHTS - ADVOCATING FOR PUBLIC SAFETY

ACLU-NM Regional Center for Border Rights is working with local religious and community leaders to convince the Roswell City Council to adopt a policy that prohibits local police from enforcing federal immigration law. This agreement would increase public safety by focusing resources on local crime prevention.

### FREE SPEECH – STRIKING DOWN CENSORSHIP

Usually citizens can air their concerns and grievances about local government actions during the public comments portion of a municipal commission meeting. However, in late 2009, Valencia County and Truth or Consequences began to censor speech during their meetings. The ACLU-NM legal team stepped in and restored full free speech rights.



### RACIAL JUSTICE – CHALLENGING RACIAL PROFILING

Curtis Blackwell, an African-American long-haul truck driver, was pulled over at the Lordsburg Point of Entry in August 2008. On inspection, officers found unopened alcohol in an outside compartment of his truck and falsely accused Blackwell of being under the influence. ACLU-NM investigated and found a clear and consistent pattern of racial profiling. We filed suit against the NM Department of Safety for targeting drivers for inspection solely on the basis of race.

### CORRECTION REFORM – WINNING MENTAL HEALTH TREATMENT

ACLU-NM achieved a major victory this February when we secured vital mental health services for the 800 detainees housed in the Doña Ana County Detention Center in Las Cruces. Under the terms of the settlement, detainees will receive standard mental health screenings and improved treatment from better trained staff.



### IMMIGRANTS' RIGHTS – EMPOWERING IMMIGRANT COMMUNITIES

ACLU-NM Regional Center for Border Rights offered 17 "Know Your Rights" presentations for over 300 immigrant community members throughout southern New Mexico in the past year. These presentations provide the tools and information people need to defend their rights when stopped by law enforcement and to develop a family safety plan in the event of arrest, detention or deportation.

### IMMIGRANTS' RIGHTS – FREEING IMMIGRANTS FROM ILLEGAL DETENTION

The U.S. Supreme Court ruled that immigrant detainees cannot be held for more than six months after a final deportation order is issued even if their country of origin will not allow their return. Yet hundreds of detainees languish indefinitely in illegal detention. Using Habeas Corpus petitions, ACLU-NM secured the release of 22 men from the Otero County Processing Center in the last year. Since 2006, we've freed more than 80 people who were illegally detained.



# Development & Financial Report

## YOUR GENEROSITY ENSURES THE RIGHTS & FREEDOMS OF NEW MEXICANS

ACLU-NM would like to thank everyone who is a member or donor of our organization for their support. In the past twelve months, the number of people making tax-deductible gifts to the ACLU-NM Foundation has increased more than 50%. This demonstrates the enduring commitment of New Mexicans to the cause of justice and equality, despite a tough economy. Thank you for your generosity!

There are many ways that you can help protect civil rights in our state. If you have a question or need information about how your family can support ACLU-NM programs, please do not hesitate to contact Kathleen MacRae at 505-266-5915 x1001 or kmacrae@aclu-nm.org.

**ACLU-NM has a goal:** to instill in every lawmaker, every government decision-maker, in every corner of New Mexico, the instinct to consider, "How will the ACLU respond?" anytime they contemplate infringing on someone's rights. Before the Ruidoso police stop Hispanic motorists to check for immigration papers; or county commissioners in Los Lunas ban an outspoken neighborhood activist from their meetings; or a jailhouse warden denies female inmates their right to terminate unwanted pregnancies, we want those officials to think first of the Bill of Rights.

We're on our way to achieving this goal. For example, this year we discovered that four counties in southern New Mexico voluntarily adopted policies that prevent local sheriff's deputies from enforcing federal immigration laws because of a lawsuit we won against Otero County in 2008. In fact, unlike Arizona, most parts of the state have laws and policies that specifically safeguard the rights of immigrants, because over the years ACLU-NM has worked with local allies and government leaders to protect constitutional liberties for all.

ACLU-NM has a powerful and proactive statewide presence that will continue to strengthen in the years ahead. In counties and municipalities around New Mexico, the ACLU is becoming a household word. Over the last twelve months, we have improved the lives of thousands of New Mexicans—protecting the safety of children, securing benefits for LGBT families, striking down censorship, and releasing immigrants from illegal detention. To learn more about the wide-ranging impact that ACLU-NM has recently had on justice, liberty and freedom, unfold this report and read about some of our most important actions and victories.



### ACLU of NM Foundation\*

April 1, 2009 to March 31, 2010

Revenue	
Events	36,985
Grants	112,968
Individual Gifts	147,354
Legal	276,974
National ACLU	471,973
Other	76,167
<b>Total</b>	<b>1,122,421</b>
Expenditures	
Administration	88,689
Border Rights Development	212,286
Education & Outreach	145,084
Legal	131,425
Policy	404,922
	111,523
<b>Total</b>	<b>1,093,929</b>
Change in Equity	35,380
Beginning Net Equity	610,731
Ending Net Equity	646,111

### ACLU of New Mexico\*

April 1, 2009 to March 31, 2010

Revenue	
Bequests	46,475
National ACLU	47,809
Other	412
<b>Total</b>	<b>94,696</b>
Expenditures	
Membership Support	10,740
Legislative Advocacy	34,143
Foundation Support	40,000
General Management	1,235
<b>Total</b>	<b>88,993</b>
Change in Equity	11,979
Beginning Net Equity	16,785
Ending Net Equity	28,764

\* Un-audited financial information. Audited statements available September 2010.

### American Civil Liberties Union of New Mexico & ACLU-NM Foundation

There are two distinct organizations that carry out our work. ACLU-NM is the "union" — the membership organization that supports our 501(c)4 legislative and advocacy efforts. Donations to the union are not tax-deductible.

ACLU-NM Foundation is a tax-exempt, 501(c)3 that carries out the education, outreach, legal and administrative functions of the organization. All contributions to the "foundation" are tax-deductible to the full extent of the law. Your gift to either the union or the foundation supports the vital defense and expansion of civil liberties in New Mexico. Thank you!

ACLU-NM would like to acknowledge the following donors who provided significant support to the ACLU-NM Foundation during the 2009-2010 fiscal year, April 1, 2009 through March 31, 2010. There are additional supporters who made gifts locally or to the national ACLU, unfortunately our space is too limited to name you all. Thank you!

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PO BOX 566  
 Albuquerque, NM 87103  
 Tel: (505) 266-5915  
 www.aclu-nm.org

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## 2009-2010 ANNUAL REPORT

