

■ VOLUME 43
■ NUMBER 2
■ FALL 2008



THE TORCH

The Newsletter of the American Civil Liberties Union of New Mexico

December 6, 2008

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**PUBLISHING
INFORMATION:**

**THE TORCH
FALL 2008**

VOLUME 43, NUMBER 2

Published quarterly by the
American Civil Liberties Union
of New Mexico. Please send
any comments, questions, or
article submissions to:

P.O. BOX 566

Albuquerque, NM 87103

Tel: (505) 266-5915

Fax: (505) 266-5916

www.aclu-nm.org

Membership is \$20 and up.

The Torch is a benefit of
membership. Incorrectly
addressed mail and address
corrections should be sent to
the above address.

Editor: Whitney Potter

Printed in the United States

BILL OF RIGHTS DINNER

with keynote speaker

THOMAS FRANK

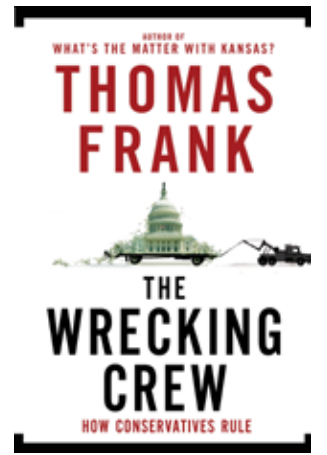
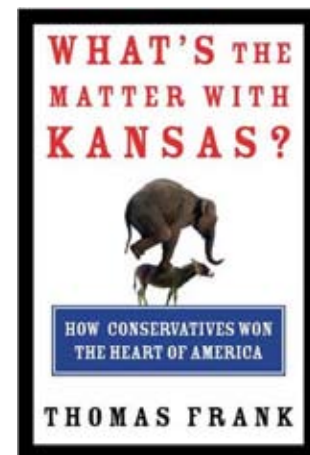
The American Civil Liberties Union of New Mexico cordially invites you to attend the annual Bill of Rights Dinner on **Saturday, December 6, 2008** to celebrate this year's success in defending our most cherished freedoms guaranteed by the Constitution and the Bill of Rights. Join us as we look to what lies ahead in our fight for freedom.

Visit www.aclu-nm.org/BORD2008 or call (505) 266-5915 ext. 1006 to buy your tickets today!

Thomas Frank, keynote speaker for the dinner, is an author and journalist who writes about politics, culture, and the relationship between these phenomena. Frank, a historian of culture and ideas, analyzes trends in American electoral politics and propaganda, advertising, popular culture, mainstream journalism and economics in his writings. He focuses particularly upon the rhetoric and impact of the 'Culture Wars' in American political life.

In his bestselling book, *What's the Matter with Kansas?*, Frank redefined the perception of the red state/blue state divide in America. Now, in his latest book *The Wrecking Crew, How Conservatives Rule* Frank offers a stinging indictment of the blundering and corrupt government that politicians have given us. Casting back to the early days of the conservative revolution, Frank describes the rise of a ruling coalition dedicated to dismantling government. But rather than cutting down the big government they claim to hate, conservatives have simply sold it off: deregulating some industries, defunding others, but always turning public policy into a private-sector bidding war. Frank recently appeared on *The Rachel Maddow Show* and on *The Colbert Report* to weigh in on the presidential campaigns and talk about his latest book.

Frank is the founding editor of *The Baffler* and a contributing editor at *Harper's*. He is also *The Wall Street Journal's* newest weekly columnist. He has received a Lannan award



"Frank brings invaluable insider perceptions, ardor, and precision to his lancing inquiry into the erosion of democracy and the enshrinement of the mighty dollar. ... This staggering history of systematic greed will inject new energy into public discourse as a historic election looms."

—Booklist, starred review
Praise for THE WRECKING CREW

and been a guest columnist for *The New York Times*. Frank lives in Washington, D.C.

Frank's expertise will be especially relevant at the time of this year's Bill of Rights Dinner, following the November presidential election.

See details of this and other upcoming events on page 7.

Know Your Voting Rights ... Act!

Fred McBride, Ph.D., ACLU Voting Rights Project

It's really interesting how a fundamental right — the right to vote — is fraught with challenges like photo identification requirements, felon disfranchisement, voting while a student, voting with a disability, voter caging and purged voting lists. Although the Constitution only directly speaks to voting with the 15th, 19th, 24th, and 26th Amendments, the ability to cast votes in a free and fair election is a cornerstone of democracy. How can the United States judge, criticize, and attempt to help other countries institute democratic election systems if it continues to enforce provisions that infringe upon a voter's ability to cast a ballot and have that ballot counted?

Over the past few years we have witnessed voters turned away from polls due to the inability to produce state-issued identification, intimidation, or administrative mistakes. Such challenges have had even more adverse effects on the poor and people of color. Is this a true democracy if voting is more of a privilege for the few, rather than a right for all?

The Constitution stands as an instrument for democracy, but the very principles upon which it stands must be enforced. Were the framers fearful of we the people? Yes! Was the ratification struggle for the Constitution difficult? Yes! Were citizens disfranchised at the formation of this govern-

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Executive Director's Message

The Civil Liberties Challenge Facing Our Next President

What is the most challenging civil liberties question facing the President who replaces George W. Bush in 2009? There are some obvious candidates. Will he undo the warrantless wiretapping program or create a genuine prohibition on the torture of foreign detainees? Will he appoint federal judges who truly endorse civil liberties, and counterbalance the abysmal civil rights record of the over 300 appointments made by his predecessor?

A study led by a University of Houston political scientist found that Bush's appointments to the federal bench ruled in favor of civil liberties in less than 27 percent of their decisions. Even Reagan and Bush Sr. appointments held the Bill of Rights in higher esteem, finding in freedom's favor more than 32 percent of the time.

The man who takes the oath of office in January 2009 will assume control over an executive branch that, over the last 8 years, created unusual elbow room for itself where constitutional checks and balances are concerned. Bush and his advisors instilled a tradition of refusing to respond to Congressional inquiries, accurately or at all, and employing presidential signing statements to interpret laws as they saw fit, challenging even the federal judiciary's supremacy in this realm.

Guided by a doctrine of the "unitary executive," the Bush administration consolidated power in the hands of the executive branch like no president in recent memory – perhaps like no president in history.

Regardless of political stripe, the incoming President will be tempted to take advantage of the executive branch's new muscle to push through his vision of how the country should be run. What president wants to dial back his power when it promises freedom from checks and balances that can only slow his progress?

The new Presidency may create opportunities for restoring the rights we lost under the Bush administration, but if we've learned anything over the last eight years, it is that freedom can never be fully entrusted to someone who, in the final analysis, is a politician. Promises of "change" are only as good as the commitment of organizations like the ACLU to take advantage of them.



PETER SIMONSON

Fall 2008 Legal Report

Kendra's Law Decision Upheld!

The New Mexico Court of Appeals affirmed the district court's grant of an injunction striking down the City's ordinance that would have permitted the forced-medicating of people with mental disabilities. The decision upheld by Judge Valerie Huling, ruled that the ordinance conflicted with the State Mental Health Code. Protection & Advocacy attorneys Nancy Koenigsberg and Rosemary Bauman, attorney Peter Cubra, and the ACLU-NM litigated the case. In September 2008, the New Mexico Supreme Court declined to hear the City's appeal from the Court of Appeals, thereby ending the case.

Challenging \$37 million to private schools

After research completed by Diane Wood and Summer Law Clerk Paige Duhamel, the ACLU-NM sent a demand letter in August 2008 to the State of New Mexico criticizing disbursement of funds for textbooks to private schools, including religious schools. A response is expected shortly.

Equal Protection Claims Regarding State Liability for Foster Parents

The ACLU-NM has agreed to sponsor litigation brought by cooperating attorneys Joe Kennedy and Shannon Oliver. New Mexico law provides that licensed foster parents providing care for children in the custody of the Human Services Department, Corrections Department or Department of Health are treated as public employees for whom Defendant State Risk Management provides liability insurance, but it specifically excludes from coverage "foster parents certified by a licensed child placement agency." Hundreds of children have been placed with foster parents certified by a licensed child placement agency. The refusal to provide coverage for children harmed, if placed by a child placement agency, is an irrational and arbitrary action that violates equal protection.

Habeas Corpus Work

Staff Attorney George Bach and summer Law Clerk Paige Duhamel helped obtain the release of two immigrant detainees held at the Tarrant County Detention Center. One of the defendants was a Mali immigrant who was held over six months, with no sign of release until the ACLU-

NM filed a habeas corpus petition. The other, an immigrant from Burundi, had only been detained four months, but had papers from his native country stating they would not accept his return. ACLU-NM filed a habeas corpus petition; the inmate was released within five days.

Tucson Border Patrol Agents

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

Las Vegas High Baccalaureate

Executive Director Peter Simonson, George, Paige and Cooperating Attorney Andy Schultz sent a letter objecting to a Las Vegas high school requirement that seniors attend a church service as a part of graduation week this year. A demand letter was issued requesting that the school agree not to sponsor such ceremonies in the future.

HIV+ Discrimination Cases

Cooperating attorney Karen Mendenhall of Eaves & Mendenhall, P.A., is litigating two New Mexico Human Rights Act claims on behalf of employees who were fired because of their HIV status. Karen obtained probable cause determinations on both cases before the Human Rights Commission and has now filed both cases in the state district court.

Indritz v. Albuquerque Surgical Center

Cooperating attorney Rob Schwartz represents our own Tova Indritz to address the Albuquerque Surgical Center's policy of refusing to address advance directives. The ACLU-NM litigated a similar case on behalf of Harold Folley three years ago. The blanket ban on recognition of advance directives violates the Uniform Health-Care Directives Act adopted by New Mexico.

Continued on page 3

The Hero Next Door: Challenging Abuse of Power in the Neighborhood

Twin brothers David and Tomas de la Torre were plaintiffs in a recent ACLU of New Mexico/Mexican American Legal Defense and Educational Fund (MALDEF) lawsuit against the Otero County Sheriff, arising out of immigration raids conducted by the Sheriff's Department in September 2007. The ACLU of New Mexico and MALDEF maintain the raids were conducted with funds from "Operation Stone-

garden," a federal program funding local law enforcement near the border.

On September 10, 2007, David and Tomas' family were rousted out of bed in the pre-dawn hours by Sheriff's deputies claiming the family had an "illegal refrigerator" on their porch and other petty allegations. The family was then split apart, with undocumented members being arrested and turned over to Border Patrol and subsequently deported.

The lawsuit was settled by the adoption of a policy by the Sheriff not to question immigration status when investigating petty misdemeanors and not to question immigration status at all unless it is specifically relevant to an otherwise valid criminal investigation. The County also paid damages, attorneys' fees and costs to the plaintiffs.

This summer, Staff Attorney Brendan Egan traveled with David and Tomas to Washington, D.C. for the ACLU 2008 Membership Conference where they spoke to over 2,000 people from around the country about what had happened to them, and the experience of being part of a landmark ACLU lawsuit.

(L to R) Tomas de la Torre, Brendan Egan, and David de la Torre at the ACLU 2008 Membership Conference.

PHOTO: Erin Pearson



NEWS FROM THE LEGAL DEPARTMENT

Brendan Egan Sworn In

The ACLU-NM permanent law clerk Brendan Egan passed the New Mexico bar exam this summer and was sworn in on September 26, 2008. He becomes the ACLU-NM's second full-time staff attorney!

Summer law clerk **Paige Duhamel** did incredible work on a variety of cases this summer and returned to school August 22, 2008. We'll miss her!

UNM law student **Pamela Hernandez** began as the fall law clerk on August 25, 2008.

ACLU OF NEW MEXICO LEGAL DEPARTMENT

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

LEGAL PANEL

Reber Boulton
Phil Davis
Jane Gagne
Maureen Sanders



Max, one of our favorite civil liberties guard dogs!

Legal Report *Continued from page 2*

Dona Ana County Detention Center

Attorneys Nancy Koenisberg, Rosemary Bauman, and Tim Gardner of Protection and Advocacy, teamed up with attorneys Peter Cubra, Mike Lilley, Lisa Schatz-Vance, Simon Tuck, and George in a lawsuit filed against the Dona Ana County Detention Center for failing to provide adequate mental health care to inmates. Settlement discussions are underway.

Springer/CYFD

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

Bush Visit Protest

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

IN THE APPELLATE COURTS

Unlawful Search and Seizure Resulting from Astorga Search

Co-Legal Director Jane Gagne won a motion for summary judgment against defendants in this Fourth Amendment lawsuit regarding former in-laws of Astorga who were unlawfully searched and detained during Bernalillo County Sheriff's scorched-earth hunt for Mr. Astorga. The in-laws were in fact cooperating in the search when they were detained and their home was searched. U.S. District Judge Bruce Black held that familial association alone was insufficient grounds for the search and seizures. The County appealed the case to the Tenth Circuit Court of Appeals. Oral argument was held on September 24, 2008.

Albuquerque Voter I.D.

Attorneys Andy Schultz and Kip Purcell of the Rodey Law firm are handling the appellate briefing for the ACLU-NM after the City appealed its loss in the district court. The US Supreme Court issued a decision this term upholding the Indiana Voter ID law, but Andy and Kip have submitted a strong brief distinguishing the Albuquerque ordinance from the Indiana law. The oral argument was held on September 25, 2008.

Welcome New ACLU Staff!



Kathryn Turnipseed serves as the associate director for the ACLU of New Mexico. Prior to joining the staff in May of 2008, Kathryn created in 2006, Siladana LLC, a small private-company specializing in advocacy, program development, and strategic planning services for the non-profit sector. In New Mexico she worked as the executive director for the Metropolitan Homelessness Project and the program manager for the St. Martins Hospitality Center. In 1993, Kathryn moved to Zagreb, Croatia where she co-founded the first women's human rights organization. She is an active member and organizer in her community, and presently serves as the Board President for the Albuquerque Vipassana Sangha. She received her BA in Psychology from University of Evansville and her MBA from Rutgers University.

Consuelo Gonzales, development & communications assistant, recently joined the ACLU of New Mexico staff this summer. She earned her undergraduate degree in Romance Language Studies with a concentration in French and Spanish Literature and Iberian Studies from Wesleyan University in May of 2008. Prior to joining the ACLU, Consuelo translated for non-profits and did extensive student organizing for service-learning programs abroad and at her university. She also worked for the Violence Against Women's Act program at Catholic Charities. Consuelo grew up in Albuquerque, and is happy to be home.





DAVID L. BRUGGE

I Support the ACLU Because...

“Being a member of the ACLU sets an important precedent that applies to us all: it protects us from the injustices of the government and safeguards our basic fundamental rights”

-David L. Brugge, ACLU of New Mexico Member & Donor

David L. Brugge was born in Jamestown, New York on September 3, 1927. At the age of 25, Brugge moved to New Mexico to work for the Navajo Surplus Commodity Program based in Gallup for the New Mexico Department of Public Welfare. Following this experience, Brugge stayed in NM to conduct anthropological and ethnohistorical research for the Navajo Nation focusing primarily on tribal land disputes. Since then, Brugge has produced over a 150

publications on a range of topics such as archaeology, ethnohistory, architecture, linguistics, material culture, land use and contemporary Navajo life. In the spring of 2005, Brugge received an Honorary Doctor of Letters from the University of New Mexico. He is a member of numerous national, regional and local anthropological and archaeological societies, and has been a member of the ACLU for over a decade.

ACLU of New Mexico Board of Directors Launches Annual Fund Campaign

Kathleen MacRae, Development Director

At the August meeting, the ACLU of New Mexico statewide Board of Directors launched their Annual Fund Campaign to reach out to current donors and raise additional revenue for the organization.

“This campaign is, more than anything, about getting to know our most committed supporters and bringing them closer to the organization. We want to understand their concerns and priorities, as well as inform them about our recent accomplishments and the civil liberties challenges we’ll be confronting in the future,” said Kate Ferlic, development committee chairperson.

“We’re asking many of our supporters to consider increasing their annual contribution to the ACLU of New Mexico to \$1,000 or more,” Ferlic continued. “We have many individuals who are loyal donors, but for us to remain viable and grow, we need members to increase their support with an understanding of how these funds will be used to defend and expand civil liberties in the state.”

The ACLU of New Mexico is currently in the third year of a five year expansion plan being capitalized by the National ACLU. New Mexico is one of the first four states to receive a multi-year investment from the national office as part of an effort to “fill in the middle.” Currently, the east and west coasts of the U.S. have the strongest ACLU affiliates, but in the middle of the country, where civil liberties challenges are the greatest, many affiliates struggle for resources. The Annual Fund Campaign is one effort that ACLU-NM is using to raise more revenue and sustain the expansion.

The National ACLU and the ACLU of New Mexico share a common vision: to build a powerful and proactive ACLU presence that reaches into every corner of the state; to expand our cutting edge programs; and to ensure the ACLU’s stability and permanence now and for future generations. A successful Annual Fund Campaign will bring in new revenue to the organization and build strong relationships with ACLU members, which will help ensure that this vision can be realized now and in the years ahead.

Support the Annual Campaign! Donate online at www.aclu-nm.org



KATE FERLIC

Development Committee Chair
ACLU-NM Board of Directors



www.aclu-nm.org

This article originally ran on the
ACLU Blog www.blog.aclu.org on
Constitution Day
September 17, 2008

Voting Rights *Continued from page 1*

ment? Yes! Hence, today “We the people...” has a fervent meaning that popular sovereignty exists and the Constitution was eventually ratified by all 13 states. This was done by citizen involvement and participation to ensure the Constitution stands for all people.

I believe, like James Madison, that the Constitution is a masterful document detailing express powers of the government while ensuring both state and citizen rights. But I also believe as Thurgood Marshall stated:

[T]he government they devised was defective from the start, requiring several amendments, a

civil war, and momentous social transformation to attain the system of constitutional government, and its respect for the individual freedoms and human rights, that we hold as fundamental today.”

Yet there remain individual freedoms and human rights – the right to vote – that must still be enforced. Until these rights are consistently enforced, I will, as Marshall eloquently stated, observe the anniversary with hopes not realized and promises not fulfilled.

Get involved and give the Constitution meaning! Know your voting rights ... act! If you have problems voting or questions about voting, call 1-877-523-2792.

Life, _____ and the Pursuit of Happiness: Something’s been missing the past 8 years

I’M A
★ CONSTITUTION ★
VOTER

We need to let our leaders know that when we step into the ballot box the Constitution will be the first thing on our minds.

*Sign the pledge and get a free bumper sticker!
Visit www.aclu.org/constitutionvoter*

KNOW YOUR RIGHTS CAMPAIGN

Consuelo Gonzales, Development & Communications Assistant



In September 2007, the ACLU of New Mexico's Border Rights Project launched the *Know Your Rights* campaign to educate all New Mexico residents—regardless of their legal status—about their civil liberties. This campaign was created in response to the unlawful practices of local law enforcement raiding homes without search warrants, interrogating families without evidence of criminal activity, and targeting households on the basis of race and ethnicity. The Border Rights Project aims to empower immigrants along the border for the benefit of the entire community. Fear of deportation prevents many immigrants—documented and

undocumented—from going to the police when they are victims of crime or when they have witnessed suspicious activity, thus undermining the safety of the community as a whole.

Border Rights Project program coordinator Emily Carey has reached more than 400 community members through Know Your Rights presentations. Due to widespread immigrant fear of gathering in public spaces, Carey meets with local leaders who then pass the word to their respective communities. Through activities such as role-playing and informal discussions, her presentations outline what to do in case of a raid, an arrest, or harassment from law enforcement officers.

These presentations provide crucial support to the community, by creating a safe-space for dialogue. Carey states, "While these presentations can inform community members of their civil rights and how to defend these rights, they also serve as a catalyst for organizing and for the ACLU to better understand and respond to community concerns."

As the *Know Your Rights* campaign enters its second year, ACLU of New Mexico staff will continue to push for the program's success, marked by an overall improvement of public safety throughout the borderland region, and enhanced channels of communication shared between community and law enforcement members.

In living rooms, churches and community centers across the state, immigrants' rights groups are running underground campaigns to teach documented and undocumented immigrants to know and protect their rights as residents of the United States.

If you are interested in a presentation or a speaker for your group or organization, please contact Emily Carey at the Southern Regional Office and Border Rights Project at 505-527-0664 or email ecarey@aclu-nm.org.

Survey Results

What are your civil liberties concerns and priorities?

We would like to thank the over 70 participants who responded to our survey from the summer issue of *The Torch* and from our Web site. We truly appreciate you taking the time to share your opinion about civil liberties with us, and for the past couple of months have taken note of your most serious interests and concerns. Your responses will help us understand how we can better serve and reach our community of members. For the full account, please visit us online at www.aclu-nm.org to see what issues ACLU members are most concerned with today.

Here are a few highlights our survey results revealed:

- 81% believe the immigration process should be revamped to bring immigrants out of the shadows and to create a secure and orderly process for immigrants to legalize their status; they should abide by all our laws, but their rights should also be acknowledged.
- Of the most important civil rights challenges for the ACLU to address in New Mexico, 61% believe protecting free speech, especially the freedom to protest the government's policies, is of prime concern; defending the right to reproductive choice and the right to vote were a close second and third.
- 65% of respondents believe the expansion of executive branch powers through legislation like the USA Patriot Act and secret spying activities (i.e. warrantless wire-tapping) is one of the most concerning trends of our federal government today.
- The top three issues ACLU members would like to learn more about are:
 - 1) **Closing of Guantanamo** and stopping the unlawful, indefinite detention of suspects
 - 2) **Reforming the USA Patriot Act** and related anti-terrorism laws.
 - 3) **Stopping 'extraordinary rendition'** and the use of torture to interrogate terrorist suspects.

ACLU Board of Directors Notice of Elections, 2009

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

A 250-word statement of interest to the ACLU-NM Board Administration Committee to be considered as a Board nominee; or

A petition signed by 1% of the ACLU-NM membership (currently 4,649 members), supporting your nomination, along with a 250-word statement of interest.

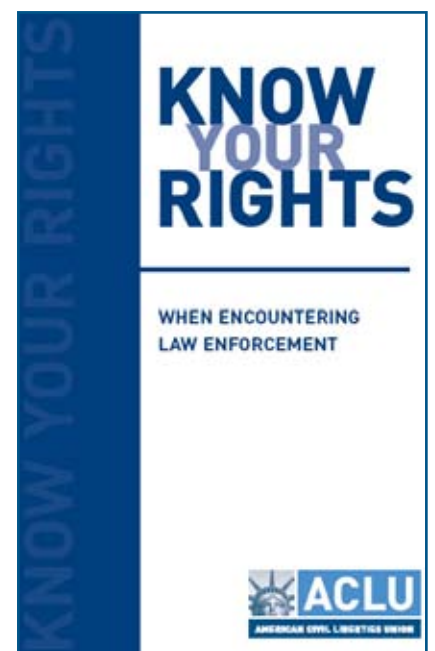
Please Note: Statements of interest must include a statement of willingness to serve, if elected.

The ACLU-NM office must receive statements of interest and signed petitions by **November 28th, 2008**. Nominee names will be placed on the election ballot and their statements will be published in the next issue of the ACLU-NM's quarterly newsletter, *The Torch*.

Please mail petitions and statements to:

Board Administration 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 31st, 2009**.



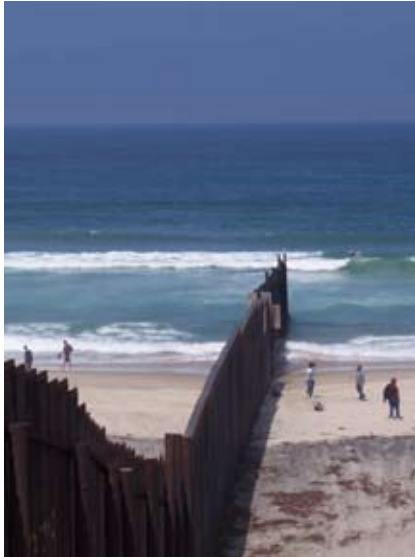
The ACLU's *Know Your Rights* booklet provides effective and useful guidance in a user-friendly question and answer format. The booklet addresses what rights you have when you are stopped, questioned, arrested, or searched by law enforcement officers. This booklet is for citizens and non-citizens with extra information for non-citizens in a separate section. Another section covers what can happen to you at airports and other points of entry into the United States. The last section discusses concerns you may have related to your charitable contributions and religious or political beliefs. The booklet tells you about your basic rights. It is not a substitute for legal advice. You should contact an attorney if you have been arrested or believe that your rights have been violated.

This free booklet is available in English, Spanish, French, Arabic, Urdu, and Farsi.

Visit www.aclu-nm.org or call (505) 266-5915 ext. 1003.

Fighting for Civil Liberties in a Town Near You

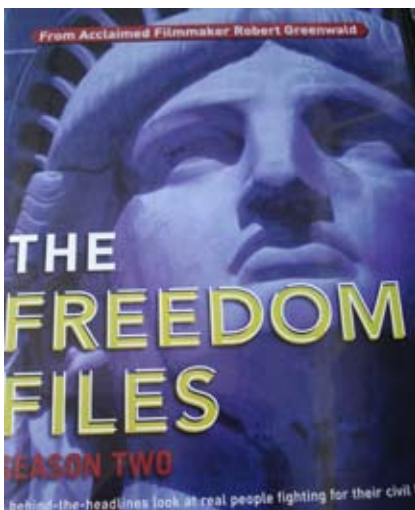
Consuelo Gonzales, Development & Communications Assistant



U.S./Mexico Border in southern California, marks the division between the U.S. Border Field State Park and Mexico's Playas de Tijuana. PHOTO: Emily Carey



(L to R) Michael Herzenberg, Nancy Hollander, and Peter Simonson at the forum on Guantanamo. PHOTO: Cedar Attanasio



6.17.08

Abriendo Caminos Workshop Highlights Human Rights Abuses at the Border

SAN DIEGO—Emily Carey from the ACLU of New Mexico Southern Regional Office & Border Rights Project (BRP) attended a workshop on human rights abuse at the U.S.-Mexico border sponsored by the ACLU Human Rights Program, the ACLU of San Diego and Imperial Counties, the University of San Diego Trans Border Institute, and the Comision Nacional de los Derechos Humanos. Close to 150 grassroots organizers, legal and policy advocates, and community members assembled to confer about the trends and consequences of border enforcement and immigration policy. Topics discussed included privatization of detention centers across the country, construction of the Border Wall, federal immigration law practices conducted by local law enforcement agencies, and the communities most affected by such developments. This workshop was crucial in understanding the most prevalent concerns amongst neighboring borderlands, and the concerns unique to each state within this region. The opportunity enabled New Mexico's BRP to further develop its network and to align itself for an even greater coalition of support—one that effectively extends beyond our state and well into the southwestern part of the country.



6.26.08

Immigration & Customs Enforcement Center Begins Operations

CHAPARRAL—The new and privately contracted Immigration and Customs Enforcement detention facility opened its doors in late June in Otero County. The private contractor responsible for the new facility is Management & Training Corporation, the same company responsible for the infamous Abu Ghraib facility, as well as the intolerable medical care conditions inmates received years ago in the Santa Fe County jail. Recent examination of privatized prisons and detention centers, have shown that an unprecedented number of immigrants are being detained while the private-prison industry flourishes. What remains unclear, however, is if whether adequate access to legal and health care services are available to detainees. The ACLU of New Mexico Southern Regional Office & the Border Rights Project is presently teaming up with area advocates and facility staff to ensure access, oversight, and accountability in this new facility.

7.27.08

Forum in Santa Fe Sheds Light on Guantanamo Bay

SANTA FE—Special guest attorney Nancy Hollander, along with KRQE News' Michael Herzenberg, and ACLU-NM Executive Director Peter Simonson, gathered at the Santa Fe Women's Club to host a discussion on the developing situation in Guantanamo Bay. Close to 80 community members crowded the performance hall to listen to Hollander, an Albuquerque lawyer who currently represents Mohamedou Ould Slahi, a Mauritanian man who has been imprisoned at Guantanamo Bay since 2001. Herzenberg, who on a recent visit covering the story of the 70 New Mexico National Guard troops in Guantanamo, spoke about his experiences with operational security and the tight limits on information.

8.21.08

ACLU-NM Southwestern Chapter Hosts Film Screening Event

SILVER-CITY — Members of the Southwestern Chapter of the ACLU of New Mexico organized a viewing of an episode from the latest season of the ACLU Freedom Files film series. The episode documented the federal government's unjust system of surveillance and the increasing invasive impact such measures have over daily life activities. The film was the centerpiece of the roundtable discussion that followed the screening.



If you would like to host a community premiere of *The Freedom Files* in your own home or community, visit www.aclu.tv for a toolkit providing you with everything you need to host a successful event and harness the power of the media in your area.

ACLU of New Mexico Holds First Teen Civil Rights Day in Taos



JANE GAGNE speaks to conference attendees. PHOTO: Cedar Attanasio

Cedar Attanasio, Joe Joiner Intern

On July 12, 2008 in Taos, the ACLU of New Mexico's Northern Office hosted its first "Teen Civil Liberties Day," a pilot-program aimed to educate New Mexico youth about their civil rights.

Held at the Taos Presbyterian Church, the conference attracted 25 teens, educators, and youth advocates from northern New Mexico. Headlining the event were keynote speakers, criminal defense attorney and Teen Court Judge Rachel Kolman, criminal defense attorney Alan Maestas, and ACLU-NM Co-legal Director Jane Gagne. The speakers provided a concise history of the Bill of Rights, and engaged the audience through an interactive presentation on how to handle unwarranted police stops. Other issues brought to the foreground of the conference were LGBT rights, student drug testing, and freedom of speech in schools.

At the end of the conference, all teen participants were given free student memberships to the ACLU, an initiative that we hope will foster a lifetime of public interest and involvement in social justice issues.

Upcoming Events

BOOKS WON'T STAY BANNED. THEY WON'T BURN. IDEAS WON'T GO TO JAIL. IN THE LONG RUN OF HISTORY, THE CENSOR AND THE INQUISITOR HAVE ALWAYS LOST. THE ONLY WEAPON AGAINST BAD IDEAS IS BETTER IDEAS.

-ALFRED WHITNEY GRISWOLD

An Evening Without...

Santa Fe Women's Club, 1616 Old Pecos Trail, Santa Fe
Sunday, October 19, 2008, 5 p.m.

"An Evening Without..." is a special ACLU event to raise awareness about ideological exclusion and the threat it poses to the free exchange of ideas. This event will feature leading local writers and artists, including Hampton Sides, Mark Behr, Owen Lopez, Linda Durham, Barbara O'Connor, Jonathan F. Richards, and Luci Tapahonso (invited), reading from the works of writers, poets, and scholars whose political views led to their exclusion from the United States.

Hosted by the Northern Chapter of the ACLU of New Mexico. Sponsored by the ACLU of New Mexico, PEN New Mexico, and Santa Fe Public Library. Free and open to the public—suggested donation \$10. Light refreshments will be served afterwards.



America's War On Sex: The Attack on Law, Lust, & Liberty

The Vortex Theatre, 2004 1/2 Central Ave SE, Albuquerque
Thursday, October 30, 2008, 7 p.m.

Join us for an evening with Dr. Marty Klein, marriage counselor and sex therapist. Dr. Klein aims to educate the public about sexuality, empower individuals through teaching them to feel sexually adequate and powerful, and to support healthy sexual expression and exploration by both sexes. He is frequently critical of censorship, the concepts of "sex addiction" and "porn addiction," and the anti-pornography movement. Dr. Klein is a dynamic presenter offering boundless energy, thought-provoking concepts, and plenty of humor. Attendees love his unpredictable question-&-answer sessions. Free and open to the public.

Pláticas, November 2008 Engaging the Community in Civil Liberties During the 2009 New Mexico Legislative Session



Join us for one (or all) of these town hall style meetings to learn about our priorities for the upcoming 2009 Legislative Session and how you can get involved. Hear from Diane Wood, director of the Northern Office of the ACLU of New Mexico and representatives from NARAL Pro Choice New Mexico and the Coalition to Repeal the Death Penalty. We will give you the tools you need to speak with your legislators about the issues that are important to you, learn how to 'take action' when it matters most, and meet other like minded civil libertarians in your area.

Silver City: Wednesday, November 5, 2008, 5:30 p.m.

The Unitarian Universalist Fellowship of Silver City, 3845 N. Swan

Las Cruces: Thursday, November 6, 2008, 5:30 p.m.

The Unitarian Universalist Church of Las Cruces, 2000 S Solano Dr

Gallup: Thursday, November 13, 2008, 5:30 p.m.

Location TBA

Albuquerque: Tuesday, November 18, 2008, 5:30 p.m.

Rotunda, UNM Science and Technology Park, 801 University NE

Santa Fe: Thursday, November 20, 2008, 5:30 p.m.

Fogelson Hall, Unitarian Universalist Congregation of Santa Fe, 107 W Barcelona Rd at Galisteo

Annual Bill of Rights Dinner with Keynote Speaker Thomas Frank

Sheraton Albuquerque Uptown Hotel
2600 Louisiana Boulevard NE, Albuquerque
Saturday, December 6, 2008 at 6 p.m.
(See article on page 1)

“Frank is a formidable controversialist—imagine Michael Moore with a trained brain and an intellectual conscience.” —*Washington Post*



THOMAS FRANK

Celebrate this year's success in defending our most cherished freedoms guaranteed by the Constitution and the Bill of Rights - and join us as we look to what lies ahead in our fight for freedom.

Visit www.aclu-nm.org/BORD2008 or call (505) 266-5915 ext. 1006 to buy your tickets today!



Stay in the Loop!
www.aclu-nm.org

ARE YOU THE PARENT OF A STUDENT ACTIVIST?

If so, please contact us about the ACLU Student Activist Scholarship Program

16 high school students from across the country will each be awarded a \$12,500 college scholarship for their dedication to preserve our civil liberties

Those students will then become part of an elite "class" of student activists, whose talents and passion will be fostered by the ACLU National Office.

Has your son or daughter stood up for

- RACIAL JUSTICE
- FREE SPEECH
- HUMAN RIGHTS
- EQUALITY
- TOLERANCE

Please contact

Kathleen MacRae (505) 266-5915 ext. 1001
kmacrae@aclu-nm.org
before November 15th, 2008
to arrange an interview.

To learn more about the ACLU, its mission, and our work, please visit www.aclu.org

Photo Credit: Michael Woolsey,
ACLU of Northern California



Support the American Civil Liberties Union of New Mexico

DONATE

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

- \$50
- \$100
- \$250
- \$500
- \$1,000
- Other \$ _____

My donation of \$ _____ is enclosed.

If you would like to have a regular monthly contribution to the ACLU-NM charged to you debit or credit card, please email supportus@aclu-nm.org or call the Development Department at 505-266-5915 x1001.

JOIN

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

- I would like to become a card-carrying member of the ACLU. Enclosed is **\$20** for an **individual membership** or **\$5** for a **student membership**.
- I would like a **joint household membership**. Enclosed is my **\$30** payment.
- I would like to give the **gift of membership**. The name and contact information of the new member I am sponsoring is below.
- I would like to make a contribution to support the ACLU as well as pay for my membership. Enclosed is \$ _____

Billing Info

- Enclosed is a check for \$ _____
- Please charge my credit card \$ _____

Name on Card _____

Address _____ City _____

State _____ Zip _____ Phone _____

- Visa
- Master Card

Card Number _____ Expiration Date _____

Security Code (on back of card) _____

Signature _____

Membership Info (If different from billing info)

Name _____

2nd Name on Joint Membership _____

Address _____ City _____

State _____ Zip _____ Phone _____

- Get updates on the Fight for Freedom.** An informed membership is freedom's best defense. Sign up for ACLU emails to keep informed and know when to act. **Email Address** _____
- 2nd Email** (Joint membership) _____

✉ RETURN TO:

ACLU-NM Development Dept. • P.O. BOX 566 • Albuquerque, NM 87103 • FAX (505) 266-5916 • Questions? Call (505) 266-5915 ext. 1001

The mission of the ACLU of New Mexico is to maintain and advance the cause of civil liberties within the state of New Mexico, with particular emphasis on the freedom of religion, speech, press, association, and assemblage, and the right to vote, due process of law and equal protection of law, and to take any legitimate action in the furtherance and defense of such purposes. These objectives shall be sought wholly without political partisanship.