



Join us for a  
celebration of civil  
liberties!

Hear from leaders in the fight  
for civil liberties, like New  
Mexico **REPRESENTATIVE  
GAIL CHASEY**, sponsor of  
the bill to repeal the death  
penalty that successfully  
passed the state legislature,  
and **NORA RANNEY**, the  
legislative and field director of  
the National ACLU's Lesbian  
Gay Bisexual & Transgender  
Project.

#### ACLU OF NEW MEXICO ANNUAL MEETING AND PICNIC

Sat., April 18, 2009 at 11:15 a.m.

Bosque School, 4000 Learning Rd,  
Albuquerque

Turn at the traffic light at Coors &  
Learning Rd/Dellyne Ave, one block  
south of Coors & Montano.

Lunch \$10 (kids under 12 free)

RSVP: (505) 266-5915 ext. 1006

Members and non-members  
invited. Bring your family and  
friends!



Gov. Bill Richardson signs a ban on the death penalty in New Mexico. The bill was sponsored by Rep. Gail Chasey, D-Albuquerque (right). PHOTO: Copyright © 2008 The New Mexican, Inc. Reprinted with permission. All rights reserved.

## New Mexico Abolishes the Death Penalty

“*Gov. Richardson’s courageous and enlightened decision should send a powerful message to other states, governors and Americans about the need to take a hard look at our error-prone, discriminatory and bankrupting system of capital punishment.*”

--John Holdridge, Director of the ACLU Capital Punishment Project

On March 18, 2009, Gov. Bill Richardson signed his name to a law that abolishes the death penalty in New Mexico, saying, “This has been the most difficult decision of my political career.” The American Civil Liberties Union praises Gov. Richardson and the New Mexico legislature for abolishing the death penalty and replacing it with a sentence of life imprisonment without the possibility of parole. The bill (HB 285), sponsored by Representative Gail Chasey of Albuquerque cleared its final hurdle in the State Senate by a vote of 24 to 18. The House voted 40 to 28 in favor of HB 285. We hope the Governor’s move to sign the bill is indicative of a national trend toward decreasing use of capital punishment.

New Mexico becomes the fifteenth state to abandon capital punishment. The legislatures in a number of other states – including Colorado, Montana, Kansas, New Hampshire and Maryland – have all debated bills this year that would replace the death penalty with permanent imprisonment.

The death penalty is the ultimate denial of civil liberties. In the past 35 years, 130 inmates were found to be innocent and released from death row. State officials and opinion leaders have acknowledged what advocates have said for years: the death penalty is a public policy disaster that is expensive, discriminatory, cruel and immoral.

We acknowledge the tireless work of death penalty opponents, including the remarkable leadership of the New Mexico Coalition to Repeal the Death Penalty, and ACLU members from across New Mexico who lobbied their legislators in support of abolition.

**Learn more about the ACLU Capital Punishment Project <http://www.aclu.org/capital>**

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## THE TORCH

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## New Mexico Loses Civil Rights Hero

A Message From  
Executive Director  
Peter Simonson

Long-time prisoner rights advocate Dwight Duran passed away last November. Dozens of people showed up for a memorial service held at the UNM Law School in January, mostly attorneys who in the 1980s and 90s worked with Dwight on litigation that reformed the New Mexico corrections system, and for which Dwight became the namesake.

Since my earliest work with the ACLU, I have heard the name of Dwight Duran mentioned with the greatest reverence. The Duran case derived from the infamous Santa Fe prison riot in 1980—widely held as one of the most violent prison uprisings in the history of American corrections. Thirty-three inmates died, over 200 were treated for injuries, and, although 12 guards were taken hostage, none of them were killed.

While a prisoner, Dwight helped a cadre of lawyers—including current ACLU volunteer attorneys Phil Davis and Peter Cubra, former ACLU board member Ed Macy, and founder of the ACLU's National Prison Project, Al Bronstein, among others—organize plaintiffs and sort through the appalling conditions at the penitentiary to make a series of targeted legal demands. Their lawsuit ultimately forced the state, under governors Bruce King and then Toney Anaya, to agree to major reforms in fourteen different areas of the correctional system, from attorney visitation to inmate correspondence to mental health and medical treatment.

The Duran Consent Decree ruled over NM corrections for about 20 years (litigation actually began in 1979, but the riot gave it the neces-

sary impetus). While most people on our side of the equation would probably say that the state never fully lived up to the conditions of the decree, and that the corrections system has backslid since the decree was vacated in 1999, a number of speakers at the memorial service credited the decree with leading New Mexico prisons out of the dark ages, from chaotic, dangerous warehouses for inmates to a modern, regulated correctional scheme.

Hearing the anecdotes and testimonies that night, I gained a new appreciation for the person that was Dwight Duran and the magnitude of his achievements. He was not simply a liaison between inmates and attorneys, and an informant on problems in the prison. Dwight was a driving force behind the Duran litigation. Several told of how he helped write legal briefs using only the implements available to him in his cell: a pencil and toilet paper. He actively contributed to negotiations with the corrections administration and buoyed the morale of the legal team when things got tough.



**DWIGHT DURAN**  
a former inmate whose landmark lawsuit on New Mexico prison conditions in 1977 led to sweeping reforms in the state's corrections system, has died. He was 68.



## ACLU Hosts Student Lobby Day

The Northern Regional Office of the ACLU held its first annual Student Civil Liberties Lobby Day, an event designed to engage youth in the advocacy and lobbying processes. Approximately 50 high school students from Albuquerque and Santa Fe joined together to become informed on issues encroaching on New Mexicans' civil liberties. The topics included domestic partnership, repealing the death penalty, reproductive freedom, and spying on freedom.

ACLU executive director Peter Simonson, director Diane Wood, communications director Whitney Potter, interns Alexis Dudelczyk, Erin Adair, and Carson Baskin, lobbyists from the Gay Straight Alliance, and other experts helped educate students on the aforementioned topics. Open dialogue and facts explaining how these issues affect citizens' civil liberties were discussed. More importantly, emphasis was placed on the ability for young people to change the

way their legislators vote on these issues and that advocacy and lobbying are two means to achieve such change.

Once students were educated on the issues, they were brought to the New Mexico state capitol and introduced to their respective senators and representatives. Discussion on the topics, personal stories and experiences, and facts were exchanged, providing students with the opportunity to advocate for the issues for which they most strongly believed.

Following the event, students were asked to send postcards to the ACLU reflecting on their experience. Many expressed their excitement in being able to personally create change and discuss these issues with their legislators. Furthermore, students wrote they felt engaged and educated on issues that were important either personally, morally, or socially.

**-ALEXIS DUDELCHYK**

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## Online Petition for Domestic Partnership

Although the legislation that would have created domestic partnerships died in the state Senate, the fight for equal rights continues. The ACLU along with our coalition partners are sponsoring an online petition calling for New Mexico to grant unmarried cohabitating couples the same protections under the law as married couples. The coalition hopes to impress upon the state Legislature that the fight for fairness and legal protections for all New Mexican families



is not over – and won't be until this basic civil right has been guaranteed for all. We've already gathered over a thousand signatures, but we need more. Let our state legislature know that the time has come to recognize and provide legal protections for domestic partnerships by adding your name to the petition. Go to:

[www.thepetitionsite.com/1/DP09](http://www.thepetitionsite.com/1/DP09) Thank you for your ongoing support for fairness for all New Mexico families.

## ACLU Asks Justice Department To Appoint Independent Prosecutor To Investigate Torture

The National ACLU sent a letter to Attorney General Eric Holder reiterating its call for the Department of Justice to appoint an independent prosecutor to investigate the authorization to use torture at CIA secret prisons. This follows recent revelations that the International Committee of the Red Cross (ICRC) concluded in 2007 that the treatment of detainees being held by American personnel constituted torture, as well as cruel, inhuman or degrading treatment. The ICRC report is based on harrowing accounts from detainees about the treatment to which they were subjected.

The ACLU's letter, signed by Executive Director Anthony D. Romero is available online [www.aclu.org](http://www.aclu.org)



## Defending Civil Liberties in Challenging Times

The historic inauguration of President Barak Obama couldn't help but inspire people across our country and in all corners of the globe. It was with a deep sigh of relief that civil libertarians saw an end to eight long years of struggle against a White House that disdained the Constitution and core American values of freedom and fairness. A new President is only an opportunity for change, however, and not the solution unto itself. The ACLU has tremendous work ahead of it to undo the damage of the last two presidential terms.

Here in New Mexico, it's heartening to know that many people consider civil liberties a high priority. Even though New Mexico ranks 36<sup>th</sup> in population out of the 50 states, when it comes to ACLU membership we rank 24<sup>th</sup>. This means that ACLU of New Mexico has a broad base that can help in these challenging economic times.

You'll notice that there's a new addition to *The Torch* this issue—a donation envelope. If you are in a position to provide a gift to support our work, please use it. And please consider becoming a monthly sustainer, a *Freedom Fighter!* It's a way for you to contribute to ACLU of New Mexico with small, automatic payments through your debit or credit card that are easy on your budget, but have a significant impact on ours.

Thank you for your commitment and dedication to defending civil liberties in New Mexico. If you have any questions about membership or ways to support our work, contact Kathleen MacRae, Development Director at 505-266-5915 x 1001 or email [supportus@aclu-nm.org](mailto:supportus@aclu-nm.org).

-KATHLEEN MACRAE

## Border Patrol Supervisors Back to Work

The ACLU of New Mexico today ended litigation against U.S. Customs and Border Protection (CBP) authorities on behalf of two CBP agents. Supervisory Agents Juan Curbelo and William Leafstone, Jr. were returned to their regular positions in January and had all job privileges restored.

"We're delighted our clients got the relief they wanted and deserved: full restoration of their job duties," said Peter Simonson, executive director of the ACLU of New Mexico. "Agents Curbelo and Leafstone rightfully spoke up against stopping vehicles without reasonable suspicion. This lawsuit brought to light that the practice of 'shotgunning traffic' is clearly unconstitutional."

In December 2006, Curbelo's ex-wife, Concepcion Curbelo, and his children were stopped by a Border Patrol agent during a "shotgunning" patrol near Rodeo, New Mexico. The agent arrested Ms. Curbelo for allegedly possessing and trafficking marijuana and took her to the Border Patrol station in Lordsburg. A short

time later, agent Curbelo received a copy of the incident report regarding his ex-wife's arrest. Both he and Agent Leafstone noted inconsistencies in the report that, they concluded, were intended to cover up the fact that Ms. Curbelo was stopped without reasonable suspicion. A federal judge in New Mexico agreed and suppressed the evidence against Ms. Curbelo.

Agent Curbelo reported his concerns to the Office of the Inspector General in January 2007. Agent Leafstone testified at Ms. Curbelo's hearing regarding the practice of "shotgunning traffic." The Border Patrol subsequently removed their badges and placed them on administrative duties. After initially receiving a notice that they might be terminated, the Agents ultimately received only minor disciplinary actions and then were fully restored to their jobs this week by their Chief.

The ACLU lawsuit was filed by Staff Attorney George Bach (ACLU-NM) and co-counsel Dan Pochoda (ACLU-AZ) on May 21, 2008 in U.S. District Court in Tucson, Arizona.



## MEMBER PROFILE: Representative Mimi Stewart

*“The ACLU-NM is a very important organization, for it is often the only thing that stands between a government run amuck and civil liberties...They keep track of regulations that impact legislation and privacy policies and ensure that new laws impact people’s lives positively...I am proud to be an ACLU-NM member and happy to contribute” –Rep. Mimi Stewart*

Raised in the Southwest and educated in Massachusetts, Mimi Stewart has been active in New Mexico politics since moving here in 1978. A State Representative since 1995, she works part-time as a Resource Teacher with the Albuquerque Public Schools.

In the past, Rep. Stewart has worked hard to pass legislation to create an extended school year for disadvantaged youth called The Kindergarten to Third Grade Plus project, a state-wide water plan, gray water system regulations, domestic violence interventions, emergency contraception for rape victims, and rights for mobile home park tenants. She gained national recognition for her innovative work on prohibiting insurance companies from discriminating against victims of domestic violence and was voted “Legislator of the Year” by the New Mexico Wildlife Federation for her work to decrease poaching of wildlife in New Mexico.

Rep. Stewart was a sponsor of the House version of the Domestic Partner Rights and Responsibilities Act during the 2009 legislative session. Stewart’s success in winning the bill’s approval in the House in 2008 did not ensure an equal victory in the Senate this year, therefore the bill never reached the House side. Rep. Stewart remains one of the state’s leading activists for domestic partnership, and stands firm in her commitment to bringing equality and fairness to all New Mexicans.

Rep. Stewart has two children, a thirty-five-year-old stepson working in the computer industry in Boston, and a twenty-five-year-old daughter writing in Los Angeles. In what spare time she can find, she enjoys acting in local community theater, gardening, painting, and calling traditional contra and square dances.

**-CONSUELO GONZALES**

## ACLU Instrumental in the Fight For Fairness

For several years the ACLU of New Mexico has been working to pass a comprehensive domestic partnership bill. The bill would provide both gay and straight couples with all of the legal benefits the state provides to married couples, including health care benefits, medical decision-making, adoption rights and protections upon death of a partner.

The New Mexico legislature’s failure to pass the domestic partnership bill this session was a blow for all of us who believe in the values of fairness and inclusion. It’s an especially painful disappointment for the couples and families who’ve made a commitment to each other for life and seek only an equal commitment under the law. But it is not the last word. The ACLU is committed to continue to work for equality in New Mexico. Thank you for your continued support for this important work.



**Including the ACLU of New Mexico in your will is worth more than words can convey.**

**In fact, today it’s worth up to \$10,000.**

Through the LEGACY CHALLENGE, naming the ACLU of New Mexico Foundation in your will or trust qualifies us to receive up to a \$10,000 matching donation today from our generous donor the Robert W. Wilson Charitable Trust. It’s that simple.

So if you have the will, we have the way.

To learn more, please call 505-266-5915 x1001.

**Please act now. The Legacy Challenge ends May 31, 2009.**

## Support the ACLU of New Mexico!

There has never been a more important time to take a stand and support the work of the ACLU. The ACLU of New Mexico has successfully defended our most cherished freedoms time and again against the relentless assaults on civil liberties. Now more than ever, we need a strong membership behind us as we undertake some of the most significant civil rights cases in our history.

[www.aclu-nm.org](http://www.aclu-nm.org)



Special guest State Senator Eric Griego addresses the crowd at the 2008 ACLU of New Mexico Bill of Rights Dinner. PHOTO: Ossy Werner

## Civil Rights Hero

► *continued from page 2*

At the same time, Dwight, who was respected by people both inside and outside of the prison, kept a lid on discontent and violent ambitions bubbling among inmates after the riot. He persuaded some convicts who rejected the litigation as naïve, and who saw uprising as the only solution, to join the suit as plaintiffs. One speaker credited Dwight with making sure that none of the guards taken hostage during the riot were harmed or killed.

Through it all, Dwight exerted leadership at all levels with a calm optimism and a conviction that inmates, no matter how lowly or despicable their crime, should be treated with dignity. NM Representative Moe Maestas, Dwight's nephew, recalled a scolding that Dwight gave him one night when, as a kid, Moe forgot to feed his dog. "That dog can't feed himself," Dwight said. "Either you take responsibility for caring for him or give him to someone who will."

Another of Dwight's nephews said that Dwight followed the bible's instruction that one should be led by "a hard mind and a soft heart." Animals merited special care in Dwight's world,

perhaps because they, like inmates, live under others' custody.

While most people spoke at the service of Dwight's involvement in the Duran case, attorney Peter Cubra reminded the crowd that Dwight continued to advocate for social justice after the consent decree and after he left prison. He was instrumental in changing policies to improve care for people with mental illness at the state hospital in Las Vegas. Peter said his accomplishments there contributed to the formation of Protection and Advocacy, Inc.

My few encounters with Dwight concerned his attempts to reform conditions in the San Miguel County jail.

Dwight was a visionary and a quiet, humble force for change. Remarkably, throughout his life he exercised leadership under conditions that would all but extinguish an enthusiasm for social justice among many of us professional advocates.

The world lost a true hero with Dwight's passing and, attending his service, I gained special insight into what people mean when they say that we at the ACLU only accomplish our work "by standing on the shoulders of giants."

## Thank You!

Thank you to the State Bar of New Mexico Pro Hac Vice Fund for their generous grant support of ALCU of New Mexico's habeas corpus work in the immigrant community.

# Be seen at an ACLU event!

On December 6, 2008 over three hundred ACLU members and guests alike, filed into a packed ballroom at the Albuquerque Sheraton Uptown Hotel, to celebrate the ACLU of New Mexico's annual Bill of Rights Dinner. Community members from around the state, united with friends and old acquaintances, to celebrate the year's accomplishments and the organization's agenda set for "forging ahead" as we now pursue the fight for freedom, in a post-Bush era.



Associate Director Kathryn Turnipseed (left), guest Tamara Saimons (bottom left), and UNM Law Professor Eileen Gauna (right). PHOTO: Ossy Werner



Board Members Tova Indritz and Mark Ayers congratulate ACLU-NM Vice-President Theo Crevenna after he received the 2008 Lifetime Achievement Award. PHOTO: Francisco Gonzales



(From left to right) ACLU of New Mexico former board member Joan Spencer and Emeritus member Gene Lindsay with guests. PHOTO: Ossy Werner



ACLU of New Mexico Executive Director Peter Simonson (left), keynote speaker Thomas Frank (center), and Board President Gary Mitchell (right) at dinner with guests. PHOTO: Ossy Werner



## Get Involved!

Join the Northern Chapter of the ACLU of New Mexico for a series of lunch discussions held the third Tuesday of every month in Santa Fe. For more information, or to suggest a topic for future discussions, contact Barbara at (505) 989-9113.

## Join Our Online Community

With the help of dedicated volunteers and community activists, the ACLU of New Mexico works to raise awareness about the importance of preserving the individual rights and liberties that are guaranteed to all people in this country by the Constitution and laws of the United States. 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.

[www.aclu-nm.org](http://www.aclu-nm.org)

◀ 2008 Cooperating Attorney Awardees David Urias, Zachary Ives, and Alexandra Freedman-Smith, of Freedman, Boyd, Hollander, Goldberg & Ives, P.A. PHOTO: Ossy Werner



Welcome!  
VICKI BAUBECA

## New Director to Head Regional Center for Border Rights

Vicki Gaubeca has more than 20 years of upwardly progressive and leadership experience in community organizing, public affairs, communications, and public health in a variety of settings, but immigrant rights—as well as any civil rights—is an issue close to her heart. Born and raised in Mexico City, Vicki Gaubeca joined the ACLU of New Mexico most recently from Tucson, Arizona, where she was a passionate advocate and supporter for both immigrant rights and the lesbian, gay, bisexual and transgender community (LGBT). She has participated in numerous university and community LGBT groups and committees, including

Wingspan, Equality Arizona and the University of Arizona OUTReach group, where she helped obtain domestic partner health benefits for state employees. In addition, she took leadership roles in campaigns that aimed to defeat anti-LGBT legislation in Arizona. She has a B.A. degree in English/Communications and a master's degree in public health. Ms. Gaubeca, who speaks Spanish and English fluently, completed her public health internship in Guatemala, where she conducted an evaluation of a government health model in the country's most rural state.

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Call (505) 266-5915 ext. 1006

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