

THE TORCH

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MOBILIZING AGAINST TEXAS' DANGEROUS LEGISLATION WITH ACLU'S BORDER HUMANITY PROJECT

By Carla Palacios, Communications Strategist

In this interview, our Border and Immigration Policy Advocate Leonardo Castañeda shares how the ACLU of New Mexico and the Border Humanity Project (a group of ACLU affiliates in New Mexico, Arizona, San Diego, Imperial Counties, Texas, and the ACLU National office) worked together to issue a travel advisory in response to extremist laws passed by Texas lawmakers that target immigrants and people of color.

The Texas legislature has passed some of the most cruel and deadly laws in the country in recent years, often backed by white supremacists and underscoring the state government's ever-growing anti-immigrant sentiment. Operation Lone Star and the installation of concertina wire fencing at the Texas and New Mexico borders, as well as the use of deadly razor-edged river buoys on the Rio Grande, are prime examples.

One law, SB4-88S4, currently blocked by the courts, creates a new state crime for unauthorized entry or re-entry into Texas from a foreign country. It puts tremendous power in the hands of local and state law enforcement officers who are not trained in immigration law and have no constitutional authority to enforce it. It includes a provision to allow Texas judges to order people to leave Texas and go to Mexico without a chance to seek the legal protections to which they're entitled. Another law signed by Texas Gov. Greg Abbott on November 21, SB4-88S3, creates completely disproportionate minimum sentences of up to 10 years for people accused of "human smuggling," under which Texas has charged children as young as 14 to 17.

Carla Palacios (CP): Thank you for taking the time to chat with me, Leo! Can you share how the Border Humanity Project (BHP) works? How did all the ACLU border affiliates coordinate to strategize this travel advisory?



Photo: Leo Castañeda

Leonardo Castañeda (LC): Sure! BHP provides a space and structure where southern border affiliates and ACLU National can collaborate with each other to promote and advocate for humane border policies.

After Gov. Abbott signed SB-4 into law last December, we asked BHP and the affiliates bordering Texas - Oklahoma, Arkansas, and Louisiana - to review and sign-on to the advisory and share it with the community in their own states. We chose to involve all the border affiliates because it showed a unified front. This isn't just a New Mexico issue, it's a regional concern.

CP: Is that how our immigrants' rights team came up with this action? How has this strategy been used in the past?

LC: We landed on this action by studying previous ACLU strategies. Our affiliate participated in the travel advisory issued about Arizona when their legislature passed the "Show Me Your Papers" bill (HB 1070) back in 2010. We didn't invent this of course and there have been many organizations that have utilized travel advisories to warn their own residents about travel to states that have laws hostile to people of color, our LGBTQ+ community, etc.

We appreciate this strategy because it sends a clear message: We reject racist efforts made by extremist politicians, and we stand in solidarity with our colleagues in Texas and border communities in opposition to this bill.

CP: The travel advisory generated a ton of buzz in the media when it first came out. Many of our supporters across our so-

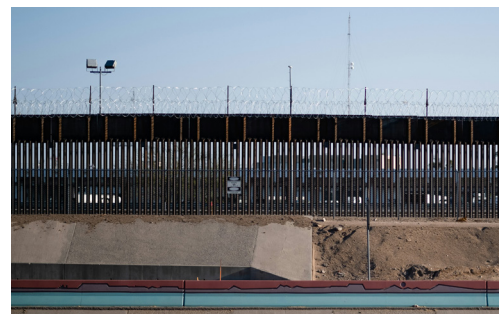


Photo: Border Wall in El Paso, Texas.

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FROM THE DESK OF EXECUTIVE DIRECTOR PETER SIMONSON

Can American policing be fixed? It's a question I frequently ask myself, especially now that the Albuquerque Police Department (APD) is nearing full compliance with all 300 provisions in its consent decree with the U.S. Department of Justice. How much has truly changed and is APD a fundamentally different police force than it was ten years ago when officers were regularly and randomly shooting people who were mentally ill?

Since 2020, use of force incidents by APD officers have declined by some 25%, although figures may vary depending on the source referenced. However, the concerning trend of fatalities during interactions with APD persists. And despite efforts to reform spearheaded by the Department of Justice (DOJ), a pervasive culture of corruption within APD remains clear, exemplified by the recent scandal involving the department's DWI Unit.

We recently announced our representation of Carlos Sandoval-Smith, an Albuquerque man who was caught up in an extortion scheme between APD officers and local attorney, Thomas Clear. Like many of the roughly 150 other victims of this scam, Carlos was charged with Driving While Intoxicated even though he passed a sobriety test. The arresting officer later advised him to contact Clear to get the charge removed from his record. Other victims paid Clear as much as \$8,000 to represent them, only to appear in court and have the case dismissed when the arresting officer failed to appear. The FBI is currently investigating both Clear and the APD.

One must wonder if a department that allows such corruption to take root is culturally capable of sustaining the reforms that the DOJ's intervention has forced. Does APD leadership truly embrace the reforms or is it simply doing what it needs to get the DOJ off its back, only to let them unravel once the scrutiny has passed?

The DWI scandal suggests that reforms may not have moved APD to become the professional, competent, trustworthy department that we had hoped.

New Mexico is one of the most police-violent states in the country. For that reason, the ACLU of New Mexico is working with legislators to advance statewide reforms that



Photo: Albuquerque, New Mexico.

require police departments to commit to de-escalation practices and policies that hold officers accountable for excessive use of force.

But APD stands as evidence that changes in policy, training and even systems of accountability are not enough to prevent some departments from turning the power to protect into the power to oppress or exploit. We also need culture change—deep rooted and uncompromising.

As a state and a nation, we are still figuring out how to fix policing. We are thankful to have you standing with us in this struggle.

REMEMBERING BARRON JONES

By Peter Simonson, Executive Director and Leon Howard, Deputy Director

It is with heavy hearts that we say farewell to a cherished colleague, advocate, and friend, Barron Jones, who passed away peacefully in his sleep on the night of March 22. His unwavering commitment to social justice and to the ACLU (American Civil Liberties Union) illuminated every corner of our organization. As we mourn his loss, we find solace in celebrating his profound impact on our work and lives.

Barron's journey with us began in 2018, following a distinguished career as a reporter at the Rio Grande Sun. From the moment he joined our team, Barron's fiery advocacy for equity and justice, particularly within the criminal legal system, set him apart. Barron was among the first leaders of the National ACLU's Smart Justice initiative. He quickly became recognized as a trusted thought leader in criminal justice within National ACLU circles, eventually rising to more prominent leadership positions in our affiliate in New Mexico.

Despite facing tremendous adversity himself, Barron's indomitable spirit and infectious humor lit up every room he entered. He was humble, hardworking, and dedicated to uplifting those who had experienced the horrors of incarceration or police violence.



Photo: Barron Jones

Barron was an advocate's advocate, and his dedication knew no bounds. Whether packing up leftover food at meetings to feed the unsheltered or championing the most downtrodden in our community, Barron's actions spoke volumes about his character.

He was so much more than just a colleague. Barron's unique quirks never failed to bring us laughter and joy. From his playful habit of affectionately calling people "goofy" or "bozos" to his signature phrase "Whoa Jack," Barron's presence was synonymous with levity. Who could forget how he walked the halls, delighting us with his impromptu robot noises?

Barron's legacy extends far beyond the walls of our office. His instrumental role in major legislative victories, such as the passage of the New Mexico Civil Rights Act and limitations on solitary confinement, underscores his unwavering dedication to justice. His passion for meaningful change is further exemplified by his advocacy in campaigns like "Ban the Box" and his efforts surrounding police Body Worn Cameras. Most recently, his advocacy

helped pass the New Mexico Voting Rights Act in 2023, restoring voting rights for 11,000 formerly incarcerated New Mexico residents.

Yet, Barron's most enduring legacy lies in his profound compassion and moral clarity. He consistently centered the voices and stories of formerly incarcerated individuals in our work, amplifying their experiences with empathy and dignity. Through his actions and his stories, Barron inspired all who had the privilege of knowing him.

To Barron's family, friends, and partner, we extend our deepest sympathies. Know that you are not alone in your grief. Barron's memory will forever be intertwined with our collective struggle for justice.

We are profoundly grateful to have known and worked alongside Barron Jones. Let us all honor his memory by redoubling our efforts to create a more humane, just, and equitable New Mexico and emulate his selflessness, his passion, and his unwavering commitment to those most in need. Rest in power, Barron. We will carry your torch with pride.

TRAVEL ADVISORY

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cial platforms gave kudos given the severity of the laws that just came out of Texas. However, an interesting sentiment that came up in our 'comments' section was that this travel advisory only applied to New Mexicans living in a narrow part of Doña Ana County closest to the border. Can you elaborate why all New Mexicans should care about this issue and why the ACLU of New Mexico took action against these laws?

LC: These harmful laws being passed in Texas really impact a huge swath of New Mexicans because, one, people throughout the state have friends, relatives, or some kind of connections in Texas that results in them having to travel to that state. Secondly, all eastern New Mexico borders Texas. A lot of folks in those areas must travel to Texas for specialized medical care, access to advanced trauma centers, education, business, even air travel. People in cities like Hobbs and Clovis need to travel to Texas for all sorts of things.

CP: Can you share why SB4-88S4, which includes a provision to allow Texas judges to order people removed to Mexico without a chance to seek the legal protections to which they're entitled is dangerous to anyone regardless of immigration status?

LC: At its core, this law gives law enforcement an invitation to racially profile folks. According to the language of the bill, if Texas law enforcement officials believe that individuals are not U.S. citizens who entered the country through Mexico, they can detain and possibly deport them.

This is extremely concerning because we've seen before how easily mistakes happen with immigration enforcement. Just last May, a young man from Sunland Park with developmental disabilities who was a U.S. citizen was incorrectly deported to Mexico by federal immigration officers. SB4 makes untrained local police officers or sheriff's deputies carry out extremely complex immigration laws. There are so few safeguards in place that this law puts anyone even just passing through Texas at risk of being racially profiled and having their basic civil rights, intentionally or unintentionally, violated in really terrible ways.

CP: Do you know if these bills have already caused civil liberties violations in impacted communities? Where does the bill sit now?



Graphic: Cover Image for the travel advisory to Texas.

LC: These bills are currently on hold and have not gone into effect while they are reviewed by the Fifth Circuit Court of Appeals following challenges from the ACLU of Texas, ACLU National and other partners. It's likely the U.S. Supreme Court will end up having to weigh in on this law.

CP: Were there any anxieties you had when you all published the advisory? How did you think it would be received?

LC: Much like a weather advisory, we wanted this to be a piece of helpful information that people could reference if they travel to Texas. We do not want to scare people away from accessing vital services or spending time with loved ones in Texas, but we do want them to know their rights.

CP: One last question, could you tell me what other actions BHP has taken as a group?

LC: Recently, we were given the opportunity to co-author a report highlighting a pattern of property confiscation by Border Patrol agents. The report identified incidents of people seeking asylum having vital belongings, including cash and medicine, taken away by Border Patrol agents while they were being detained and processed.

We also had the opportunity to co-lead research asking people all along the border, in border counties, what they thought about various hot-button immigration policies. That research helped us better understand how border residents understood immigration in a broader way, the values that drive them, their concerns with spending, etc... We have access to all this information that wouldn't have been accomplished without BHP.

CP: Thanks for taking the time to speak with me!

LC: Anytime!

EMPOWERING BLACK PHILANTHROPY: THE BIRTH OF ACLU NEW OF NEW MEXICO'S BLACK DONOR NETWORK

By Simon Crum-Muckle, Donor Relations Manager

Simone comes from a family of social justice activists and has a personal and profound understanding of the Black experience here in New Mexico. She is a native of Albuquerque and a proud graduate of New Mexico State University in Las Cruces. With a professional background in finance and banking, Simone is eager to merge her personal and professional background into centering Black voices while raising awareness, support, and funds for the American Civil Liberties Union (ACLU) of New Mexico and allied organizations.

In response to the shifting demographics of New Mexico and the imperative need to foster a more inclusive and representative donor base, the ACLU of New Mexico is embarking on an exciting new endeavor: the creation of the Black Donor Network (BDN). I started this initiative to cultivate, honor, and empower Black donors across the state.

Our vision is to establish a transformative space where Black individuals, organizations, and businesses can come together to support and advance the mission of the ACLU of New Mexico

If you identify as Black, we invite you to join the network and our monthly meetings!

Save the date for **Friday, May 31** for our Black Donors Network launch party and logo unveiling!

Are you Interested in attending, becoming a member, or learning more? Email Simone Crum-Muckle at scrum@aclu-nm.org.



Photo: Simon Crum-Muckle

and allied organizations, while also amplifying voices of the Black community in the philanthropic landscape of New Mexico.

We hope to honor the cultural legacy and power of Black philanthropy. Last year, the Black

community shared a higher percentage of their wealth than white households and gave over \$11 billion in the U.S. Yet philanthropy in the Black community reaches beyond just monetary donations, the community comes together as a collective to volunteer their time and share resources and connections to help take care of one another.

Growing up in New Mexico, I didn't see many people that looked like me outside of my family. Our heritage is very rich, and my parents instilled the importance of philanthropy, community, history, education, acceptance, and celebrating what our ancestors built, died, and fought so hard for.

I remember bragging about my history in grade school – my favorite stories were about the Black Cowboys in the Southwest, Jackie Robinson, Buffa-

lo Soldiers and Black Wallstreet. No one ever believed me, not even the few other Black kids I grew up with knew this part of our history. This is why it is so important to have a space like this for our community in New Mexico.

“Our vision is to establish a transformative space where Black individuals, organizations, and businesses can come together to support and advance the mission of the ACLU of New Mexico and allied organizations.”

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DONORS

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BLACK DONOR NETWORK OBJECTIVES:

1. Community Engagement and Inclusion: Develop and grow a diverse Black Donor Network that reflects the rich tapestry of New Mexico's Black community.

2. Philanthropic Empowerment: Foster a safe and inclusive environment for open dialogue, collaboration, and the exchange of ideas within the Black philanthropic community.

3. Cultural Preservation: Acknowledge and celebrate the historical contributions of Black communities in New Mexico, promoting cultural awareness and preservation.

4. Leadership Development: Elevate Black voices and empower emerging leaders within the ACLU-NM BDN, ensuring representation and participation in decision-making processes.

5. Partnerships and Advocacy: Forge partnerships with allied organizations and advocate for systemic changes addressing the unique challenges faced by

STAFF PICK



AMERICAN FICTION

Great satire is something I cannot resist, especially when it is poking fun at some of the things I hold most dear. American Fiction takes the idea of anti-racist theory and completely turns it up to a ten with incredible commentary on how prejudice is oftentimes still a part of the fight for equality.

The short version of the story: a highly skilled African-American author decides to play into the tropes about Black life in America in a book he thinks is a joke but becomes a best-seller. Hilarity ensues from that point on.



- RAYCHEL SANNER
ACLU OF NEW MEXICO SENIOR
DIGITAL MEDIA STRATEGIST

IN CASE YOU MISSED IT



Carlos Smith was falsely accused of DWI and offered a way out - for a price.

This past summer, a routine traffic stop turned into a nightmare. The officer, friendly at first, pressured him into a bribe. His refusal cost him everything: his job, his savings, even his family's trust.

But he refused to stay silent. Now, he's fighting back. Read Carlos's first-person account on our website and see how the Albuquerque Police Department's corruption ring shattered innocent lives.



aclu-nm.org/Carlos

LET'S TALK TECH: HOW THE ACLU IS FIGHTING TO PROTECT YOUR PRIVACY RIGHTS

By Daniel Williams, Policing Policy Advocate

Technology is accelerating and integrating more deeply into our everyday lives at increasingly rapid rates. These advancements have brought conveniences and advantages – like having vast amounts of information at our fingertips, the ability to easily navigate to new destinations with mobile GPS apps, and the ease of purchasing products with the click of a button.

But rapidly evolving technology also subjects us to intense levels of tracking and surveillance by the government, police, and private corporations. Federal agencies use surveillance programs to invisibly monitor what we post and say on social media platforms. Local police deploy cameras, facial recognition technology, license plate scanners, and ShotSpotter gun detection devices all over our towns and cities. And private companies regularly collect hordes of personal information from us, including our browsing and purchase history, location, age, and other sensitive information.

As technology continues to progress, it's essential that privacy rights keep pace. That's where the ACLU comes in. For decades, the national ACLU and affiliates across the country have fought in the courts and in halls of power to expand the right to privacy.

The ACLU of New Mexico is no different. Over the last few years, we've exposed and helped regulate the Albuquerque Police Department's use of invasive surveillance technology known as stingrays; helped pass the Electronic Communications Privacy Act requiring police across the state to get a warrant before accessing our private electronic data; and we've testified regularly about the privacy risks associated with a broad range of technology.

We're not letting up. During the 2024 legislative session, we laid the groundwork for legislation that –once passed – will continue to protect and advance New Mexicans' privacy rights. Here's what you need to know.

AUTOMATED LICENSE PLATE READERS

Police departments across New Mexico are increasingly blanketing our towns and cities with high-speed camera systems that capture and store the license plate numbers, along with location, date and time, of thousands of vehicles a minute.

Automatic license plate readers, or ALPRs, can be mounted on street signs, traffic lights, overpasses, police cars, and mobile trailers disguised as speed checks. Once the information is captured, an algorithm checks plate numbers against a "hot list" of cars police are looking for. Though the technology may sound harmless enough, when used outside of the narrow scope of searching for vehicles involved in a criminal investigation, it poses serious privacy risks and can chill First Amendment protected activity.

Taken in aggregate, license plate data collected and stored in databases for long periods of time, can paint an intimate portrait of our lives, including where we live, work, receive medical care, attend religious services, and protest.

In October 2023, the ACLU of New Mexico filed requests under New Mexico Public Records law to learn more about how police are using invasive surveillance technology, including ALPRs, across our state. While many jurisdictions failed to hand over responsive documents, under the guise that they were too "broad and burdensome," the City of Las Cruces provided information that reinforces many of our concerns.

When we took the 12 intersections where stationary ALPRs are mounted and mapped them out on Google

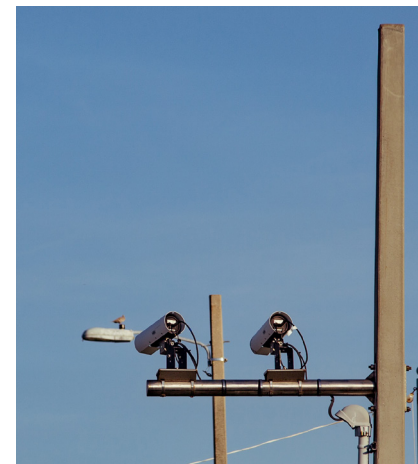


Photo: Automated License Plate Readers

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PRIVACY

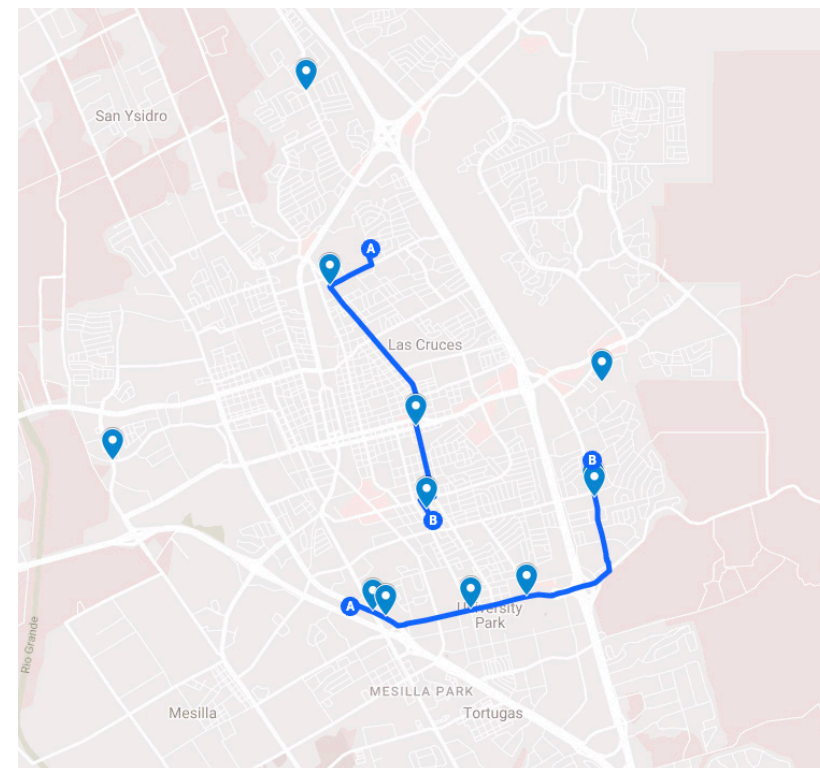
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maps, we noticed a few alarming possibilities right away.

For instance, a person who leaves their home in a residential neighborhood near Apodaca Park to travel to the only mosque in the city could pass by three ALPRs before reaching the Southern New Mexico Islamic Center. A woman who travels from a state like Texas – which has passed laws criminalizing abortion care – could unknowingly pass by seven ALPRs on her way from a local Quality Inn to the Las Cruces Women's Health Organization. If that information were retained and shared in regional databases, police in Texas could possibly use the data to arrest her for violating Texas' abortion ban. In the border region, where surveillance is already heavy, immigrant families are at an added risk of driving past any of the ten intersections with cameras.

Photo: Location of ALPRs within Las Cruces and sample routes through the city.

When we added a layer on Google maps that reveals zip codes



with average household income, it was easy to see that ALPRs are located in lower-income neighborhoods, showing these areas are over targeted by police. Though ALPRs expose certain people to heightened risks, they affect each and

every one of us, and our ability to maintain private lives, to some extent.

Despite these threats, New Mexico currently has no state-wide laws regulating the use of ALPRs. That's why we advocated for a law introduced by Senator Wirth, which would have required all police in the state to delete data that does not match vehicles on a hotlist, except in strict circumstances when the data is relevant to a criminal investigation, after 14 days. It also would have prevented police from targeting people based on certain protected statuses and from sharing license plate data with law enforcement outside of the state who do not have the same regulations in place, or with private parties.

Though the bill stalled in committee, it received initial bi-partisan support from a number of legislators who recognized the importance of transparency around emerging technology, and of protecting New Mexicans' from unconstitutional surveillance. Next year, we'll be back at the Roundhouse urging legislators to pass a version of this bill, which we hope will include protections from additional forms of surveillance technology.

BALANCING INTERNET PRIVACY WITH FREE SPEECH

Just as we advocate for legislation that protects civil liberties, we often have to fight against legislation that threatens our rights. This past session, we fought against a bill that sounded good on its face, but presented significant threats to free speech. The Age Appropriate Design Code Act, modeled on a bill that has recently been blocked by a California judge, aimed to protect children's online privacy, but placed unconstitutional content-based restrictions on speech.

By requiring platforms to assess and eliminate any risk of harm that an online feature or service could pose to minors, the broad language in the bill could effectively block anyone under the age of 18 from accessing critical information on issues like LGBTQ+ rights, abortion,

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THE 2024 LEGISLATIVE SESSION IN PHOTOS



Photo left: Jeremy, who was paroled because of the Second Chance Bill, meets with the bill's sponsor Representative Gail Chasey. Photo middle: Advocates listen to speakers at the People Not Prisons Rally in the New Mexico State Capitol. Photo Right: Youth activists pose for a photo outside of the Roundhouse to celebrate conversations with lawmakers at the Youth Lobby Day.

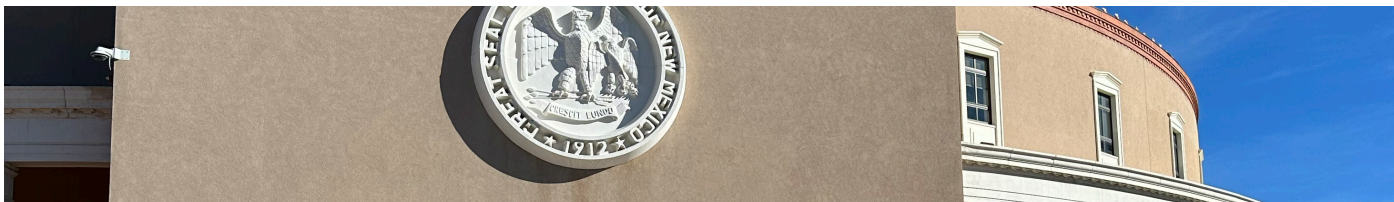


Photo left: Advocates pose for a photo just before dispersing throughout the Capitol to have critical conversations with lawmakers about the importance of prioritizing human-centered solutions to public safety that get at the root causes of crime to make us all safer. Photo right: Recipients of parole from the Second Chance Bill pose in the capitol with pictures of themselves during childhood when they were first sentenced.



BECOME A GUARDIAN OF LIBERTY

The ACLU of New Mexico fights every day – in the courts and in the streets – to protect freedom and ensure equality for every person in our state. This vital work depends on our community of monthly supporters. We need you by our side – every donation counts.

CONTACT: SUPPORTUS@ACLU-NM.ORG TO SET UP YOUR MONTHLY DONATION

\$10/mo

\$25/mo

\$50/mo



WE WANT TO HEAR FROM YOU!



Take our survey to help us make plans and set priorities for the upcoming year. Use the QR code or the URL to participate.

aclu-nm.org/survey



BIG WINS, CLOSE CALLS, AND FERTILE GROUND FOR CHANGE: A LOOK BACK AT THE 2024 LEGISLATIVE SESSION

The dust has settled on the 2024 session, and there's a lot to unpack. We scored historic victories on housing and public safety, but some crucial bills fell short. Read the blog recapping this year's session written by ACLU of New Mexico Director of Public Policy, Policy Nayomi Valdez:



aclu-nm.org/2024Session

PRIVACY

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climate change, and even online mental health services. That's because the bill failed to define "harmful content," or outline categories of harm for various age groups, instead giving broad discretion to the attorney general. For these reasons, the ACLU and other organizations testified against and ultimately defeated the bill, just as the national ACLU and affiliates have fought against similar bills in other states and at the federal level.

Passing laws that enhance online privacy is of critical importance, but those protections must not come at the expense of other rights. We can have laws that protect both privacy and free speech, and in fact, true privacy protections can bolster free speech by giving students, advocates, and whistleblowers the confidence to speak out on matters of societal importance.

Next session, we'll work with a broad range of community partners to pass a bill that strengthens digital privacy protections for all New Mexicans, regardless of age, without compromising our right to free speech or

giving undue authority to any government official to determine what is "harmful" to children and young people.



JOIN THE FIGHT

The ACLU and the ACLU of New Mexico will continue to monitor how government agencies and private entities surveil us with rapidly advancing technology. You can count on us to serve as a watchdog for privacy rights. But we need you with us as we head into the Roundhouse in 2025.

It will take all of us to ensure that our lawmakers don't use our taxpayer dollars to fund invasive technology without our say and instead pass laws that increase transparency, give control over how our personal data is used, and prioritize privacy protections.

Join us on social media to join the ACLU in protecting our privacy rights amidst the rapid evolution of technology. Additionally, stay tuned for an email to our members, inviting you to participate and engage in this critical issue.

It will take all of us to ensure that our lawmakers don't use our taxpayer dollars to fund invasive technology without our say.