

THE TORCH



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Fall 2005, VOLUME 40, NUMBER 3

Donahue Takes on Media Reform at ACLU Dinner

Kimberly Lavender
Communications Manager

LEADER IN MEDIA REFORM

We are very excited to announce that Phil Donahue will provide the keynote speech on the topic of media reform at the ACLU-NM Bill of Rights Dinner on Friday, December 9 at Hotel Albuquerque.

Does the First Amendment still protect a “free marketplace of ideas,” or has our increasing dependence on corporate-owned electronic media make that an anachronism, if not a myth? These are the questions that Donahue will explore in his speech at the annual awards dinner.

Most people know Donahue for his talk show fame, but may not be aware of his civil liberties significance. Donahue actively supports gay and lesbian equality; he served on the boards of the Gay Men’s Health Crisis and the Ryan White Foundation. In 1999, he received the Family Equality Award from the Human Rights Campaign. He is also a leader in the media reform campaign.

FIRED FROM MSNBC FOR ANTIWAR STANCE

In February, 2003, MSNBC cancelled Donahue’s daily “liberal” talk show—the first of its kind—a mere six months after it debuted. The network claimed poor ratings as the reason, but at the time, Donahue was the highest rated show on MSNBC. His 440,000 viewers a night far exceeded viewership for the now long-running conservative MSNBC talk show “Hardball with Chris Matthews” and approached the numbers for “O’Reilly Factor.”

In commenting on his 2003 MSNBC firing in an interview for the October 28 edition of FOX News Channel’s Hannity & Colmes program, Donahue remarked that “we were the only antiwar voice that had a show, and that, I think, made them very nervous. I mean from the top down, they were just terrified. We had to have two conservatives on for every liberal. I was counted as two liberals.”

When Donahue’s show was canceled, The New York Times reported that “he was actually attracting more viewers than any other show on MSNBC.”

All Your TV’s Rick Ellis quoted a network source: “I personally like Donahue, but our numbers were telling us that viewers thought he has too combative and often said things that some respondents considered almost unpatriotic.”

CELEBRATING OUR CIVIL LIBERTIES

Consistent with the theme of media democracy and free speech, public radio talk-show host **Arcie Chapa** will moderate the Bill of Rights Dinner.

ACLU-NM continues to grow, due to the work of many dedicated volunteers, and this year we have selected several of them to honor with the following awards:

Civil Libertarian of the Year: Bennett Hammer, for his years of dedication as a state board member and as representative to the national ACLU Board of Directors, and in securing a new office building.

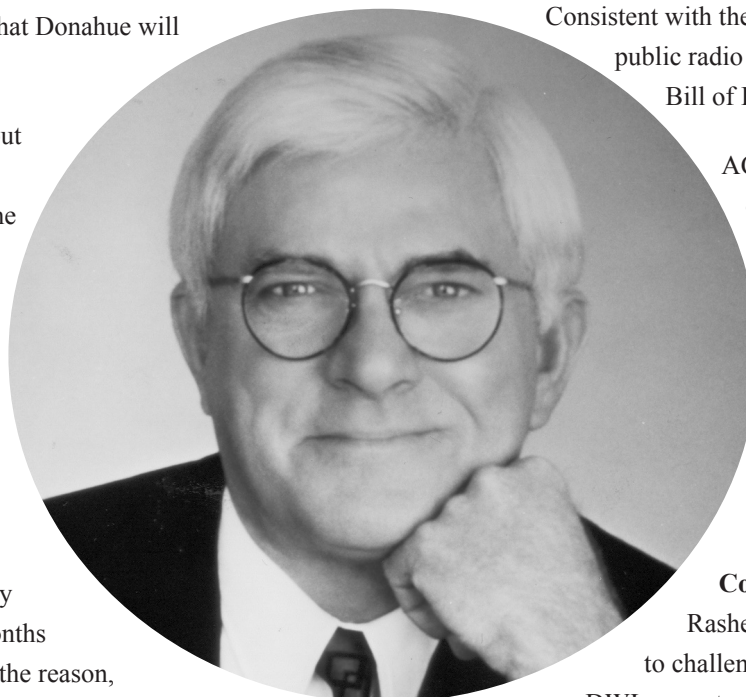
Cooperating Attorneys of the Year: Ousama Rasheed and Roger Smith for their successful effort to challenge the City of Albuquerque’s over-zealous DWI property-seizure law.

Volunteer of the Year: Joyce Briscoe, for her work to promote civil liberties in schools, the state legislature, and for her organizing efforts against reauthorization of the Patriot Act.

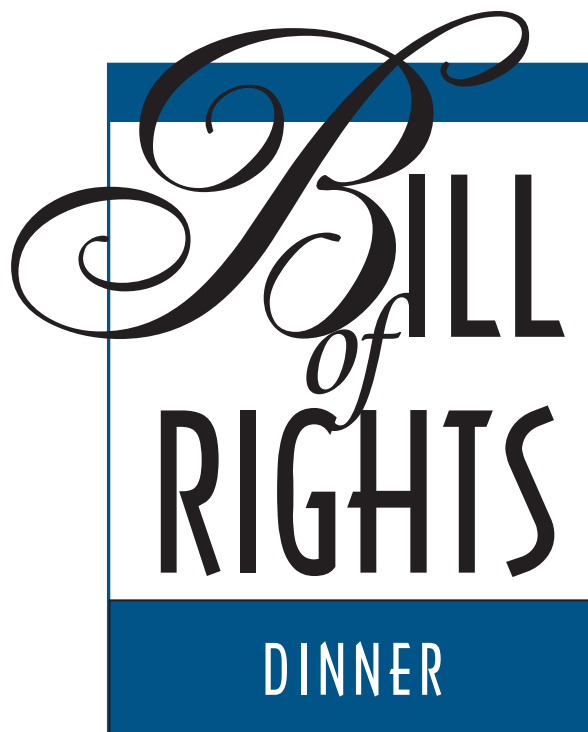
Please go to page four of this newsletter today to fill out the dinner registration form – just clip and mail or fax it to us!

For the second year in a row, you can also register online at our secured website: www.aclu-nm.org

For questions call 505-266-5915 or send an email to: dinner@aclu-nm.org.



American Civil Liberties Union of New Mexico



Friday, December 9, 2005
Hotel Albuquerque (formerly Old Town Sheraton)
800 Rio Grande Blvd. NW • Albuquerque, NM 87104



Executive Director's Notes

Peter Simonson
Executive Director

The decision to defend the free speech rights of neo-Nazis in a 1977 parade in Skokie, Illinois marks the most decisive moment in ACLU history. Even today, people identify that event as the turning point in their departure from or continued support of our organization.

The ACLU believes that the solution to racist or hateful speech is not censorship but confronting "bad" speech with more, better speech. Our Constitution upholds a "free marketplace of ideas," the theory goes. Truth naturally will emerge from the competition of ideas in a free and open society. So said Justice Oliver Wendell Holmes in his dissenting opinion in *Abrams v. U.S.*:

"... when men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas – that the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes safely can be carried out."

Writing in 1919, Justice Holmes probably never envisioned an American society in which corporate-controlled electronic media would serve as the primary forum for news and political discourse. In today's world, Holmes' "power of the thought" takes a second seat to the power of media

access. Even the most persuasive speech can't compete in the ideas marketplace if it can't get on the shelves in the first place, or if another corporation floods the market with its product.

The ACLU regularly confronts this truth. When no other network thought the story was worth covering, FOX News Channel took an almost perverse interest in our recent troubles with the Minuteman who infiltrated our Southern Chapter. In the space of one month, FOX conducted no fewer than four nationally-broadcast interviews with the individual, hammering us over and over again for an alleged double standard for free speech. Never did they mention the Minuteman's internet manifesto proposing that conservative war veterans infiltrate our organization and disrupt it from within. Knowing FOX's penchant for creative editing and shock-jock tactics, we refused to appear on their programs.

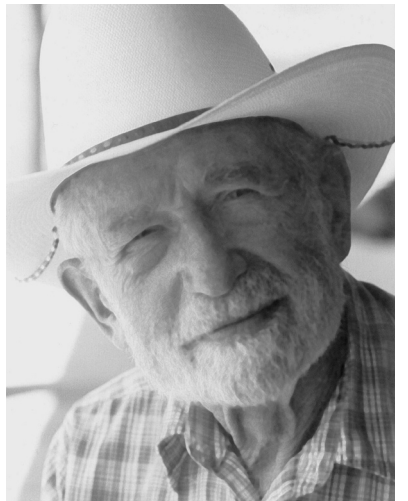
FOX News Channel averages over a million viewers throughout the day—the most successful cable news network in the country. The ACLU has no such access to the minds of Americans.

The keynote speaker for our Bill of Rights dinner this year offers another compelling case of media access distorting the "free marketplace of ideas". For six short weeks, Phil Donahue hosted the only "liberal" talk show on cable television, finally adding a counterpoint to the likes of Rush

Limbaugh, Bill O'Reilly and other radical conservatives. Despite achieving the highest ratings of any show on MSNBC, Donahue was booted off of the air, reportedly due to fears within NBC that his critical perspective on the invasion of Iraq would mark the network as "unpatriotic."

When a public figure of Phil Donahue's prominence can't get airtime on a third-tier cable news network like MSNBC, electronic media no longer permits the open exchange of ideas. It is singularly an apparatus of ideology and propaganda masquerading as an open public forum. First Amendment or not, the vaunted "free marketplace of ideas" is well on its way to becoming a myth.

In Remembrance



Bob Levin, 1919-2005

Published here are our most recent memorials. Each year we honor the memories of deceased ACLU-NM members in our Program Book for the Bill of Rights Dinner. Following is a list of those who died in 2005.

For details on how to pay tribute to these members, please refer to the registration and program booklet information about the Bill of Rights Dinner on Page 4, and find out how to place an ad or list your name on the memorial page.

Lucille Adler

Glenda L. Crevenna

Edward "Ed" Everett Eschliman

Belvin Friedson

Margaret "Maggie" Gover

Robert A. Levin

Preston G. McCrossen

Paul A. Phillips

Barbara Burruss Yell

Rachel Jo Colvard

THE TORCH

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www.aclu-nm.org

Membership is \$20 and up

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A Special Volunteer: Daniel Williams



Daniel Williams hard at work on a project in the ACLU office, Summer 2005

Getting to know Daniel Williams this summer was one of the best things to happen for the staff at ACLU-NM. This remarkable young man adeptly performed a wide variety of clerical and administrative tasks, on an almost daily basis, in our office this summer while he was on break from his studies at Albuquerque High School.

Being "on break" for Daniel meant not only offering his time and talent to ACLU-NM, but volunteering as a junior docent at the Museum of Natural History and Science. Daniel's commitment to civil liberties, his exceptional intellect and thoughtful understanding of social and political issues impresses everyone who meets him. The staff at ACLU-NM is very grateful for his wonderful volunteer work for us, and proud to count him among our membership.

Daniel is currently in his sophomore year at AHS and still works for ACLU-NM in his spare time. He also serves as Vice President of his class's Student Senate, is President of the ACLU's Youth Advisory Board, and has done a tremendous amount of work to organize the upcoming Bill of Rights Mock Trial (see page 4 for information). If you'd like to contact Daniel Williams for more information on his work with the Youth Advisory Board, email him at nunn08@gmail.com.

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ACLU Remembers

Robert A. Levin

July 24, 1919 – July 19, 2005

Robert A. Levin, a life-long worker for peace and justice, passed away peacefully in his sleep on July 19, 2005, just five days before his 86th birthday.

After early life perceptions of injustice and inequality, he worked for peace and justice, racial equality and progress.

Bob moved to Albuquerque in October, 1991, from his home on a farm in Cleveland, Wisconsin, after his wife's death and had been active in New Mexico civic life since then.

He greatly aided the American Civil Liberties Union of New Mexico, and generously shared his professional expertise in organizational management and fund raising for non-profit organizations.

Bob Levin joined the board of the Explora Science Center and in 1996 chaired the New Vision board, the board that successfully merged the Albuquerque Children's Museum and Explora.

He was Founding Chairman of the Walking Stick Foundation, a joint Native American/Jewish spiritual retreat center in the wilderness eight miles from Cuba, NM. He was on the boards of Jewish Family Services, Hillel at the University of New Mexico, and the Advisory Board of Seed University. He was a founding member of the Arab-Jewish Peace Alliance of New Mexico.

He was a member of Congregation Nahalat Shalom where he served on the board for one term and was a key member of the committee that raised the money to buy a building for the congregation.

He helped many other organizations without officially serving on their boards, such as ACLU-NM. Bob received the Jewish Federation's first Michael Brussel Community Social Service Award in 2003.

He had many, many friends of all ages, races, religions, and ethnicities, because he himself knew how to be a friend.

Before moving to New Mexico, he had been program planning director of the National CIO Community Services Committee, education director of the Amalgamated Clothing Workers of America; president of Com-

munity Programs Inc., a consulting firm for not-for-profit institutions and community organizations; and Associate Executive Director of the Welfare Council of Metropolitan Chicago.

In 1950 he was appointed by the United States State Department to an international committee to advise UNESCO in the designing of a program to reestablish democratic adult education in Germany and Austria. He also received a Senior Fulbright Fellowship at Oxford University to study adult education in England.

In the 1960's and 1970's he was chairman of the board of three foundations: The Akbar Fund of New York, which made grants only to Native American controlled projects; the Esopus Foundation, a family foundation; and the Inner City Fund of Chicago.

A 1942 graduate of Antioch College, he later served on its board for 21 years and was Trustee Emeritus at the time of death. He, with his wife Kay, served as Acting President in 1975 during an administrative and financial crisis. In 1979 he was awarded an honorary Doctor of Laws.

Bob was a conscientious objector during World War II who performed alternative service, and worked for peace, racial justice, labor rights, and civil rights until his death. He built community wherever he went in life, and at the end of his life was hosting several community groups which met in his home.

He was preceded in death by his wife, Kay, and daughter, Betsy. He is survived by his son, David Levin and David's wife, Sandy Murdock, of Albuquerque, and his daughter, Rachel Levin of California. He has many loving grandchildren: Shane Thompson and his wife Jennifer, Anna, Nick, Peter, and Abby Levin, and two great grandchildren, Hunter and Dakota Thompson.

The family suggests individual contributions of any kind to progressive issues and causes in the furtherance of the peace and justice for which he prayed and worked.

Glenda L. Crevenna

1923 – 2005

A devoted and active civil libertarian, Glenda L. Crevenna died on November 4, 2005 after an extensive series of illnesses.

Glenda was a native of Albuquerque and graduated from the University of New Mexico in 1941 with a degree in foreign languages. That same year she married Theo Crevenna and they moved to Louisiana where Theo was stationed with the U.S. Army Engineers. Glenda was able to support them by working in an accounting office and the U.S. Air Force. From there they moved to the end of the Desiree trolley line in New Orleans.

When they moved to the Washington, D.C. area, Glenda worked at the Library of Congress, at the National Archives, and the Food and Agriculture Organization of the United Nations. She was active in civil and political organizations and was a stalwart in maintaining and furthering the Northern Virginia Democratic Party.

In 1978, she returned to Santa Fe and worked for several years in service with at-risk Native American Pueblo youth. A spunky individual with a quick wit, Glenda was widely read and stayed informed of all world events. Glenda is survived by her husband, Theo, a long-time member of the ACLU-NM Board of Directors, as well as her son, Thomas Andrew of Corrales, daughter Elizabeth Ahola of Colorado Springs, and three grandchildren.

Donations to honor Glenda's life may be made to the NM Civil Liberties Foundation.

Preston McCrossen

1933 – 2005

The ACLU-NM lost a long-time supporter when Preston G. McCrossen died on October 15, 2005. He was born May 12, 1933 in Detroit, MI, and raised in Santa Fe, NM, graduating from Santa Fe High School in 1951 and the University of New Mexico in 1955.

Preston worked as a chemist at Los Alamos Labs and went on to serve 3 years as Peace Corps Director in the Kingdom of Tonga. Later, he worked as a consultant to many Native American development agencies and was instrumental in establishing the Indian Pueblo Cultural Center in Albuquerque.

His friend and college classmate, Norman Thayer of Sutin, Thayer and Browne, described Preston as a free thinker, an individualist; a man who believed in

the uniqueness of the individual, in freedom of choice and in personal responsibility. Norm remembers Preston as someone operating with a "genius level of intelligence" for whom "hypocrisy had no place." Preston was married to Macon McCrossen, a long-time member of the Board of Directors of ACLU-NM. Macon is retired from the State Public Defender's office and lives in Albuquerque.

Margaret Lou ("Maggie") Gover

1934 – 2005

Former ACLU-NM Board of Directors Member, Margaret Lou ("Maggie") Gover, died November 1, 2005 in Albuquerque. She was born in 1934 in Faxon, Oklahoma and graduated from Faxon High School in 1951. That same year she married Billy P. Gover, also of Faxon.

Her long and varied career of social activism included service as Executive Assistant to Herbert J. Holloman, President of the University of Oklahoma, as a legislative assistant to U.S. Senator Fred R. Harris, and as Assistant Director of Americans for Indian Opportunity.

She also worked at the Legal Aid Society in Oklahoma for attorneys representing indigent clients with the Texas Resources Center in death penalty cases, and for the National Tribal Environmental Council. She participated in the elimination of de jure racial segregation in Lawton, Oklahoma, in the elimination of the University of Oklahoma's Indian mascot; and in the creation of the Indian Self-Determination policy during the administration of President Richard Nixon.

Her descendants enjoy a rich inheritance of commitment to peace, freedom, social justice and personal self-determination that will resonate for many generations. Maggie's daughter, Lisa Gover, who also served on the ACLU-NM Board lives in Albuquerque.

ACLU of New Mexico Legal Docket

VOTING RIGHTS: ACLU-NM filed suit against the City of Albuquerque regarding the Voter I.D. ordinance that passed during the October 4 municipal elections. The new ordinance requires I.D. at the polls but not for absentee ballots. A federal Court in Georgia recently struck down a similar law in that state. Attorneys are: ACLU Cooperating attorney Jim Scarrantino, Joe Kennedy, and Shannon Oliver, and staff attorney George Bach.

RELIGIOUS LIBERTY: ACLU-NM filed an internal grievance on behalf of a former NMSU star tailback, Muam-

mar Ali, who was kicked off the team by Coach Hal Mumme. Ali, who is Muslim, alleges the coach asked him about Islam and what his thoughts on Al-Qaada were. Two other Muslim players were kicked off the team for simply moving their locker in the locker room. The Coach also allegedly ends every practice with the Lord's prayer.

POLICE ABUSE: The ACLU of New Mexico successfully settled a lawsuit that was filed in May 2005 against the Chaves County Sheriff's Department for excessive force arising out of a verbal argument that led to the Sheriff's deputies crash-

ing a graduation party and assaulting the Plaintiffs repeatedly with pepper-balls. Attorneys were: ACLU Cooperating attorneys Art Nieto, Mike Doyle, and ACLU Co-Legal Director Phil Davis

POLICE ABUSE: ACLU of New Mexico reached a new stipulated agreement with attorneys for the City of Hobbs regarding complaints that Hobbs had failed to comply with the Court's 2004 consent decree addressing racially discriminatory conduct by the department. Attorneys are: ACLU Cooperating attorneys Richard Rosenstock and Dan Yohalem

PRIVACY RIGHTS: ACLU of New Mexico successfully settled a case with New Mexico Orthopaedics Surgery Center on behalf of Harold Folley, for requiring Mr. Folley and all patients to abandon their Living Wills or other Right to Die arrangements. Attorneys were: ACLU Cooperating attorney Rob Schwarz and ACLU staff attorney George Bach.

ACLU of New Mexico Events Calendar

Bill of Rights Mock Trial

Saturday November 19, 2005 from 8:30 - 3:00 at the UNM Law School in Albuquerque. The Youth Advisory Board of the Central NM Chapter's Education Task Force is excited to sponsor the first Bill of Rights Mock Trial. The event is co-sponsored by the Center for Civic Values. There will be a morning and afternoon session with a lunch provided. The case chosen involves a First Amendment issue, freedom of speech, centering around the repercussions given to a student for voicing his or her opinion on a controversial issue at a school function.

ACLU of New Mexico Northern Chapter Semi-annual Meeting

Saturday November 19, 2005 at the Cinema Cafe in Santa Fe. Double screening at 3pm and 6:30 pm of Producer Robert Greenwald's newest film *Wal-Mart: The High Cost of Low Price*. Speakers are scheduled from Wal-mart, Brave New Films, and ACLU-NM. All are welcome to participate in a membership meeting between showings. COST: ACLU membership card admits two free guests, Santa Fe Film Festival has a \$6 charge for members; \$8 for non-members. Questions? Call 505-424-3987 or email infoaclu@aol.com

ACLU of New Mexico Tijeras Town Hall

Panel discussion on the Tijeras Town Seal and the separation of church and state. More information coming soon. To be scheduled in January.

ACLU Legal Observer Project

We anticipate a return of vigilante activity on our borderlands this spring, and with that a continued presence of the ACLU Legal Observer Project. During the month of October, national attention focused on a 45-mile stretch of New Mexico borderland between the tiny towns of Columbus and Hachita. Heating up an already tense immigration debate, the Minutemen – a national anti-immigrant vigilante group – stationed rogue volunteers along the border to patrol for illegal border crossers. Based out of the Hachita Community Center, the Minutemen organize nightly patrols armed with weapons, equipped with night-vision goggles and often dressed in army-issue fatigues.

The ACLU established the Legal Observer Project out of concern that these individuals are acting as a militia serving a public function without regard for Due Process requirements and Constitutionally-mandated search and seizure procedures.

As of October 23, the Minutemen claim responsibility for the apprehension of 24 undocumented immigrants and made over 60 calls to border patrol to report "sightings," according to Gary Cole, a spokesperson for the New Mexico Minutemen. [Border Patrol officers could not confirm the numbers.] Throughout October, over 100 Minutemen volunteers descended on Hachita, near New Mexico's only 24-hour port of entry in Palomas, Mexico. ACLU legal observers have followed closely behind to monitor and document the group's activities. We want to thank Ray Ybarra, Javier Perez, and Claudia Guevara for all of their work on this project in New Mexico. Also, thanks to ACLU-NM State Board member Kate Ferlic for her time volunteering on this project.

Buy Tickets Today.

Clip and mail, or fax this form to 505-266-5916, or register at our secured site: www.aclu-nm.org
Register by Friday December 2, 2005. Reservations will be held at the door.

YES! I will attend the 2005 Annual ACLU of New Mexico Foundation Dinner.

Please choose one dinner per guest

Chicken Breast London Broil Vegetarian Lasagna

GUEST \$85 per ticket (\$58 is tax-deductible) _____ # tickets desired

NAMED TABLE \$800 reserved seating for 10 (\$530, tax-deductible)

I/We cannot attend but have enclosed a tax-deductible gift of \$_____

I/We will donate a ticket/table to the Amicus Program \$_____

YES! I will place an ad, sponsor a quote, or honor a recently deceased ACLU-NM member. Submit camera ready ads by Friday November 25, 2005 to dinner@aclu-nm.org.

FULL PAGE AD \$500 4 1/4 x 6 3/4 (4.25 x 6.75)

HALF PAGE AD \$250 4 1/4 x 3 1/4 (4.25 x 3.25)

QUARTER PAGE AD \$125 4 1/4 x 1 1/2 (4.25 x 1.5)

MEMORIAL PAGE AD \$25 to have your name listed on this full page ad

Name/Company _____

Name on Credit Card _____

Address _____

City/State/Zip _____

Preferred phone _____

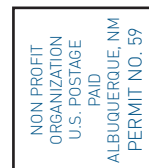
Home Office

Email _____

Enclosed is my check (payable to NM Civil Liberties Foundation). Charge my Visa MasterCard American Express

\$ _____ Total amount Card # _____ Security Code _____ Exp. _____

Please return to ACLU of New Mexico Foundation, P O Box 566, Albuquerque, NM 87103, or via fax to 505-266-5916
Questions? 266-5915 or dinner@aclu-nm.org



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