

THE TORCH



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SPRING 2006, VOLUME 41, NUMBER 1

Religious Liberty Expert Headlines ACLU Annual Meeting

Peter Simonson
Executive Director

The ACLU-NM is thrilled to announce that Dr. T. Jeremy Gunn, Director of the National ACLU Program on Freedom of Religion and Belief, will provide the keynote speech at its April 22nd Annual Membership Meeting. The program was founded last year in response to rapidly growing threats to religious liberty, including 'intelligent design' in public schools and federal faith-based funding initiatives.

"In addition to rare legal and scholarly insights, Jeremy brings a wealth of international experience to questions of religious freedom, religious intolerance, and faith-based politics," said ACLU-NM Executive Director Peter Simonson. "Already he is transforming the way we in the ACLU frame our concerns about religious establishment and church-state separation. Jeremy's leadership will be essential in the coming years as the environment around religion and the Constitution becomes increasingly charged and dynamic."

Dr. Gunn came to the ACLU from Emory Law School where for the past five years he was a Senior Fellow for Religion and Human Rights and a Senior Associate at the Washington-based Institute for Global Engagement. He is a member of the Panel of Experts on Freedom of Religion and

Belief of the Organization for Security and Cooperation in Europe, working on behalf of evangelical Christians and other religious minorities.

Before his work in Atlanta, Dr. Gunn was Director of Research at the U.S. Commission on International Religious Freedom. He has also served as a Senior Advisor for the U.S. Ambassador for International Religious Freedom at the Department of State and as Senior Fellow at the U.S. Institute for Peace.

Dr. Gunn received his Ph.D. in Religion and Society from Harvard University in 1991, and he holds a J.D. from Boston University, where he graduated magna cum laude in 1987. In addition to publishing dozens of articles on religion, politics, and law, he recently published in France *Dieu en France et aux Etats-Unis : Quand les mythes font les lois* (trans. God in France and the United States : When Myths Become Law) (2005) with Professor Blandine Chélini-Pont. He currently is writing and editing several works on comparative law and is under contract with Praeger to publish a book on religion and American foreign policy.



Dr. Jeremy Gunn will be the guest speaker at the Annual Meeting of the ACLU-NM on April 22.

ACLU-NM 2006 Annual Membership Meeting

"Religious Freedom and the Culture Wars in the United States"

When: April 22, 2006

10:00 am – 12:00 pm

Where: Smith Brasher Hall, TVI Main Campus

717 University Blvd SE, Albuquerque, NM

Guest Speaker: Dr. Jeremy Gunn, Director, ACLU Program on Freedom of Religion and Belief

Directions: From I-25 take the Avenida Cesar Chavez exit east. Go left onto University Blvd. Go left into the last parking lot south of Coal Avenue. Smith Brasher Hall stands alone on the southwest corner of University Blvd and Coal Avenue.

The TORCH



THE TORCH

NEWSLETTER
OF THE AMERICAN CIVIL
LIBERTIES UNION OF NEW
MEXICO

SPRING 2006
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Membership is \$20 and up

ACLU Reaches Historic Agreement with CYFD on Juvenile Justice Reforms

Not since the Duran Consent Decree overhauled prison conditions in New Mexico following the 1980 Santa Fe penitentiary riot has the ACLU achieved as sweeping a corrections reform agreement as it settled with the Children, Youth and Families Department earlier this month. Under threat of a major class action lawsuit, CYFD agreed to close the New Mexico Boys School in Springer and to implement 36 pages of detailed improvements in the juvenile justice system, including:

- Development of comprehensive behavioral health screening and treatment programs headed by separate directors for facility-based and community-based behavioral health services, and adequately staffed by psychiatrists and other mental health professionals;
- Requirements that female youth be granted comparable access to services and programs as male youth;
- Creation of classification and placement procedures to ensure that youth are located in the most appropriate settings in CFYD facilities.
- Creation of an Office of Quality Assurance that will independently monitor compliance with CYFD policies and investigate all serious internal grievances;

The settlement will affect over five hundred youth that are now on parole or housed in juvenile facilities run by CYFD.

ACLU cooperating attorney Daniel Yohalem described the settlement agreement as “comprehensive and innovative.”

“In many ways, what this agreement does is break open the ‘closed’ corrections approach and put decision making in the hands of mental health and corrections professionals rather than in the hands of jailers. From now on CYFD will try to place kids in facilities that allow them to keep in touch with their families and communities. And they will have to provide behavioral health services and other programming in the least restrictive setting possible.”

In addition to Yohalem, cooperating attorneys for the ACLU included Peter Cubra, Phil Davis, Larry Kronen, and Lee Hunt. Attorney Alice Bussiere represented the Youth Law Center.

The work of the ACLU attorneys is far from over. Over the next few years they have responsibility for monitoring CYFD’s compliance with the settlement agreement and will revive litigation if the Department fails to show satisfactory progress.

ACLU in the Courts

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Free Speech

Buck, et al. v. City of Albuquerque: challenging the Albuquerque Police Department’s violent response to a March 2003 anti-war demonstration in front of the University of New Mexico. ACLU attorneys completed discovery and are responding to summary judgment motions filed by the Defendants.

Veterans for Peace v. Secretary of Veterans Affairs: ACLU sued the veterans administration for prohibiting a veterans group from holding a solemn memorial service on Santa Fe National Cemetery grounds because the veterans’ mission in support of peace allegedly makes them a “partisan” organization. The U.S. Attorney dismissed trespassing citations issued to sixteen veterans for entering the cemetery as an act of civil disobedience.

Harmon v. NM Department of Health, et al.: Discovery is ongoing and settlement discussions have begun in this suit against the NM Department of Health for forcing an employee to remove anti-war postings from her office window.

Bohn v. City of Hobbs: Settlement discussions are under way in this case against the City of Hobbs for firing Police Chief Kenneth Bohn for his aggressive efforts to clean up the evidence room and other problems in the Hobbs Police Department.

Farmington Professional Firefighters, IAFF Local 2850, et al. v. City of Farmington, et al.: challenging Deming and

Farmington city ordinances that prohibit firefighters unions from picketing and endorsing political issues and candidates.

Accusations of ‘Sedition’ against VA nurse: The ACLU issued a letter of protest and a Freedom of Information Act Request to the Department of Veterans Affairs for its seizure of a VA nurse’s computer after she wrote a letter to the editor of the Alibi newspaper critical of the Bush administration. The nurse was told the VA had an obligation to investigate “potential acts of sedition.” We have asked for a formal apology from the Chief of Human Resources who appears to have initiated the investigation. A FOIA request also was sent to the FBI due to rumors that a report of the editorial reached their offices in Washington.

Equal Protection

Williams v. W.D. Sports N.M. Inc.: ACLU attorneys have completed briefing to appeal a federal court decision in this suit claiming gender discrimination and sexual harassment against sales managers of the NM Scorpions ice hockey team.

Racial Discrimination by Aggies Coach: ACLU represents three Muslim football players against NM State University football coach Hal Mumme, all of whom allege they were terminated from the team because of their religion. An internal NMSU investigation cleared Mumme, but the U.S. Department of Justice and the New Mexico NAACP have since expressed interest in the litigation.

‘Cruel and Unusual Punishment’

Black, et al. v. Orr, et al.: alleging sexual abuse of two female McKinley Co. Jail inmates by corrections officer, Russell Brian Orr, and ‘gross negligence’ by the County and Management Training Corporation.

Closure of Springer Boy’s School and Agreement with Children Youth and Families Department: see detailed article in this edition of the Torch.

Privacy

Folley v. United Surgical Partners International, Inc., et al.: The ACLU obtained an agreement with the New Mexico Orthopaedic Surgery Center that will delete a clause from the company’s medical procedures consent form that asked patients to acknowledge that the Center would “not honor a request for ‘Do Not Resuscitate’ status and/or Advance Directives or Living Wills.” The requirement violated the New Mexico Uniform Health-Care Decisions Act.

DEA-Amtrak passenger profiling: ACLU attorneys filed a Federal Tort Claims Act notice on behalf of two Los Angeles residents of Armenian origin who were assaulted by Drug Enforcement Agency officers searching their luggage at a stop in Albuquerque. We suspect that the couple was profiled based on their last name. A six-month waiting period must run after the filing of the notice before litigation can commence.

Voting Rights

ACLU of New Mexico, et al. v. Santillanes, Albuquerque City Clerk: On behalf of seven individual and organizational plaintiffs, ACLU attorneys challenged an Albuquerque ordinance that requires official identification to vote at the polls, but no such requirement for absentee ballots. Plaintiffs allege that the law has a disparate impact on people of color in violation of the Voting Rights Act. A preliminary injunction was issued against a similar I.D. law in Georgia, and subsequently was upheld by the Eleventh Circuit Court of Appeals.

For a full version of our legal report, please contact the ACLU-NM at 266-5915.

ACLU-NM Bylaws Changes

To Our Members

The ACLU-NM Board of Directors has approved a number of proposals to reform our Union Bylaws. The organization is growing, and needs to amend its policies to accommodate this growth. The following document reflects the proposed changes to the existing bylaws. Please review these changes and vote your support, or opposition, to each amendment on the ballot that appears on page 5. The ballot is designed to allow more than one ACLU-NM member to vote, *in households where two members reside*. Please mail your ballot to the ACLU-NM office by April 17, 2006, to PO Box 566, Albuquerque, NM 87103-0566. Thank you.

~~strikethroughs~~=deletions

underlines=additions

[#]=amendment that makes that change.

italics=comments & explanations

BYLAWS OF THE ACLU OF NEW MEXICO
with proposed amendments as of 8/20/05

Section I NAME

The name of this organization shall be the American Civil Liberties Union of New Mexico (ACLU of NM). It shall be a voluntary nonprofit organization.

Section II PURPOSE

The purpose of the ACLU of NM shall be to further the objectives of the national American Civil Liberties Union of which this organization is an affiliate, and 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 rights to the franchise, due process of law and equal protection of the law, and to take any legitimate action in the furtherance and defense of such purposes. These objectives shall be sought wholly without political partisanship on the part of the ACLU of NM.

Section III HEADQUARTERS

The headquarters of the ACLU of NM shall be located within the state of New Mexico as determined by the Board of Directors.

Section IV MEMBERSHIP

The membership of the ACLU of NM shall consist of all members of the American Civil Liberties Union residing within the state of New Mexico. In January of each year the Executive Director shall make a determination of the number of affiliate members as of January 1 of that year. [Amendment: Sect.IV.1]*[Needed to calculate percentages and fractions of the membership for various purposes.]*

Section V MEETINGS

The annual membership meeting shall be held during April of each year in such place as shall be determined by the Board of Directors. Other meetings of the membership or other public meetings may be called by the president of the Board of Directors or one-twentieth of the members ~~eligible to vote at such a meeting~~. [Amendment: Sect.V.1]*[The phrase is at best redundant and at worst implies more than one category of membership.]* At least two weeks notice shall be given to all members of all above-meetings of the membership and other public meetings. [Amendment: Sect.V.2]]

Section VI BOARD OF DIRECTORS

The direction and administration of the ACLU of NM shall be under the control of a Board of Directors consisting of twenty-one members of the ACLU of NM elected by the general membership, and one designated representative from each Chapter of the ACLU of NM. All directors shall be unequivocally committed to the Purpose. (See Section II.) No person who is currently a paid employee of the American Civil Liberties Union or the ACLU of NM shall be eligible to be elected to or serve on the Board of Directors.

The Board of Directors shall meet as the occasion requires, but not fewer than ~~three~~ four times a year.[Amendment: Sect.VI.1] Additional meetings may be called by the president. The president shall also call a meeting within a reasonable period of time upon the written request of any three directors or any twenty members of the ACLU of NM. Directors shall receive at least two days notice of each meeting. All meetings of the Board of Directors shall be open to the members of the ACLU of NM for participation but not for voting. The Board of Directors may exclude non-directors when personnel matters are being discussed or when the Board goes into executive session.[Amendment: Sect.VI.2] Members of the ACLU of NM shall be notified of meetings called as the result of a proper written request of the membership. In case of a bona-fide emergency, this requirement may be ~~dispensed with~~ disregarded.[Amendment: Sect.VI.3] A quorum for the Board of Directors shall consist of one-third of the directors. Proxy voting is not allowed.

The Board of Directors shall fill a vacancy on the Board by appointing a new director to serve the remainder of the unexpired term.

~~Directors who fail to attend three consecutive meetings without advance notice to the ACLU of NM office shall be automatically removed from the board and shall be notified of such removal. If excessive absenteeism is noted, the Board of Directors may require the director to explain his or her absenteeism. If the director fails to respond or the absenteeism is unwarranted, the Board of Directors may, upon a majority vote, remove the director at the next Board meeting. Directors may be removed for good cause by a vote of an absolute majority of the Board. Before any such removal, the director(s) subject to removal shall be given written notice of the proposed removal with the reasons therefor, and shall be provided an opportunity to respond before final action is taken.~~[Amendment: Sect.VI.4]*[I don't believe we've ever removed a board member for absenteeism, much less "automatically".]*

Section VII NOMINATIONS AND ELECTION OF THE BOARD OF DIRECTORS

Each year seven members of the Board of Directors shall be elected by the general membership for three-year terms. The date of the annual election shall be the first day of March.

The Board of Directors shall appoint new members to the ~~nominating Board Administration~~ Committee, as needed, at least three months before the annual election. The ~~nominating Board Administration~~ Committee shall always consist of no fewer than five members of whom ~~a majority shall be non~~ not all need be directors. Members of the ~~nominating Board Administration~~ Committee shall serve no more than ~~three~~ two years consecutively.[Amendment: Sect.VII.1]*[For a very long time we have not had a nominating committee that complies with the requirements of the bylaws; for the last two years we have had a Board Administration Committee that has discharged these, and other duties.]*

At least two months before the annual election, the ~~nominating Board Administration~~ Committee shall ensure that notify the general membership is notified by mail of the upcoming election and the procedures for nomination. Nominations may be made either by the ~~nominating Board Administration~~ [Amendment: Sect.VII.1] Committee or by petition of ~~any ten~~ one percent of the affiliate members [Amendment: Sect.VII.2]*[A specific number (e.g., ten) allows inflation of membership to dilute the requirement and makes it easier for people like Alford to co-opt the organization. We have grown by nearly an order of magnitude since the number "ten" was put into the by-laws.]* ~~or any chapter board of directors,~~ [Amendment: Sect.VII.3]*[Chapter boards already select a representative to be a Board of Directors member; they can also propose candidates to the Board Administration Committee (we are always looking for good candidates) or circulate a nominating petition.]* provided there is attached to such petition a signed statement expressing the nominee's commitment to the Purpose (see Section II) and [Amendment: Sect.VII.4] willingness to serve if elected, and provided such petition is filed with the affiliate office not later than one month before the annual election.

If nomination is made by petition of one percent of the affiliate members, such a petition should include contact information for the person submitting the petition. If contact information is provided, then within one week of submission of the petition, ACLU of NM office staff shall notify the person submitting the petition whether the petition contains enough valid signatures of affiliate members and, if not, the number of additional valid signatures needed. If a petition of affiliate members is submitted less than one week before the deadline for submission of petitions, the person submitting the petition shall not be so notified. [Amendment: Sect.VII.5]

At least two weeks before the annual election, the ~~nominating Board Administration~~ Committee shall mail to every affiliate member a ballot ensure that ballots are mailed to every affiliate member [Amendment: Sect.VII.1] showing; ~~but not distinguishing;~~ [Amendment: Sect.VII.6]*[Material sent by national for the election of its board members does distinguish those nominated by the board's nominating committee from those nominated by petition.]* the candidates nominated

ACLU-NM Bylaws Changes

by the ~~nominating Board Administration~~[Amendment: Sect.VII.1] Committee and those nominated by petition.

Members shall vote by marking and mailing their ballots to the address designated. No ballot shall be counted unless received at such place on or before the date of the annual election. Ballots need not be signed but the signature and address of each member voting must be placed on the envelope containing the ballot. Ballots shall be opened in such a way as to preserve the secrecy of the ballot. ~~The ballots shall be counted pursuant to the direction of the Executive Director~~ ~~The count of the annual election ballots shall take place no later than two weeks after the date of the annual election.~~[Amendment: Sect.VII.7]

Section VIII OFFICERS / EXECUTIVE COMMITTEE

The officers of the organization shall consist of a president, vice-president, secretary and treasurer. Each shall exercise duties relevant to his or her office, and shall serve until his or her successor is elected. The offices of president and secretary shall not be held by the same person.

The officers of the organization shall be elected by the Board of Directors from among the directors. The officers shall be elected at the first meeting of the board following the annual election.

The Board of Directors shall fill any office which becomes vacant.

The Officers, the national board member, ~~and along with~~[Amendment: Sect.VIII.1] the chair of the Development Committee shall serve as an Executive Committee to conduct the business of the Board between board meetings.

Section IX LIABILITY INSURANCE

The ACLU of NM shall obtain and pay all premiums for a policy or policies of insurance, insuring the Officers and Directors of the ACLU of NM against claims based on their errors and omissions as Officers and Directors. The limits of such coverage shall be in an amount to be determined by the Directors annually. To the extent allowed by law the Corporation shall indemnify each Officer and Director against all expenses and liabilities, which are not covered by insurance, including, but not limited to, any deductible amount provided for in the insurance policy or policies. The foregoing right of indemnification shall not be exclusive of other rights to which any Director, members of the Executive Committee, or Officer may be entitled as a matter of law and shall include reimbursement of any amount and expenses paid or incurred in settling any such action, suit or proceeding when such settlement has been approved by the Board of Directors.

Section X LEGAL DIRECTOR(S)

The Board of Directors may designate one or more Legal Directors to manage the legal caseload. The Legal Director(s) need not be members of the Board but shall be members of the ACLU of NM.

Section XI NATIONAL BOARD MEMBER

The Board of Directors shall elect a representative to the national board of the American Civil Liberties Union (i.e., a national board member) for a three-year term, which shall begin on 1 July and end on 30 June. The person elected need not be a director but must be a member of the ACLU of NM. He or she must be unequivocally committed to the Object of the American Civil Liberties Union (See Policy Guide) and the Purpose (See Section II above).

The national board member shall be elected at a meeting of the Board of Directors prior to the expiration of the current national board member's term, to ensure continuity of representation on the national board. The procedures for the election shall be established by the Board of Directors at a meeting prior to the election.

If the national board membership becomes vacant, the Board of Directors shall elect a new national board member for the unexpired term.

Section XII EXECUTIVE DIRECTOR

The Board of Directors may employ an Executive Director. The Executive Director shall be responsible for carrying out the policies of the Board of Directors. The Executive Director shall submit an annual budget to the Board of Directors for its approval at a regular meeting prior to the beginning of the fiscal[Amendment: Sect.XII.1] year, and shall submit an annual report to the membership at the annual membership meeting. The annual report shall also be mailed to all any members upon request. [Amendment: Sect.XII.2] *[It's expensive and not always necessary to mail it to everyone. If the E.D. and/or Development Committee think it's a good idea in a given year then fine, but the expense shouldn't be mandated by the bylaws.]*

Section XIII COMMITTEES

~~————The Board of Directors shall establish such committees which in its judgment best promote the work of the organization and its cooperation with the American Civil Liberties Union.~~

~~————At the minimum, there shall be five four standing committees: Budget, Legislative, ~~Long Range Planning~~; [Amendment: Sect.XIII.1] *[For at least the last decade there has not been a "Long Range Planning Committee" nor a report to the board of such.]* ~~nominating Board Administration~~[Amendment: Sect.VII.1] and Development. The standing committees shall report to the Board of Directors at each meeting of the Board.~~

Section XIV CHAPTERS

Chapters of the ACLU of NM are organizational ~~sub-units~~ subdivisions of the ACLU of NM. [Amendment: Sect.XIV.1] Ten or more affiliate members may form a chapter based on regional or other reasonable basis and make application to the Board of Directors. A chapter has no independent legal or financial standing; the ACLU of NM maintains financial and legal responsibility for all the actions of its chapters. Chapters must comply with and are subordinate to existing national and affiliate bylaws and policies. [Amendment: Sect.XIV.2] *[These conditions are required by National Policy #525a.]*

The granting and continuation of chapter status shall depend on approval of the current ~~constitution and~~ bylaws of the chapter [Amendment: Sect.XIV.3] *[No chapter has a "constitution."],* and on the chapter's adherence thereto. A majority vote of the total Board of Directors of the ACLU of NM (an absolute majority) [Amendment: Sect.XIV.4] is required to grant or rescind chapter status. A chapter may be suspended for a limited time by majority action of the Board of Directors of the ACLU of NM. [Amendment: Sect.XIV.5] *[Granting or rescinding chapter status should require a super-majority, as it currently does; temporary suspension, a lesser action, requires a lesser bar.]*

Each chapter shall be governed by a board of directors, each of whom shall be unequivocally committed to the Purpose (see Section II). The bylaws of each chapter shall set a minimum and maximum number of directors, and each chapter shall make a good faith effort to keep its board membership within the minimum and maximum numbers set by its own bylaws. However, should a chapter board find itself with fewer than the minimum number of members, it may continue to function in all ways as a chapter so long as there are at least two chapter board members and the continued operation of the chapter without a minimum number of chapter board members is approved by a majority of a quorum of the affiliate Board of Directors. If a chapter continues without a minimum number of directors for two full years, the affiliate Board of Directors shall decide by a majority of a quorum, whether and under what conditions the chapter shall continue to exist. [Amendment: Sect.XIV.6] *[This provision is needed to help to insure continuity of chapters.]*

Chapter Directors may be removed for good cause by a vote of an absolute majority of either the Board of Directors of the chapter or of the Board of Directors of the affiliate. Before any such removal, the director(s) subject to removal shall be given written notice of the proposed removal with the reasons therefor, and shall be provided an opportunity to respond before final action is taken. [Amendment: Sect.XIV.7] *[This provision is essential in order to deal with attempts to "infiltrate" our chapters, as Alford bragged that he did. It's a tactic we must be able to combat it if needed.]*

The ~~constitution and~~ [Amendment: Sect.XIV.2] bylaws of each chapter shall include specific procedures for the selection of a director to serve on the Board of Directors of the ACLU of NM, if representation is desired. A copy of the current ~~constitution and~~ [Amendment: Sect.XIV.2] bylaws of each chapter shall be filed with the ACLU of NM office.

Section XV ADVISORY BOARD

At the discretion of the Board of Directors, an Advisory Board may be created from the general membership of the ACLU of NM.

Advisors shall be selected on the basis of particular expertise or outstanding contributions to the advancement of the ACLU of NM. Advisors shall be appointed for a two-year term. Appointments or removals of advisors shall be made on the basis of a majority vote of the total Board of Directors.

Advisors shall be encouraged to participate in the affairs of the ACLU of NM but shall have no ex officio powers in the direction or administration of the affiliate.

Section XVI AMENDMENT OF THE BYLAWS

Any proposed amendment to the Bylaws shall be submitted by the Board of Directors to the entire membership at least thirty days before it is to be voted on. The proposed amendment may be initiated by a majority vote of the Board of Directors, by ~~twenty-five~~ two percent of the members of the ACLU of NM, or by two-thirds vote of the total membership of a chapter board of directors. [Amendment: Sect.XVI.1] *[Again, a specific number allows inflation of membership to dilute the requirement.]* ~~The vote shall be by mail ballot to all members of the ACLU of NM.~~ To be adopted, an amendment must be approved by two-thirds of all votes cast of the total Board of Directors. [Amendment: Sect.XVI.2] *[Our affiliate has become so much larger than it was 40 years ago that mail ballots have become very expensive and cumbersome. And as we grow we keep learning more about our structural needs, so a number of amendments to our bylaws will be required in the immediate future and beyond. Among immediate needs, the IRS is scrutinizing us more stringently, so we must clearly distinguish the governance of the Foundation, a 501(c)(3) corporation, from our 501(c)(4) corporation, and we must do that as quickly as possible. We are in the process of comparing our bylaws with those of other affiliates, and are arranging to consult with a professional about ours. All of this means that we have to be able to amend our bylaws more cheaply and efficiently, in a way that many other affiliates already do.]*

The national [Amendment: Sect.XVI.3] American Civil Liberties Union office shall be informed of any proposed change to the Bylaws a reasonable period of time prior to the adoption of the change, and again informed at the time of its adoption.

ACLU-NM Bylaws Changes

BALLOT FOR AMENDMENTS TO THE BYLAWS

This ballot is designed so that two ACLU-NM members who reside in the same household may vote separately. Each member should vote only once. Please mark your ballots and return them to the ACLU-NM office no later than April 17, 2006 to PO Box 566, Albuquerque NM 87103-0566.

Thank you.

BALLOT #1

ACLU-NM MEMBER #1

I approve all amendments: _____

I approve all amendments except those indicated below by a "no" vote: _____

I want to vote on each amendment individually: _____

Amendments:

Sect.IV.1	yes _____	no _____
Sect.V.1	yes _____	no _____
Sect.V.2	yes _____	no _____
Sect.VI.1	yes _____	no _____
Sect.VI.2	yes _____	no _____
Sect.VI.3	yes _____	no _____
Sect.VI.4	yes _____	no _____
Sect.VII.1	yes _____	no _____
Sect.VII.2	yes _____	no _____
Sect.VII.3	yes _____	no _____
Sect.VII.4	yes _____	no _____
Sect.VII.5	yes _____	no _____
Sect.VII.6	yes _____	no _____
Sect.VII.7	yes _____	no _____
Sect.VIII.1	yes _____	no _____
Sect.XII.1	yes _____	no _____
Sect.XII.2	yes _____	no _____
Sect.XIII.1	yes _____	no _____
Sect.XIV.1	yes _____	no _____
Sect.XIV.2	yes _____	no _____
Sect.XIV.3	yes _____	no _____
Sect.XIV.4	yes _____	no _____
Sect.XIV.5	yes _____	no _____
Sect.XIV.6	yes _____	no _____
Sect.XIV.7	yes _____	no _____
Sect.XVI.1	yes _____	no _____
Sect.XVI.2	yes _____	no _____
Sect.XVI.3	yes _____	no _____

BALLOT #2

ACLU-NM MEMBER #2

I approve all amendments: _____

I approve all amendments except those indicated below by a "no" vote: _____

I want to vote on each amendment individually: _____

Amendments:

Sect.IV.1	yes _____	no _____
Sect.V.1	yes _____	no _____
Sect.V.2	yes _____	no _____
Sect.VI.1	yes _____	no _____
Sect.VI.2	yes _____	no _____
Sect.VI.3	yes _____	no _____
Sect.VI.4	yes _____	no _____
Sect.VII.1	yes _____	no _____
Sect.VII.2	yes _____	no _____
Sect.VII.3	yes _____	no _____
Sect.VII.4	yes _____	no _____
Sect.VII.5	yes _____	no _____
Sect.VII.6	yes _____	no _____
Sect.VII.7	yes _____	no _____
Sect.VIII.1	yes _____	no _____
Sect.XII.1	yes _____	no _____
Sect.XII.2	yes _____	no _____
Sect.XIII.1	yes _____	no _____
Sect.XIV.1	yes _____	no _____
Sect.XIV.2	yes _____	no _____
Sect.XIV.3	yes _____	no _____
Sect.XIV.4	yes _____	no _____
Sect.XIV.5	yes _____	no _____
Sect.XIV.6	yes _____	no _____
Sect.XIV.7	yes _____	no _____
Sect.XVI.1	yes _____	no _____
Sect.XVI.2	yes _____	no _____
Sect.XVI.3	yes _____	no _____

ACLU Board of Directors Candidates

The following are statements of interest from the 6 individuals who are running for 7 open positions on the ACLU-NM Board of Directors. A ballot to vote for Board members appears on page 7. Please mark your choices and return the ballot to the ACLU-NM office by April 17, at PO Box 566, Albuquerque NM, 87103-0566.

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Mark Ayers (Albuquerque)

It has been an honor and privilege to be associated with ACLU-NM for the last year and a half. While my involvement with the ACLU is relatively new, I have been involved with civil rights advocacy for many years. One of my proudest achievements was successfully fighting for passage of the Gay Civil Rights legislation in Massachusetts in 1991. I am grateful to now be involved in civil liberties work more directly.

My primary involvement with ACLU-NM has been through inaugurating the Central New Mexico Chapter. I served as Secretary at the inception and maintained our monthly minutes, started a ListServe, and produced a newsletter, The CNM Beacon. I also served as Chair of the Education Task Force. My primary accomplishment in this capacity has been serving as Co-Advisor of the Youth Advisory Board. This dynamic group of high school students has already sponsored a successful Mock Trial in November and will be participating in National History Day in April. The youth are creating a movie about Roger Baldwin, the founder of the ACLU.

As a member of the State Board, I would be especially dedicated to youth advocacy, gay civil rights, and education and outreach. I would be proactive in fundraising and helping chapters grow and develop. Most importantly, I would do my utmost to serve the best interests of ACLU-NM.

Joyce Briscoe (Albuquerque)

Working actively with our local staff to organize national and state conferences, and to extend community awareness of the ACLU into schools, churches and community forums, has helped me decide to run for the Board. I have experience with policy-making boards, practical skills and the time and enthusiasm to commit to the job of serving.

One of the practical skills I have is politics and lobbying the legislature. I have worked two legislative sessions with Diane Wood, our lobbyist, and would like to continue that work while serving on the Board. In addition, I would continue volunteering in the office – not only for clerical and computer work but also to build on our educational and community outreach opportunities to raise awareness of the ACLU.

I have a lot of experience with both policy-making and advisory boards, both on a national and state level. Six years on the National Board for Professional Teaching Standards has taught me a world about by-laws, working committees and public relations. Because it is also a non-profit, policy-making board, I believe it is the closest to our Board of Directors.

However, I have also served on the NM State Land Commission advisory board, the New Mexico Architectural Foundation Executive Board, the KNME community advisory board and the City Cable Regulation Board.

During my 25 years in APS, I taught English, history and government, enjoyed both national and local recognition, and was active in the Albuquerque Teachers Federation.

Thank you for considering me as an advocate in your good work.

James Chavez (Albuquerque)

I am running for a second term to the Board of Directors of the NM ACLU. I would like to continue to serve on the Board because I feel that I contribute a different perspective to the Board. My law practice emphasizes business litigation, and I have a business understanding. I firmly believe that the vast majority of Americans support civil rights when the issues are clearly presented. It is our job to present those issues.

The ACLU must not only struggle against the right-wing noise machine, but against an administration that attempts to muddle the civil rights debate and use tragic events as fear tactics to erode civil and human rights.

There is a long history of this government abusing civil rights during times of crisis. There is also a long history of organizations such as the ACLU battling against such abuse. It is the ACLU that is currently fighting against indefinite confinements, illegal torture and illegal surveillance.

The New Mexico ACLU is also in the forefront of educating citizens as to

the importance of civil liberties. It is essential that organizations such as the ACLU fight for the preservation of civil liberties, regardless of whether the popular opinion holds the recipient worthy of the aid.

I wish to continue to serve on this Board.

Kate Ferlic (Santa Fe)

I feel honored to already be a member of the ACLU-NM board because of the level of commitment people have to this great organization. I hope to continue to demonstrate that commitment in the next three years through involving more New Mexico young professionals in annual giving and as volunteers and cooperating attorneys. There is a need to cultivate a next generation of leadership to follow in the footsteps of those who work to further the mission of the ACLU - to protect civil liberties in New Mexico. To demonstrate my own commitment to civil liberties, I not only serve on the board and the Development Committee, I also work as a law clerk for Santa Fe civil rights attorney Daniel Yohalem. I want to continue to bring energy, vitality and dedication to fundraising efforts and the growth of the organization. Separation of church and state, speech and privacy rights are currently at high risk of compromise, I am proud to be a part of an organization that works diligently to advance the interest civil rights through our legislature and in our courts

Jack Steadman (Santa Fe)

I joined the ACLU in 1950, my senior year in high school (my Senator was Joe McCarthy). I became a tutor at St. John's College, Annapolis, MD, in 1962 and have been a tutor at SJC here in Santa Fe since 1967. I have been treasurer of the New Mexico affiliate since 1992 and have served and do serve on many board committees. I am strongly committed to the principles of the ACLU and to the absolute necessity of maintaining a strong, healthy and growing affiliate here in New Mexico.

I have always been especially concerned with First Amendment and equal rights issues: equal rights for racial minorities, women, gays/lesbians, everybody. In 1963 my wife and I, along with a quarter million other people, were part of the historic "March for Jobs and Freedom" in Washington, DC. We were there when Martin Luther King, Jr., gave his "I have a dream" speech from the steps of the Lincoln Memorial. We still have that dream: the dream that "one day this great nation will rise up and live out its fundamental principle: 'We hold these truths to be self evident, that all men are created equal...'" Unfortunately, it takes continuous and extraordinary effort, by ordinary citizens, to accomplish that dream and to keep from slipping back.

It especially requires extraordinary effort now that we have an unending "War on the Constitution," a.k.a. "War on Terrorism." The ACLU's work is more important than ever.

Hollis Walker (Santa Fe)

I have had the privilege – and the challenge -- to serve as an ACLU-NM board member since late 2004, and ask for your vote to continue in that capacity for a full term. I have attended almost all board meetings and am an active member of the Development Committee, having helped to organize and host two fundraisers and participated in soliciting major donors.

As a lifelong journalist, I am committed to the preservation of civil liberties and consider the First Amendment the bedrock upon which all our freedoms rely. In New Mexico, we face constant challenges to our most basic rights, and I believe it is the duty of we who have been the beneficiaries of those rights to protect them, especially on behalf of those in our society who are disenfranchised.

As a board member, I pledge to use my skills in collaboration with other directors, staff, volunteers and members to ensure the fiduciary stability and proper management of the organization, as well as to help discern those issues that deserve priority attention. Among my particular concerns are issues of immigration/border conflict, minority and gay rights, privacy, prisoner's rights and of course, freedom of speech. ACLU-NM is at a watershed moment, poised to grow rapidly, and facing many pressing decisions. I believe I can make a significant and intelligent contribution to our future. I invite anyone with questions about my board service or opinions to contact me: 505-455-7162, or email at

ACLU Board of Directors Ballot

Instructions for voting:

There are six (6) candidates running for seven (7) open seats. You may vote for any number of the six candidates. To vote, check or mark the box next to the candidate's name.

For households with two ACLU of New Mexico members, each member may vote – simply have the second member check off the votes in the second column of boxes. For households with one ACLU-NM member check off votes in one column only.

We must confirm ACLU-NM membership and still keep the votes anonymous. We need your help to do this. Cut out the ballot and insert it in a plain envelope marked "ballot" then place this envelope in a second envelope with your name and return address so that we can check to make sure you are a current ACLU member. Remember to include a second name if you have a household membership.

After we confirm membership, we discard the outer envelope and count the ballots anonymously. Ballots must reach the ACLU-NM office by April 17, 2006. Volunteers will count the ballots and all candidates will be notified of the results prior to posting the results in the next issue of the Torch and on the ACLU-NM website

Send ballots to:
ACLU-NM Board Ballot
P. O. Box 566
Albuquerque, NM 87103

Ballots must be received in our office by April 17^h.

Board of Directors candidates in alphabetical order:

Ballot for Member 1

Mark Ayers

Joyce Briscoe

James Chavez

Kate Ferlic

Jack Steadman

Hollis Walker

Ballot for Member 2

Mark Ayers

Joyce Briscoe

James Chavez

Kate Ferlic

Jack Steadman

Hollis Walker

Visit our website at
www.aclu-nm.org
for news, updates and our weblog

ACLU Legislative Summary

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SPRING 2006, VOLUME 41 NUMBER 1

Our sincere thanks to all our ACLU friends and members who called and emailed legislators during the legislative session. As it was a short, budgetary session, we didn't have too many bills to respond to. Here is the outcome:

PASSED

DNA Samples from all Felony Arrests (SB 216, Papen; HB 130, Heaton)

Originally proposed the collection of DNA samples from all felony arrestees, but later was amended to include violent felony crimes, larceny, and burglary. Amendments also provided for expungement of DNA samples upon the request of an arrestee if he or she was never convicted. Signed by Governor.

DIED

Kendra's Law (SB 335, Carraro; HB 174, Gutierrez)

Authorized the court to order people with mental illness to obtain outpatient treatment if a court finds that patient is unlikely to survive safely in the community without supervision; is unlikely to participate voluntarily in a recommended treatment program; has a history indicating that he or she needs assisted outpatient treatment to prevent relapse or deterioration that would likely result in harm to himself or others. Died on Senate floor.

Penalties for Street Gang Recruitment (HB 65, Swisstack)

Felony crimes for recruitment of a minor into a gang, vaguely defined as "an ongoing organization, association or group of three or more persons, whether formal or informal, having a common name or identifying sign or symbol, whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity and having as one of its primary activities the commission of" felony crimes. Died on Senate floor.

Driver's License Requirements (HB 852, Foley)

Requesting \$10 million to implement various elements of the federal REAL ID Act, including extensive ID requirements to obtain a driver's license, extensive verification of applicant's ID documents, machine-readable technology incorporating minimum data elements, digital photography to allow for facial recognition technology. REAL ID aims to create a national ID card, complete with electronic data storage capabilities. Died in House Judiciary Committee.

Driver's License Foreign National Records (SB 622, Smith)

Required foreign nationals to submit fingerprints for criminal background checks in order to receive driver's license, unless the applicant has a current visa issued by the United States or other valid federal immigration documentation. Died in SJC.

First Annual Mock Trial: A Resounding Success

The Central New Mexico Chapter of the ACLU-NM founded a Youth Advisory Board in August 2005. Less than three months later, the group sponsored its first large-scale event, the Bill of Rights Mock Trial under the guidance of Michelle Giger of the Center for Civic Values. The event was held on Saturday, November 19th at the UNM School of Law. Mock Trial Teams from four area high schools—Albuquerque High School, Highland High School, Manzano High School, and St. Pius X—participated in the competition. The mock lawsuit chosen as the focus for the day centered around free speech arguments. The quality of the team members' preparation and performance was extraordinary.

The ACLU-NM Board Members and Central New Mexico Chapter representatives who attended the event were impressed with the Board's organization of event and the caliber of the competition.

The Youth Advisory Board was deeply grateful to the many volunteers who came to act as judges for the competition, including ACLU Staff Attorney George Bach and several ACLU-NM cooperating attorneys.

Executive Director Peter Simonson and Board Member Tova Indritz were on hand to present awards to the first and second place teams, St. Pius X and Highland High School, respectively. The members of the Youth Advisory Board presented a special plaque to Michelle Giger and the Center for Civic Values for their co-sponsorship and invaluable support of the event.

The members of the Youth Advisory Board also expressed their gratitude to their two advisors who truly helped them through the process, Mark Ayers, Central New Mexico Chapter Board Member and Education Task Force Chair, and Ruth Koury, ACLU-NM Director of Development.

As a display of their pride in the work of the members of the Youth Advisory Board, the Central New Mexico Chapter purchased tickets to the 2005 ACLU-NM Bill of Rights Dinner for the President of the group, Daniel Williams, and the Vice-President, Evan Schultz.

The event was such a momentous success that the Youth Advisory Board has already scheduled a second Bill of Rights Mock Trial for October 14, 2006. The event will again be held at the UNM School of Law and details will be announced to the public soon on the ACLU-NM website. "We have no doubt that these bright, motivated students can accomplish whatever they choose to do", said Ruth Koury. And from Mark Ayers, "It's all good."



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