



THE TORCH

The Newsletter of the American Civil Liberties Union of New Mexico

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SAVE THE DATE!

APRIL 28, 2007

The 2007 ACLU of New Mexico Annual Meeting will be held in Albuquerque at 10 AM at Central New Mexico Community College in Albuquerque, Room S-10.

Look for more exciting ACLU upcoming events on page 8.

Protecting Civil Liberties in New Mexico: The 2007 Legislative Session

Max Schiller, Joyce Briscoe Legislative Intern

As soon as your feet touch the Capitol floor, time seems to change. No longer do you see a few weary souls wandering around downtown in the cold and isolated Santa Fe winter; instead you're thrown into the chaos of what is the 2007 New Mexico legislative session.

"This session was definitely one of the most active I've ever seen in my 28 years on the job," said Diane Wood, Director of the Northern Regional Office of the ACLU of New Mexico. "There was a lot of legislation introduced." During the regular 60-day session, 2974 pieces of legislation were introduced.

In the midst of all the activity, six pieces of legislation stand out as particularly important civil liberties issues:

- *Oppose Creation of National ID Card*, House Joint Memorial 13 (W. Ken Martinez D-Cibola, McKinley, & San Juan) and Senate Joint Memorial 11 (Michael Sanchez D-Valencia);

- *Domestic Partners Rights and Responsibilities*, House Bill 603 (Mimi Stewart D-Bernalillo);
- *Repeal the Death Penalty*; House Bill 190 (Gail Chasey D-Bernalillo);
- *Mandated Community Treatment Act*, House Bill 609 (Joni Marie Gutierrez D-Dona Ana);
- *Whistleblower Protection Act*, Senate Bill 1043 (Sue Wilson Beffort R-Bernalillo, Sandoval, SF & Torrance); and
- *Compassionate Use Medical Marijuana Act*, Senate Bill 523 (Shannon Robinson D-Bernalillo).

House Joint Memorial 13 and Senate Joint Memorial 11 both opposed the creation of a national ID card, Real ID. The Real ID Act was passed by Congress in May 2005 without a single hearing in the Senate. If it is accepted and carried out by the states, Real ID will turn state driver's licenses into national identity cards

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ACLU Seeks Retirement Health Insurance for Same-Sex Partners of New Mexico State Employees

Whitney Potter, Communications Manager

The American Civil Liberties Union filed a lawsuit on February 5th, 2007 against the state of New Mexico on behalf of Ellen Novak and Linda McCreary and two other lesbian couples seeking retirement health insurance for the domestic partners of lesbian and gay state employees.

The lawsuit charges that the state's policy of denying lesbian and gay state retirees equal health insurance for their partners violates the state constitution's equality guarantees. Unlike their straight colleagues, lesbian and gay employees are barred from marrying in the state and therefore, in the absence of domestic partner benefits, are denied equal compensation.

In 2003, Governor Bill Richardson issued an executive order providing state employees, both gay and straight, with the option of providing their partners health insurance through domestic partner coverage. Under the order, domestic partner coverage is not

available to employees after they retire, while continued spousal coverage is provided.

Ellen and Linda have been a committed couple for 15 years, and have known each other as friends for 30 years. Linda is a self-employed realtor, selling residential properties in the Albuquerque area. Ellen is a retired social worker and program manager for the New Mexico Department of Children, Youth, and Families.

In 2004, Ellen retired from her job after 25 years because a chronic lung condition made it difficult to

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Ellen and Linda

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Executive Director's Notes

When Did Fear Become an American Value?

A lot is made of the change in American values today. The religious right decries the decay of the country's moral fiber, the growing acceptance of gays and lesbians, the ACLU's alleged "War on Christmas". But it misses the boat. The values that are in flux implicate long-held beliefs about what it means to be an American, about our national identity, and about the citizen's relationship to his or her government.

What was your response to recent revelations that the FBI is abusing the administrative subpoena power granted to it under the USA Patriot Act? My own surprised me. On the one hand I was frustrated, as I always am, when something that the ACLU had warned against eventually proves to be true. When history repeats itself.

On the other hand, a quiet complacency set in. Was this worth getting upset about? Revelations like this have become commonplace. Surely most of us have learned by now that the government isn't serious when it assures us that citizens' rights will be protected in intelligence-gathering activities.

My response wasn't intentionally cynical; it was instinctive and pragmatic. This is the way things work these days. As an American, I accept secrecy and a certain amount of duplicity as the rules of the game where governing is concerned. I no longer truly expect accountability from our elected officials—even if I say I do.

Other American expectations are in flux as well. Where once we saw ourselves as a proud nation—strong in our conviction, confident of our direction—today fear sets the agenda for most of our public life. It dictates the news stories we follow, the laws that we make, and the entertainment we enjoy.

Fear of sex offenders. Fear of drunk drivers. Fear of immigrants. And, of course, fear of terrorists.

It's not just any fear that we as Americans have learned to savor; it's paranoia, with an irrational, sometimes

vicious twist. Consider the irony that the most powerful nation in the world is building walls along its southern border to protect itself not against a hostile, invading force, but against poor people who simply seek jobs—jobs that American industry is eager to offer them.

It is an irrationally fearful America that throws people into jails like Guantanamo and Abu Ghraib, without cause, and then denies them their day in court, evidently because it fears the publicity that will result from admitting the prisoners were innocent in the first place.

It is an irrationally fearful America that not only tortures those people, but also shames them, gratuitously, through sexual means and denigration of their religion.

Somewhere along the way, fear convinced the American people to strike a deal with the current presidential administration. In return for a government that talks and acts tough in the face of terrorism, we agreed to keep our mouths shut and to trust in what was told to us. We agreed to be tractable.

The soul of America is in peril, but it won't be saved by making teens sexually abstinent or by putting religion into government affairs. The way to reclaim American values is by reminding ourselves of our strength and dignity. Personal independence and courage are what made America great and that prescription continues to hold true today.



Peter Simonson, Executive Director



Plaintiff Profile

Continued from page 1

work. Although she was eligible for retirement at the time, Ellen would have continued working, were it not for her health problems.

When she was working, Ellen's state health benefits extended to Linda. Unfortunately, because she had to retire, Ellen can no longer provide health benefits to Linda because domestic partner insurance does not extend to retired employees. The family pays extra for Linda's insurance, which costs them approximately \$2,700 a year. The coverage Linda gets is far inferior to the coverage Ellen would be able to provide if she were able to do so.

Ellen and Linda are raising two children they adopted jointly—a 12 year-old boy, and a 9 year-old girl. As a family, they enjoy traveling, trips to museums, and going to the zoo.

"When my colleagues retire, they don't have to go out and seek costly insurance so that their spouse can have medical coverage," says Ellen. "My family needs insurance just as much as theirs."

Proposed legislation, House Bill 603 introduced by Representative Mimi Stewart, would have provided domestic partners with the same rights as married couples and is one of the measures that was unable to clear both the House and Senate during the regular 60-day legislative session. This legislation would have closed the loophole and provided benefits to the domestic partners of retired employees, like Linda and Ellen. The governor asked lawmakers to approve the domestic partnership bill during the special session.

"The cost of providing the domestic partners of state employees with access to retirement health insurance would only result in less than a one percent increase in claims dollars paid out by the authority. And this nominal cost would likely be offset by the savings to the state on account of having more people insured," said Peter Simonson, Executive Director of the ACLU of New Mexico.

George Bach, Staff Attorney

VOTER I.D. On February 12, 2006, federal judge Christina Armijo struck down the Albuquerque Voter I.D. ordinance that required I.D. at the polls but not for absentee ballots. Judge Armijo declared the ordinance a violation of equal protection under the U.S. Constitution. Cooperating attorneys Jim Scarantino, Joe Kennedy, Shannon Oliver, and Scott Cameron litigated the case on behalf of the ACLU-NM. The City has filed a notice of appeal. Andy Shultz and Kip Purcell of the Rodey Law Firm are handling the appeal for the ACLU-NM.

CIBOLA COUNTY SHERIFF'S DEPUTIES Cooperating attorneys Bryan Davis and Kip Purcell of the Rodey Law Firm, along with Phil Davis, filed a lawsuit on behalf of a Guatemalan national who was stopped without apparent probable cause and "shaken down" for most of the money in his possession by a Cibola County Sheriff's deputy. The complaint alleged Fourth Amendment, Due Process, and Equal Protection violations, along with state law tort claims. On March 13, 2007, the parties settled the lawsuit for \$45,000.

DOMESTIC PARTNERSHIP RETIREE HEALTH CARE BENEFITS Maureen Sanders, George Bach, and the ACLU Lesbian/Gay/Bisexual/Transgender (LGBT) Project filed suit against the State of New Mexico for denying health care benefits to same-sex domestic partners of retired state employees. Currently, under Governor Richardson's executive order, domestic partners of state employees are entitled to benefits. Once the employee retires, the partner loses the benefits, while spouses of married state employees retain theirs.

IMMIGRATION DETAINEES AT RCC Cooperating attorney Brandt Milstein, George Bach, and ACLU-NM Law Clerk Brendan Egan met with immigration detainees at the Regional Correctional Center (RCC) in Albuquerque, many of whom had been incarcerated for years at the behest of Immigration and Customs Enforcement (ICE). Federal law requires that, absent limited exceptions, immigration detainees be released within six months of their final deportation. George entered his appearance in ten of the petitions for writ of habeas corpus filed by the detainees and helped obtain the release of all the Chinese immigrants at RCC and several Cubans.

STATE V. MARTINEZ AMICUS BRIEF George Bach, Brendan Egan, and Maureen Sanders wrote a "friend of the court" brief after being approached by attorneys Jane Wishner, Alexandra Freedman Smith, and Joe Goldberg. The case pertains to a pregnant woman who has been charged with "child endangerment" for ingesting cocaine two days prior to the birth of her child. (The infant's urine then tested positive for cocaine.) The brief argues that the prosecution of Ms. Martinez runs afoul of the New Mexico Equal Rights Amendment, because only women can be charged for "drug use" in this manner. The ACLU Women's Rights Project and the Reproductive Freedom Project worked with the ACLU-NM on the brief.

DEA-AMTRAK Cooperating attorney Zach Ives and George Bach filed suit on behalf of two Los Angeles residents of Armenian origin who were assaulted by Drug Enforcement Administration (DEA) agents searching their luggage at a stop in Albuquerque. When the man protested the agent's handling of the luggage, the agent allegedly roughed up the couple. DEA agents also stole the man's camera after he photographed his wife's injuries.

NMSU FOOTBALL The ACLU-NM filed suit on behalf of three Muslim football players against New Mexico State University (NMSU) football coach Hal Mumme and the NMSU Board of Regents. Cooperating attorney Joleen Youngers is working with George Bach on the case. The only Muslim player who wasn't kicked off joined the lawsuit as a plaintiff in January 2007. Joleen and George have been taking the depositions of various coaches, and the plaintiffs were deposed by NMSU's lawyer as well.

OTHER ACTIONS:

TRUTH OR CONSEQUENCES In the Fall of 2006, the ACLU-NM was contacted by art gallery owners in Truth or Consequences who were confronting the introduction of a Draconian obscenity ordinance. The ordinance was eventually revised after ACLU-NM expressed its concerns. Another ordinance was proposed in January 2007 that would have broadly construed and prohibited "sexually-oriented material." An ordinance such as this would have prohibited Michelangelo's David from display. George Bach and Brendan Egan again urged the City to repair unconstitutional language in the ordinance. In late January 2007, the Council again responded to the ACLU-NM by striking the unconstitutional portion of the proposed law.

IMPEACH BUSH SIGN With cooperating attorney Nancy Hollander, George Bach and Brendan Egan addressed the complaints of an Albuquerque Westside resident whose homeowners' association has instructed him to remove his lighted "Impeach Bush" sign. After meeting with the homeowners' association president, Nancy and George advised the resident to replace his sign. He did so and it remains displayed today.

TAOS PLAZA Scott Cameron issued a demand letter to the Town of Taos addressing its Taos Plaza use policy of requiring a \$500 damaged deposit and Mayoral approval after 30-days notice. After several attempts to resolve the matter, Scott and George Bach issued the Town notice that the ACLU-NM would seek a temporary restraining order enjoining the Town policy. The Town responded by agreeing to suspend its policy pending development of new regulations. New regulations were written which Scott reviewed, before they went to the Town Council last month.

PRIDE GYM In response to the ACLU-NM demand letters, the New Mexico Department of Public Safety has agreed to appoint a LGBT liaison. ACLU-NM served Tort Claims Act notices and demand letters to Albuquerque and State Police after the Department of Public Safety (DPS) and APD raided this gay health club ostensibly for alcohol sales violations. After the raid, cooperating attorney Kari Morrissey and George Bach worked to obtain the release of the arrested manager and to get the club re-opened. The arrest warrant alleged that the DPS agents were afraid of "sexual assault" upon entry into the club. Equality New Mexico Executive Director Alexis Blizman is working with the ACLU-NM on the issue.

COUNTY JAILS:

DONA ANA Nancy Koenisberg and Miguel Chavez of Protection & Advocacy System (P&A), with George Bach, inspected the Dona Ana County Detention Center Administrator with jail conditions expert Henry Dlugacz (who was one of the monitors during the Duran consent decree). P&A sent a follow-up letter to the jail based on Henry's concerns. Peter Cubra is also working the case.

SAN MIGUEL George Bach and Brendan Egan, along with Miguel Chavez of P&A, continue to investigate conditions at San Miguel County Detention Center, including the use of chains and padlocks on cell doors and horrific reports of medical and mental health issues.

* * *

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



ACLU OF NEW MEXICO LEGAL PANEL

Reber Boulton
Phil Davis
Jane Gagne
Maureen Sanders

THANK YOU

UNM Law Students' Bill Review

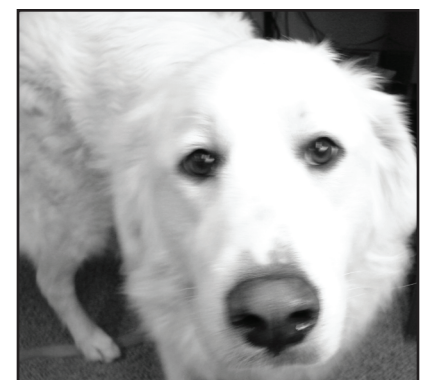
Kudos to UNM Law Student Joachim Marjon for organizing a task force of the ACLU-NM law students to review bills sent to us by Diane Wood. The task force has greatly augmented the bill review work regularly done by the ACLU-NM staff.

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Membership is \$20 and up. *The Torch* is a benefit of membership. Incorrectly addressed mail and address corrections should be sent to the above address.



Cleo, one of our favorite civil liberties guard dogs!

REQUEST A SPEAKER

Staff from the ACLU of New Mexico can provide a lively discussion for your meeting, synagogue, church, classroom or other forum. Please call the Communications Department (505) 266-5915 ext 1003 or wpotter@aclu-nm.org.



Peter Simonson, executive director of the ACLU of New Mexico debated Bob Wright, deputy national executive director of the Minuteman Civil Defense Corps at Congregation Albert in Albuquerque on February 11th, 2007. The debate focused on immigration and border issues. (Photo: Ossy Werner)

Legislative Priorities

Continued from page 1

and impose numerous burdens on taxpayers and state governments.

Both memorials, if put into law, would have formally announced New Mexico's opposition to Real ID, and would have been significant steps on the path to the repeal of the Real ID Act. The House Joint Memorial was unanimously passed by the House Judiciary Committee and passed a House floor vote of 46-17. Unfortunately, neither joint memorial made it through both chambers.

House Bill 603, which would allow people to enter into domestic partnerships in New Mexico, was also a favorable measure. The bill would allow both gay and straight people who share a home and intimate relationship to enter into a formal union in which they would be treated the same as a married couple under state law. This would allow domestic partners to share insurance benefits and other responsibilities they wouldn't have otherwise.

According to Diane Wood, "It was essentially a measure of fairness. This important legislation provides stability and security for all New Mexico families." On the last day of the regular session of the state legislature, the House rejected the Senate's substitute of the bill. In the special session that began on March 20th, the House passed the new domestic partnership bill (House Bill 4) with a vote of 30-23.

Another significant bill was that to abolish the death penalty, House Bill 190. Already passed by 12 states around the U.S. (as well as the District of Columbia), bills to abolish the death penalty are a natural progression in humanitarian measures. "We hoped this bill would pass because it has been proven conclusively that the death penalty is not a deterrent for future crimes, it's expensive, and is a form of cruel and unusual punishment," said Diane Wood. House Bill 190 was unable to pass through the Senate Judiciary Committee.

A major bill the ACLU of New Mexico opposed was the Mandated Community Treatment Act, House Bill 609 (Joni Marie Gutierrez D- Dona Ana), also known as Kendra's Law. This bill strived to empower the state to forcibly medicate people with mental illnesses. The

bill was a highly intrusive invasion of personal liberties, forcing people to take medications and submit to other interventions without proof they are an imminent danger to the community. House Bill 609 failed in the Senate Public Affairs Committee when committee Republicans, along with Democrat Gerald Ortiz y Pino, voted to table it.

The Whistleblower Protection Act, Senate Bill 1043, which "prohibits public employer retaliatory action against public employees in certain circumstances," passed the legislature and is a significant victory. This measure is important because it allows federal employees to identify and speak out about corruption within the public sector. It gives these employees the opportunity to bring a civil lawsuit against any public employer that blacklists or retaliates against them for their decision to point out corrupt practices.

Senate Bill 238, the Lynn & Erin Compassionate Use Act, which allows for the use of marijuana for medical purposes, was nearly killed early in the session. The bill was voted down in the House, 32-37, following a controversial tied vote. Many thought this would be the end of the medical marijuana option for this year. However, with the governor's support, another bill, Senate Bill 523, which originally allowed for only topical use of cannabis, was changed to include the provisions of Senate Bill 238 allowing for medical marijuana usage. The bill passed the Senate and the House and will go into effect this summer.

We thank all those who have supported the ACLU of New Mexico in its mission to maintain and advance the cause of civil liberties within the state of New Mexico during the 2007 legislative session.

* * *

The ACLU of New Mexico would like to express our appreciation to the bill readers, who through their tireless efforts were able to identify many of our most important bills throughout the 2007 legislative session. Their hard work and diligence helped us make this year's lobbying efforts successful. We admire their determination to protect our civil liberties.

The ACLU bill readers are: Burt Alpert, Frank Clinard, Joe Joiner, Hugh Linn, Steve Marvin, Mike Shultz, Joan Spencer, and Jack Steadman.



(L to R) Mark Ayers, Whitney Potter, George Bach, James McGreevey, Mark O'Donnell, Brendan Egan, and Peter Simonson. (Photo: Laura Burnett)

ACLU Staff Attorney Receives Award from the Human Rights Alliance

ACLU of New Mexico Staff Attorney George Bach, whose significant legal efforts have advanced the cause of civil rights in the lesbian, gay, bisexual and transgender community received the Human Rights Alliance "Treasure Award" at the 13th Annual Human Rights Alliance *Gay-la* in Santa Fe on Saturday, March 17, 2007 at the Hotel Eldorado.

"The Human Rights Alliance is pleased to honor a member of the LGBT community who continuously works behind the scenes and under the radar in an effort to defend those who so desperately need it," said Doña Hatch, president of the Human Rights Alliance. "George is a shining example of what compassion is all about. He also represents the old adage 'justice is blind,' or at least should be. He is a fine role model for the younger generation coming up and coming out."

As the ACLU of New Mexico's first and only attorney on staff, Bach directs a legal program that enlists the volunteer services of over two dozen attorneys and litigates roughly 40 civil rights suits every year.

ACLU of New Mexico Executive Director Peter Simonson said, "George's passion for civil liberties is matched only by his compassion for the people he represents. He is a tireless worker, an exceptionally bright lawyer, and a person of great integrity. The ACLU is lucky to have him."

Former Governor of New Jersey, James McGreevey delivered the keynote address at the *Gay-la*.

2007 ACLU Board of Directors Candidates

The following are statements of interest from the six individuals who are running for open positions on the ACLU of New Mexico Board of Directors. A ballot to vote for Board members appears on page 6.

Please mark your choices and return the ballot to the ACLU of New Mexico office by April 20th, 2007: P.O. Box 566, Albuquerque, NM 87103.

➔ JOHN BRISCOE

I am interested in serving on the ACLU-NM Board of Directors. As a long time member and supporter of the ACLU I feel that is time for me to commit the time and energy required to serve as an effective board member.

The organization appears to be very healthy right now with growing membership and expanding programs. While this may be partly a reaction to national events, it is my hope that we will continue to see increasing public awareness of the importance of basic civil liberties to our nation's well being. I would like to assist in keeping these ideals at the forefront.

My experience as a practicing architect and business owner is applicable to board service in many ways. Architects must consider divergent viewpoints and develop solutions to complex problems in the development of most every project. The organization must run efficiently to be effective over the long run. I see that as a principal duty of all board members and I look forward to this responsibility.

My past volunteer efforts include service on Albuquerque's Environmental Planning Commission and various community service projects with the local chapter of the American Institute of Architects.

I hope you and the members will consider my request to serve on the ACLU Board of Directors.

➔ KEVIN HOOVER

My interest and inspiration for serving on the New Mexico affiliate of the American Civil Liberties Union comes from a long held belief in the mission and ideals of this organization. The ACLU has been the one enduring voice of social conscience and I've been proud to serve as a board member for the past 2½ years.

As a gay man, being a card-carrying member of the ACLU has always been a no-brainer. No other organization speaks as clearly or as loudly in protecting my rights as an American citizen. There are times when we stand up for people's rights when no one else will dare to. We speak when others remain eerily silent. This organization is not afraid of pissing people off, and to me, that's a wonderful thing!

I also have another primary motivation for serving on this board. My best friend in the whole world, Fred Green of Dallas, was a board member of the Dallas, Texas ACLU affiliate back in the early 1990's. He served with pride on that board and was responsible for getting me first involved in social activism. He was involved in so many different causes & organizations, it made me proud to know him. He was a friend and a mentor. Fred died May 23, 1995; I still miss him. My service on this board is dedicated to his memory and I hope that I am making him proud.

➔ PATRICIA D. JONES

My name is Patricia D. Jones and I am seeking re-election to the ACLU-NM Board of Directors. Freedom

isn't free and our ancestors down through the ages have given their lives in pursuit of a righteous society. Our society will have no one but ourselves to blame when we wake up to the reality of lost freedom, given away in the pursuit of comfort. We take so much for granted—free speech, free press, free assemblage, due process of law, our ability to access information about how our elected officials operate our government and now our ability to travel freely across the country. Are you prepared? Are you preparing your children, grandchildren and future generations to continue the fight to protect their constitutional rights? Since September 11 the assault on our rights by passing the Patriot Act is an excuse by our government to weaken the "Freedom of Information Act," increase FBI surveillance and obtain unjustified search and seizure warrants against any citizen or group they think might be a threat. The awesome work of our New Mexico state organization and the local chapters is phenomenal. We face some of the toughest issues and challenges head on without hesitation. The violation of our property rights, border issues and the principle of "Equal Protection of the Law" are just a few things that we must tackle. These are just some of the reasons I am an ACLU member and encourage others to participate. I am ready to walk the walk and talk the talk, are you?

➔ CHANTEL REYNOLDS

I first joined the ACLU because I was looking for a cause/organization that affected the largest group of people in the most significant way. After several years as a board member, I continue to believe the ACLU in general and ACLU-NM in particular embodies this vision. Its goals manage to be both narrow (protection of civil liberties) and yet broad (for everyone), and I'm proud to work with a group of people dedicated to this cause. My service as a board member has ranged from representing the northern chapter to now representing the ALCU-NM at the national level. At every level, I strive to find that balance between advocating for the local organization and supporting the overall goals.

I regularly attend national Membership Conferences, paying my own way, and take every opportunity to participate in public education efforts—sitting down for a podcast, meeting with a congressional staffer, writing my many letters, working with secondary school students, speaking on radio, and appearing on local cable access. If re-elected to the ACLU-NM Board, I will continue to serve in whatever capacity most seems appropriate.

➔ JOHN SALAMACK

I believe in the ACLU. I believe in what the ACLU is doing to protect and ensure that the rights and freedoms, as preserved in the Bill of Rights, are not compromised. I believe in the ACLU as the primary leader in challenging governmental actions that threaten to diminish those very rights and freedoms.

My commitment to the ACLU was strengthened on a recent visit to South Africa. I was asked about the ACLU and its work more often than any other topic of conversation. People, who once believed that the United States was the torchbearer of freedom, are now disillusioned, but they applaud the ACLU for pushing forward the issues that could restore American leadership in the eyes of the world. As they have said, "If not America, then who?"

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ACLU OF NEW MEXICO CENTRAL NEW MEXICO CHAPTER BOARD ELECTIONS

The Central New Mexico Chapter will be holding their annual meeting on April 17, 2007 after the event on the Constitution (see page 8).

Here is the opportunity you have been waiting for: *An opportunity to serve your community helping to defend the Constitution.* If you are interested in serving on this energetic and worthwhile Board of Directors please submit a brief statement of interest to one of the following:

Email: nquenk@comcast.net or usublett@gmail.com

U. S. Mail: 1824 Lafayette, Albuquerque, NM 87106

Questions? Please call 265-0967 or 255-1978

The election will be handled by written ballot at the conclusion of the event on April 17, 2007 and winning candidates will be announced.



Join the ACLU of New Mexico
E-Alert Network

Receive email alerts so you can take action on key civil liberties issues when it matters most.

Sign up at:
www.aclu-nm.org

Make a difference on important issues!

IN MEMORY OF MOLLY IVINS (1944 - 2007)

The ACLU of New Mexico acknowledges with sadness the passing of legendary journalist, columnist and long time ACLU supporter Molly Ivins. Molly never wavered in her commitment to the mission of the ACLU, and worked tirelessly as a spokesperson to benefit our organization. She appeared at countless affiliate events, and at one point resolved to do something for the ACLU at least once a month. Her legacy of support will live on through her bequest to the ACLU, a gesture she energetically en-



Molly Ivins, 1944 - 2007
(Photo: Paul Traves)

couraged others to make as well. As she put it, **"I can't think of anything I'd rather do with my worldly goods than fund folks who will be a pain in the ass to whatever powers come to be."**

To make a donation to The Molly Ivins Fund for Justice and Liberty, please visit aclu.org/molly-ivinsfund. To learn about planning a bequest for the future of the ACLU, please visit aclu.org/legacy or call toll-free 877-867-1025.

Board Election

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People wanted to know how things could have gone so wrong here in the USA in such a short period of time. My answers were always framed around the idea that the ACLU, its members, and other like-minded citizens, work to maintain the principles upon which the United States was created. And they work relentlessly to reverse the damage done in recent years.

Many of my South African friends are professionals: newspaper editors, city councilors, lawyers, politicians, doctors, etc. and are often visitors to the United States. Many have lived and worked here. They express dismay at the close parallels between the loss of civil liberties under apartheid and what is happening now in the USA under the current administration. For them (and for me) these parallels are chilling, if not down right frightening.

South Africa is just one example. I have lived and worked in more than eight countries in the Middle East and Africa. In most of these countries, civil liberties and human rights are, at best, a wishful goal.

I would like to continue as a member of the Board of the ACLU in New Mexico. My participation on the affiliate's board would echo what I have said to my friends worldwide—that the ACLU represents the highest ideals and most progressive thinking in America. And I would be proud to continue on the New Mexico board of the ACLU for those reasons.

➔ SANDRA SUBLETT

For the past year I have served as ACLU Central New Mexico Chapter Representative to the ACLU-NM Board of Directors. This experience has been fulfill-

ing and educational, while helping to recommit and reinforce my beliefs in the ACLU's mission.

Some tell you that idealism and hope are irrational and immature, but I have experienced these feelings since my first political foray as a volunteer for the John F. Kennedy presidential election, to the recent Democratic Congressional takeover. These experiences continue to captivate me, and help sustain my passion for politics.

My experience and dedication help me to be a competent and qualified candidate:

- Elected Trustee, Newark California Unified School District - 13 years
- Assistant to California Assemblyman Gib Marguth - 2 years
- Served on Blue Ribbon Panels to California Governor's Edmund G. Brown and George Deukemjian - 4 years
- Member Alameda County Legislative Committee - 10 years
- Assistant Campaign Manager Proposition 9 1978 - California Anti-Smoking initiative
- Worked on several state senatorial, congressional, city council and county supervisor elections
- Member National Organization of Women
- Volunteer Equal Rights Amendment campaign
- BA Administration of Justice

I am eager to be elected to the ACLU-NM Board. I not only have a long-term commitment to equality, I understand the pitfalls and dangers that we face today. I will work my hardest helping to defend the rights that Americans are guaranteed. *Thank you for your consideration.*

Instructions for Voting

There are six candidates running for seven 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 of New Mexico member, check off votes in one column only.

We must confirm ACLU of New Mexico 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 much reach the ACLU of New Mexico office by April 20th, 2007.** 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 of New Mexico website: www.aclu-nm.org.



Board of Directors candidates in alphabetical order:

Ballot for Member #1:

- JOHN BRISCOE
- KEVIN HOOVER
- PATRICIA D. JONES
- CHANTEL REYNOLDS
- JOHN SALAMACK
- SANDRA SUBLETT

Ballot for Member #2:

- JOHN BRISCOE
- KEVIN HOOVER
- PATRICIA D. JONES
- CHANTEL REYNOLDS
- JOHN SALAMACK
- SANDRA SUBLETT



Ballots must be received in our office by April 20, 2007

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

Questions?
Call (505) 266-5915

Member Profiles

Longtime ACLU Supporter Brings Civil Liberties Home to New Mexico Teens

Sanford Brickner developed a commitment to the ACLU many years ago, when he was a tax attorney in Southern California. He has lived in New Mexico and supported the ACLU of New Mexico for 24 years.

Like many ACLU members, Brickner doesn't agree with all of the ACLU's positions—such as the organization's opposition to some campaign finance reform proposals—but he doesn't forget 'the forest for the trees.'

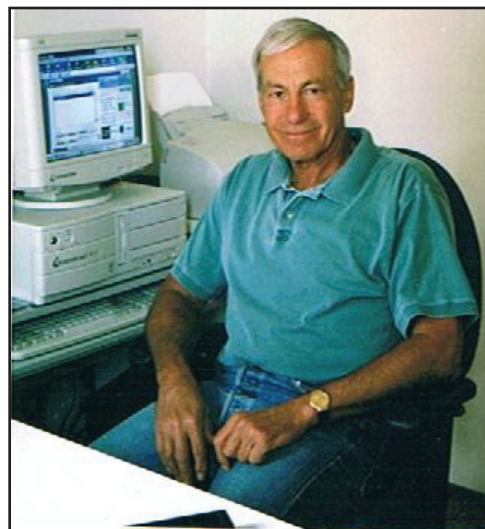
"There are few organizations that are so insistent on preserving our civil liberties and enforcing the Bill of Rights," Brickner says. "America is as great a country as it is because of the Bill of Rights and the ACLU's enforcement of them."

While Brickner supports both the national and local ACLU, he says his "allegiance is to the state organization ...I want to be supportive of the efforts of the ACLU in the places that I am living."

Brickner retired from practicing law and now teaches skiing each winter in Santa Fe. He also writes a weekly column entitled 'Know Your Rights' in the teen section of the *Santa Fe New Mexican*.

"My concern was that these kids aren't really learning about the Constitution in school," Brickner said. "That was the motivation for starting it."

Brickner received the ACLU of New Mexico's "First Amendment Award" in 2005 for his column in the *New Mexican*.



Sanford Brickner

Oswald and June Werner, Card Carrying Members for Over 15 years

Scott Bryan, Administrative Assistant



June and Ossy Werner
(Photo Courtesy of Ossy Werner)

For over half a decade, the images of the ACLU in New Mexico have largely been the product of the careful, creative eye of Oswald 'Ossy' Werner, including the photographs from the 2006 Bill of Rights Dinner published in the last edition of *The Torch*. A retired anthropologist and photographer, Ossy and his wife, June, now devote their time to a wide range of social issues ranging from the repeal of the death penalty to the implementation of universal health care. Additionally, the Werners work to expand public art, and the rights of Native Americans, with whom Ossy worked extensively in his professional career.

The Werners, who have been members of the ACLU in New Mexico for over 15 years, have become more active in recent years whenever a good picture is needed. Ossy has taken pictures for the ACLU of New Mexico at numerous activities and fundraisers.

"We both believe strongly in civil liberties, and civil liberties are continuously under attack, so that's one of the reasons that we are deeply committed to the ACLU," Ossy states. "Photography is one of the things that the ACLU needed and I had the experience."

According to June, "There is no better organization to belong to than the ACLU." As for all the time and energy donated to causes such as the ACLU, Ossy adds, "Almost everybody needs pictures of some kind, and that's what is fun for me. I'm retired; I want to do things that are fun."

SUPPORT THE ACLU!

The need has never been greater for freedom-loving people to join the ACLU and take a stand against the growing threats to our most cherished Constitutional liberties.

Become a card-carrying member of the ACLU or renew your membership today!

Please contact the Development Department at (505) 266-5915 ext. 1001 or alauelli@aclu-nm.org.



To make a donation online right away, visit www.aclu-nm.org and click the *Donate Now* button. You may also fill out the form on page 8 and send it back to us.

ACLU OF NEW MEXICO CHAPTERS

Are you part of your local ACLU of New Mexico chapter?

The ACLU of New Mexico has a number of vibrant, active, and effective chapters throughout the state. Find an ACLU of New Mexico chapter in your area below. Contact Whitney Potter to get involved (505) 266-5915 ext. 1003 or wpotter@aclu-nm.org.

Central New Mexico Chapter

McKinley County Chapter

Northern New Mexico Chapter

San Juan Chapter

Southwestern Chapter

UNM Chapter

UNM Law School Chapter

Youth Advisory, Activism, & Advocacy Board (YAAB)

Take Action

Get Involved with the ACLU of New Mexico!

There has never been a more important time to become involved with the ACLU of New Mexico! Here are three easy ways to get more involved:

- Become a Member** (Please fill out the form on the next page and send it back to us.)
- Visit our Web site:** www.aclu-nm.org
- Plan for the ACLU of New Mexico in your Will**

For more information on these or other ways of becoming involved with the ACLU of New Mexico, please contact Amy Laugelli in the Development Office at (505) 266-5915 ext. 1001 or alauelli@aclu-nm.org.



CONTACT THE ACLU OF NEW MEXICO

American Civil Liberties Union of New Mexico
PO BOX 566
Albuquerque, NM 87103

Telephone: (505) 266-5915
Fax: (505) 266-5916
Email: info@aclu-nm.org
Web: www.aclu-nm.org

Northern Regional Office
Santa Fe, NM
Telephone: (505) 982-8181
Fax: (505) 982-3391

Feedback

Stand Up for Civil Liberties

Patricia Steindler, Member, ACLU of New Mexico Board of Directors

We of the Northern New Mexico Chapter of the ACLU of New Mexico are very excited by the recent expansion of the Affiliate, in terms of resources, geographic presence, and activity. We look forward to the inevitable visibility of the ACLU of New Mexico among all New Mexico citizens.

However, it is just this anticipated heightened visibility that causes us to be concerned about how we are seen. We are persuaded that it is time to increase our educational efforts. As more New Mexicans become aware of us, we must assure that they do not misperceive our mission.

We must convey, clearly and proudly, that our only concern is the protection of the U.S. Constitution, and that we align ourselves neither with the left nor the right; we are nonpartisan. If we defend freedom of speech and assembly, it is not because we support

subversion or particular ideologies; it is rather that we defend freedom of speech and assembly for all, even for those who have repugnant things to say.

The Northern Chapter Board is talking about how we can promote effective communication of the real ACLU. How do we go beyond readers of this newsletter? What are the most effective ways of correcting mistaken views of our organization?

We welcome any insights you may have. You may share your thoughts with:

Steve Marvin, Northern Chapter President
Diane Wood, Director, Northern Regional Office
Whitney Potter, Communications Manager

Thank you. We look forward to hearing from you.



UPCOMING EVENTS

MONDAY, APRIL 16, 2007

Film screening of *Boys Don't Cry*, Starring Hilary Swank
Presented by the Youth Advisory, Activism, and Advisory Board (YAAAB) of the ACLU of New Mexico.
Join the YAAAB for pizza and a discussion of the civil liberties issues presented in the film.

When: 6 PM
Where: UNM SUB Ballroom C, Albuquerque, NM
Questions: Email yab.aclunm@yahoo.com or visit myspace.com/yaaab
There is no charge, and all viewpoints are welcome.

TUESDAY, APRIL 17, 2007

Educational Event on the Constitution
Presented by the ACLU of New Mexico Central New Mexico Chapter.
Guest Speakers: Maureen Sanders, Sanders and Westbrook, P.C. & George Bach, Staff Attorney of the ACLU of New Mexico
Special Appearance! Albuquerque's Gaggle of Raging Grannies will sing songs appropriate to the topic.

When: 7 PM - 9 PM
Where: UNM Law School, Room 2401, 1117 Stanford NE, Albuquerque, NM
Questions: Please call (505) 255-1978 or (505) 265-0867. There is no charge for this outstanding educational event. The Central New Mexico Chapter's annual meeting will take place after the event.

SATURDAY, APRIL 28, 2007

Join us for the ACLU of New Mexico Annual Meeting
The panel discussion, ***The Un-American Face of American Immigration Policy***, will be an excellent opportunity to learn more about immigration and border issues. This year's event will feature inspiring speakers and time to network with ACLU members, staff, and friends.

Invited panelists include:
New Mexico State Representative Ken Martinez
Lisa Graybill, Staff Attorney, ACLU of Texas
Peter Simonson, Executive Director, ACLU of New Mexico (moderator)

When: 10 AM - 12 PM
Where: Central New Mexico Community College, Room S-10, Albuquerque, NM
Questions: Contact Whitney Potter (505) 266-5915 ext. 1003 or wpotter@aclu-nm.org and visit www.aclu-nm.org.
Bring a friend! There is no charge for this event and it is open to members of the ACLU and the public at large.

SATURDAY, DECEMBER 1, 2007

Save the Date! Annual Bill of Rights Dinner
Albuquerque Marriott (I-40 and Louisiana)
Contact the Development Department at (505) 266-5915 or alaugelli@aclu-nm.org for more information and visit www.aclu-nm.org.



Fight Back!

Support the American Civil Liberties Union of New Mexico

Please accept my tax-deductible donation made out to the New Mexico Civil Liberties Foundation in the amount of:

\$10,000	Executive Director's Circle
\$5,000 - \$9,999	Liberty Council
\$2,500 - \$4,999	Constitution Circle
\$1,000 - \$2,499	Roger Baldwin Circle
\$500 - \$999	Guardian of Freedom
\$250 - \$499	Safe and Free Council
\$100 - \$249	Defenders Circle
OTHER	

My donation of \$_____ is enclosed.

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

I want to become a card-carrying member of the ACLU-NM and make a gift of \$20 for an Individual membership.
 I would like to make a gift of \$30 for a Joint Household membership.

Please charge my ACLU-NM Membership/Foundation gift to my (circle one): MasterCard/Visa/American Express

Card Number _____ Expiration Date _____

Donation Amount _____ Authorized by _____ Security Code _____

In order for us to accurately record your membership/gift and send a receipt, please complete the following:

Name _____ Address _____

City _____ State _____ Zip Code _____

Phone (Daytime) _____ Phone (Evening) _____ Email _____

✉ RETURN TO:

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