

**ACLU OF NM IMPACT BY NUMBERS, 2008-2009**

- Legal Department**
- reviewed 610 civil rights complaints,
  - investigated 85 of them, and
  - filed 32 new cases.
- Communications Department**
- created 570 'hits' in local and national media,
  - including 47 radio and TV interviews.
- Northern Office**
- worked on 191 bills in the '09 legislative session.

**DEVELOPMENT & FINANCIAL REPORT**

ACLU of New Mexico would like to thank the many people throughout the state who are members and donors of our organization. Whether you join the ACLU of NM directly, or join the national ACLU, you are a member of the New Mexico affiliate. We thank you for your commitment to freedom and civil liberties!

Since the ACLU of NM does not accept government support or charge our clients attorney fees, the voluntary contributions and membership dues we receive from

individuals are the bedrock of our financial sustainability. ACLU of NM also receives grant support from foundations and revenue sharing from the national ACLU, but these sources of revenue can sometimes ebb and flow. In the past year, we have increased support from individual donors to our state affiliate by over 12%. With your support, we hope to continue on this trajectory as we work to sustain the expansion of our affiliate which the national ACLU has so generously funded with a 5-year seed grant.

**AMERICAN CIVIL LIBERTIES UNION OF NEW MEXICO & ACLU OF NM FOUNDATION**

We maintain two distinct organizations to carry out our various functions. The American Civil Liberties Union of New Mexico (ACLU of NM) is the "union"—the membership organization that supports our 501(c)4 legislative and advocacy efforts. Donations to the union are not tax-deductible according to IRS regulations.

The ACLU of NM Foundation is the 501(c)3 arm of the organization that carries out the education, outreach and legal aspects of our programs. All contributions to the "foundation" are tax-deductible to the full extent of the law. Your gift to either the union or the foundation supports the vital defense and expansion of civil liberties in New Mexico. Thank you!



PHOTO: Ossy Werner

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PHOTO: Tony Wagner

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**Regional Center for Border Rights**  
 Vicki B. Gaubeca, Director  
 Emily Carey, Program Coordinator

**ACLU OF NM FOUNDATION\***

April 1, 2008 to March 31, 2009

**Revenue**

Bequests . . . . .	81,000
Events . . . . .	22,310
Grants . . . . .	126,336
Individual Gifts . . . . .	169,808
Legal . . . . .	145,883
National ACLU—Annual . . . . .	129,171
National ACLU—Key State . . . . .	280,361
Other . . . . .	83,546
Share to National . . . . .	(48,685)
<b>Total . . . . .</b>	<b>.989,730</b>

**Expenditures**

Communications . . . . .	77,311
Development . . . . .	172,006
Education & Outreach . . . . .	259,469
Legal . . . . .	223,333
Management & General . . . . .	276,591
<b>Total . . . . .</b>	<b>.1,008,710</b>
Change in Assets . . . . .	(60,030)
Beginning Net Assets . . . . .	672,751
Ending Net Assets . . . . .	612,721

**ACLU OF NEW MEXICO\***

April 1, 2008 to March 31, 2009

**Revenue**

Bequests . . . . .	28,175
Grants . . . . .	40,000
National ACLU . . . . .	50,878
Other . . . . .	2,655
<b>Total . . . . .</b>	<b>.121,708</b>

**Expenditures**

Membership Support . . . . .	9,797
Legislative Advocacy . . . . .	60,033
Foundation Support . . . . .	50,000
General Management . . . . .	1,235
<b>Total . . . . .</b>	<b>.121,065</b>

Change in Assets . . . . .	643
Beginning Net Assets . . . . .	13,062
Ending Net Assets . . . . .	13,705

\*Un-audited financial information.  
 Audited statements available  
 September 2009.



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PHOTO: Ossy Werner



*Forging a new path*  
**FOR FREEDOM**



# Forging a new path FOR FREEDOM

**The historic inauguration** of President Barack Obama inspired Americans with its messages of hope and change. Following suit, the ACLU of New Mexico set its sights on not just restoring liberties already lost, but also charting new inroads for freedom as we look to the future. In 2008-2009, we challenged old patterns of abuse such as indefinite detention of immigrants, voter suppression, and federally-funded programs to promote surveillance in New Mexico. But we also struck a new course for civil liberties by continuing our campaign to secure legal recognition for gay and lesbian relationships and helping repeal the death penalty in New Mexico.

Obama's election creates the conditions for change to occur. The ACLU of New Mexico is making that possibility a reality. Join us as we forge this new path for freedom!



PHOTO: Whitney Potter

## VOTING RIGHTS

As the days counted down to the general election last November, an ACLU of NM lawsuit put a crimp in Republican Party efforts to challenge the legitimacy of about one hundred legal Albuquerque voters. Our suit claims that key members of the GOP illegally used private social security numbers to do background checks of voters, illegally disseminated confidential voter information to the press, and enlisted a private investigator to harass voters in their homes.



PHOTO: Consuelo Gonzales

Also mere weeks before the election, ACLU of NM teamed up with the Women's Justice Project to clear the way for convicted felons who had completed all conditions of probation or parole to vote in the pending election. Many felons had been told they could not vote because the Secretary of State's records were outdated. Our intervention allowed for provisional ballots if voting eligibility was in question.

Unfortunately, the 10th Circuit Court of Appeals overturned a favorable decision in our suit challenging an Albuquerque voter photo ID law. The Court's ruling relied heavily on a bad decision in a similar case in Indiana.

## 1ST AMENDMENT RIGHTS

The ACLU of NM goal of stopping police from spying on political activists drew support this year from state Rep. "Moe" Maestas, who introduced a bill in the 2009 legislative session prohibiting police from collecting intelligence on political and religious activity. Inspiration for our "Spying on Freedom" bill came from a nation-wide trend of law enforcement surveillance of lawful protest activity. Although the bill died in committee, it gained nationwide attention and created several media opportunities to educate about free speech rights.

Related to this issue, we used public records requests to investigate the activities of the New Mexico All-Source Intelligence Center, a federally-funded data "fusion center" intended to promote intelligence-gathering in the state. Keep your eyes open for more on fusion centers—our investigation continues.

Additionally, ACLU of NM attorneys:

- Settled a lawsuit against the US Border Patrol for retaliating against two agents who spoke out against the practice of randomly stopping vehicles and conducting illegal searches near the border. The officers were returned to normal duty.
- Challenged a City of Albuquerque policy banning people who need to register as "sex offenders" from public libraries.
- Secured an agreement from the City of Albuquerque that Veteran's for Peace would no longer be denied table space at Veterans' Day and Memorial Day celebrations because their mission was "too political."

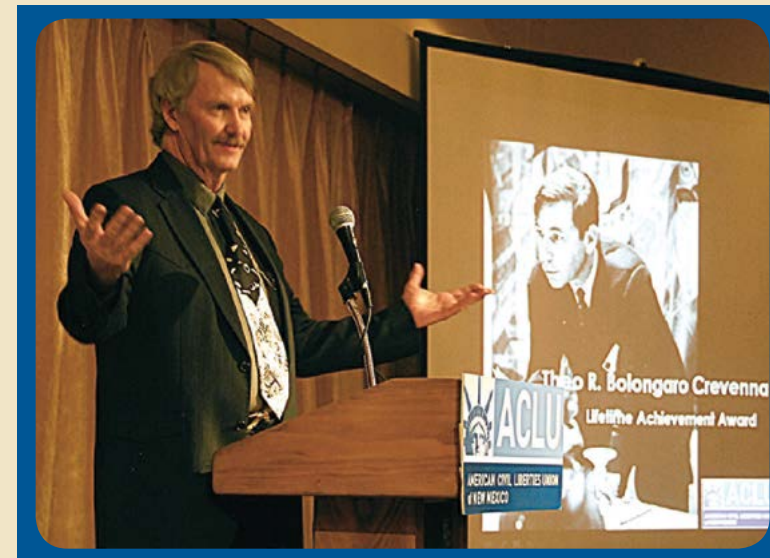


PHOTO: Ossy Werner

## CORRECTION REFORM

As a member of the NM Coalition to Repeal the Death Penalty, the ACLU of NM and Northern Office Director Diane Wood played an instrumental role in the recent victory to abolish capital punishment in our state. The effort spanned more than a decade and makes New Mexico one of 15 states that reject the death penalty!



PHOTO: Francisco Gonzales

In September 2008, we settled our case against the Bernalillo County Metropolitan Detention Center for failing to protect an inmate against sexual assault. The case settled for \$167,500 and the jail agreed to policy changes improving classification of inmates in segregation.

Negotiations over our agreement with the NM Children, Youth and Families Department to reform conditions in juvenile detention facilities broke down at the end of 2008. We expect this case, which primarily aims to ensure adequate mental health and medical services for youth, to enter litigation next year.

Other actions by the Legal Department include:

- Persuading Lea County jail to hire sufficient staff so that inmates are freed on their official release date.
- Filing suit against the Doña Ana County Detention Center for failing to provide adequate mental health services to inmates.

## IMMIGRANT RIGHTS

The year began with a big victory when, in April 2008, the Otero County Sheriff's Department agreed to prohibit deputies from inquiring about immigration status except in the course of legitimate criminal investigations. The agreement stemmed from an ACLU of NM lawsuit that challenged a series of immigration raids and illegal searches in the tiny town of Chaparral.

The suit also gave rise to our "No Fear" campaign to ensure that immigrants can seek police help without fear of deportation. Our ACLU Regional Center for Border Rights made over thirty 'Know Your Rights' presentations to hundreds of immigrants and immigrant service providers throughout the southern part of the state. We also organized a diverse coalition of service providers, members of the faith community, and representatives from NMSU to examine policy alternatives and approach elected officials about passing pro-immigrant measures in Las Cruces and Doña Ana County. The coalition convinced the Dona Ana County Sheriff to formalize their policy of abstaining from questioning the immigration status of domestic violence victims or witnesses of crime and to reiterate that deputies cannot detain individuals for longer than necessary to complete traffic stops.

The Center and ACLU of NM's newest staff attorney, Brendan Egan, lead a highly successful effort to release immigrants being held indefinitely in NM detention facilities because they cannot be returned to their countries of origin. Since 2006, our efforts have freed more than 60 people from China, Cambodia, India and many other countries.



PHOTO: Tony Wagner

## LGBT RIGHTS

One of our highest priorities this year was to pass legislation establishing the same rights for gay and lesbian couples that married couples enjoy. We traveled the state recruiting seniors and people with disabilities to testify on the benefits that they too would derive, even if straight, from a domestic partnership law. When the bill bogged down in the Senate, the ACLU of NM commissioned polls in key districts that showed certain legislators opposed to the bill were out of synch with their constituents. The resulting media coverage generated the necessary pressure to free the bill from committee, but domestic partnership legislation died on the Senate floor. We are proud that, working with allies, we carried the legislation farther than any previous year and look forward to possible success in the upcoming special session.

## ACLU REGIONAL CENTER FOR BORDER RIGHTS

The US-Mexico border has always been a "constitution free" zone that grants federal authorities unusual powers to search without suspicion or warrants. In recent years, however, civil rights threats have multiplied as the government has seized private property to construct a border wall, expanded surveillance technology, and beefed-up law enforcement with the National Guard. In response, the ACLU of NM established the Regional Center for Border Rights in Las Cruces. In addition to advocacy in New Mexico, the office works to defend rights throughout the border region with a special emphasis on violations by federal law enforcement.



In 2008-2009, the Center organized two tours of the Brownsville/Harlingen area of south Texas for local and national ACLU legal staff. They visited detention facilities, observed construction of the border wall, and held fact-finding meetings with community groups. One result was an ACLU lawsuit challenging the US State Department's refusal to issue passports to nine US citizens because of their race, ancestry and homebirths by midwives.