

June 6, 1989

I recently moved to New Mexico as a refugee from Arizona's cohabitation laws. Unfortunately, I recently learned that New Mexico has the same law, although to my knowledge it is seldom enforced. I refer to Statute 30-10-2 Unlawful Cohabitation.

I lived with my boyfriend in Alaska, from 1981 to 1988, when we left Alaska for Phoenix, where he was to start a job as a civil engineer. While there, I applied for a job as a juvenile probation officer. After passing the written test requirements, I was told that I could not interview for the position because I was cohabitating, a misdemeanor in Arizona. I had previously worked extensively with victims of sex crimes in the Anchorage District Attorney's Office, and felt very angry that my relationship with my boyfriend made me a sex criminal in Arizona. We eventually left Arizona, when I could not get the legislators, Arizona ACLU, private attorneys (I had no money) to help me repeal this archaic law. We both felt that we wanted to live in a community where our skills and type of people we were, would be respected by the community we chose to live in.

I am hopeful the ACLU has some advice or can assist me in efforts to get this insulting law repealed in New Mexico. I do not understand what business the state has in regulating what type of relationship I am in. This seems a gross violation of my right to privacy, pursuit of happiness, freedom, and possibly a violation of church and state provisions. I have tried to find out the legislative history behind the statute, and have been told it is unavailable unless I read newspaper accounts written at the time the bill was passed.

I have enclosed some additional information that may vouch for my character, integrity and outrage at having my conduct considered criminal. Are my only choices to be that of a 'spinster/old maid' or to marry before I am ready, to be a law abiding citizen in this state?

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Dear Staff at Nolo Press:

I wanted to draw your attention to a mistake I found in THE LIVING TOGETHER KIT. As the enclosed article shows, I did not have the benefit of your book before I moved to Arizona, or I surely would not have chosen to live there. You see, I am a cohabitor, and have been for the last eight years. Before moving to Arizona, I lived in the enlightened state of Alaska, and had no knowledge that choosing to live without marriage, with one partner, was still a crime in many states. I left a wonderful job, helping to prosecute sex offenders, only to move to a state where I was considered one.

As I hope you will tell your readers in future updates of your fine book, a truthful cohabitant, otherwise qualified, will be denied the opportunity to apply for a job as a juvenile probation officer in Arizona.

My boyfriend thankfully was offered a transfer to New Mexico. Luckily, or so I thought, I had been a talk radio producer in Arizona, so had access to your Living Together Kit. "Let me check the book and make sure we are legal, before we decide," I had said. And yes, according to your guide, cohabitants were welcome in New Mexico.

Imagine my sense of horror to be talking to police and attorneys who informed me that cohabitation is a misdemeanor in the kinder, gentler state of New Mexico. Enclosed is a copy of the law.

PLEASE warn your readers that there may be very real repercussions in deciding to live in a state as a criminal based on your nonmarital status.

I have asked the ACLU in Arizona and New Mexico to help, to no avail. If you have any suggestions, short of encouraging my boyfriend to again seek a transfer to a nondiscriminatory state, please let me know. Feel free to use my story in any way.

I am considering becoming a clearinghouse on information about cohabitation and have been collecting articles, copies of statutes that prohibit cohabitation, and other legal materials dealing with this issue. If you know of other important resources I should contact please let me know.

And please, take New Mexico off your list of places where private, consenting sex acts are legal.

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