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# American Civil Liberties Union of North Carolina

students voting discrimination women petition health  
due process believe liberty enforcement drugs local  
fact  
Latino working communities North reproductive government justice basic  
privacy now help Carolina treatment technology jails  
human equality choice speech rights police black action statewide press religion  
act immigrants security transgender arrests inclusive  
disability LGBT investigation protest  
undocumented white profiling  
freedom access federal schools  
people law  
dignity  
victories

Annual Report 2013



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**FOUNDED IN 1965, THE ACLU OF NORTH CAROLINA IS A NONPROFIT, NONPARTISAN ORGANIZATION DEDICATED TO PRESERVING AND EXPANDING THE GUARANTEES OF INDIVIDUAL LIBERTY FOUND IN THE UNITED STATES AND NORTH CAROLINA CONSTITUTIONS AND RELATED FEDERAL AND STATE CIVIL RIGHTS LAWS.**

**WITH MORE THAN 10,000 MEMBERS AND SUPPORTERS THROUGHOUT THE STATE AND AN OFFICE LOCATED IN RALEIGH, WE ACHIEVE OUR MISSION THROUGH ADVOCACY, PUBLIC EDUCATION, COMMUNITY OUTREACH, AND WHEN NECESSARY, LITIGATION.**

**THE ACLU OF NORTH CAROLINA IS THE STATE'S PREMIER GUARDIAN OF LIBERTY AND DEFENDER OF CIVIL RIGHTS.**



[www.acluofnc.org](http://www.acluofnc.org)

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## The North Carolina we believe in ...

The North Carolina that we know and love does not even remotely embody the values espoused by mean-spirited extremists who currently hold positions of power in state government. No, we know that North Carolina – a state that refused to ratify the U.S. Constitution unless it contained a Bill of Rights – is so much better than the policies now being pushed by the McCrory administration and our state legislature. We believe in a North Carolina where all citizens eligible to vote are able to cast a ballot without having to stand in long lines, face intimidation tactics by vigilante polling place “observers,” and overcome obstacles that, for many, are insurmountable, such as having to produce one of just a few narrowly-defined forms of state-issued identification.

We believe in a North Carolina where low-income people who need public assistance to care for their families are treated with dignity, where prisoners are treated humanely and are given access to legal and medical services, and where whistleblowers who expose animal cruelty being committed by corporations and processing plants are valued as heroes rather than subjected to criminal prosecution. We are determined to help

North Carolina reach its true potential as a place where women have equal rights and full access to reproductive health care, where public education is valued rather than undermined, and where LGBT couples are afforded the same basic human rights to marry and raise children as straight couples enjoy. We believe in a criminal justice system that is free of the cancers of racial bias and capital punishment. We believe in a North Carolina where all human beings are equal, regardless of race, ethnicity, immigration status, gender, sexual orientation, religious or political ideology, physical ability, or socioeconomic status.

What follows in these pages are examples of the myriad ways in which your support over the past year has enabled us to fight for our vision of North Carolina. Your generous support makes this work possible, and we truly believe that people like you – our most dedicated members – are what North Carolina is really all about. So please stand strong with us this year, redouble your commitment, and increase your financial support if you are able, and together, we will make sure that the guarantees of individual liberty and equality enshrined in the Constitution and the Bill of Rights are protected now and for generations to come.



A handwritten signature in black ink that reads "Holning Lau".

Holning Lau  
President



A handwritten signature in black ink that reads "Jennifer Rudinger".

Jennifer Rudinger  
Executive Director

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We believe in a  
North Carolina ...



Where people are free to vote,  
express their views, and be heard

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## “We should be making it easier for people to vote, not harder.”

- ACLU-NC Legal Director Chris Brook

**V**oting and free speech are the cornerstones of our democracy. Without these rights, other constitutional protections could wither and die. That’s why the ACLU-NC works tirelessly to protect the free speech, free expression, and voting rights of all North Carolinians by lobbying state and local governments and, when necessary, bringing litigation in defense of the Constitution’s protections for free speech, equal protection, and the right to vote.

This year, we combatted an onslaught of extremist legislation in the General Assembly that disproportionately restricts ballot access for African Americans and will make it harder for many of North Carolina’s most vulnerable citizens — especially senior citizens, people with disabilities, those with low income, and students — to register and cast a ballot. Just hours after the governor signed the voter suppression bill into law, we filed a federal lawsuit challenging provisions of the law that eliminate a week of early voting, end same-day registration, and prohibit "out-of-precinct" voting.

We also successfully defended the free speech rights of people across the state, from protestors at the Democratic National Convention in Charlotte to Chapel Hill residents who opposed a proposal to selectively censor an ad on city buses simply because its message was controversial. After all, it is when speech is unpopular, controversial, or incites strong emotions that it is most in need of protection.



*Goldie Wells, a Greensboro resident who uses early voting and is a plaintiff in the ACLU’s challenge to N.C.’s voter suppression law, speaks at the International Civil Rights Center and Museum in Greensboro.*

### DID YOU KNOW?

- In the 2012 election, 2.5 million ballots were cast during the early voting period in North Carolina.
- More than 70 percent of African-American voters in North Carolina utilized early voting during the 2008 and 2012 general elections.

### THIS YEAR, YOU HELPED US

- Lobby, testify and advocate against proposals by the General Assembly that would make it harder for many North Carolinians to register to vote and cast a ballot.
- File a federal lawsuit challenging new restrictions on early voting and same-day registration passed in the waning hours of the legislative session.
- Advise Charlotte officials and monitor police at the Democratic National Convention to ensure that demonstrators’ constitutional rights were respected.
- Advance a First Amendment lawsuit that successfully blocked the state’s scheme to offer drivers an anti-choice “Choose Life” license plate but not a plate expressing a pro-choice message.
- Persuade the Town of Chapel Hill to not selectively censor a controversial political ad on a city bus.

### WITH YOUR CONTINUED SUPPORT

- We will continue to fight for the voting rights and free speech rights of all North Carolinians.
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We believe in a  
North Carolina ...



Where the criminal justice  
system treats all people  
equally and fairly

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## “North Carolina’s leadership has turned its back on widespread evidence of systemic racial bias that needs to be addressed – not ignored.”

- ACLU-NC Policy Director Sarah Preston

**T**he U.S. Constitution is meant to safeguard individual rights against government abuses of power. But **all too often, the rights of those involved in the criminal justice system are compromised or ignored.** The ACLU of North Carolina works to reform our state’s criminal justice system and make the promise of fair treatment a reality for all people, regardless of race, education, immigration status, or socioeconomic status.

**We are committed to upholding racial equality and combating racial bias in all forms** through litigation, community organizing and training, legislative initiatives, and public education to address a broad spectrum of issues, including those that disproportionately and negatively affect people of color. **Our work in this area is no small task:** This year, despite our best efforts, the General Assembly repealed what remained of the Racial Justice Act, a landmark civil rights law that helped to uncover and document widespread racial bias in North Carolina’s capital punishment system.

Moreover, upon the revelation that **thousands of “legally innocent” people are serving time in North Carolina’s federal prisons** for something that federal courts now acknowledge was not a crime, we immediately began working with the national ACLU to expedite their release. Many have since been released, but many more remain wrongly incarcerated.

We also continue to investigate police checkpoints and tactics suspected of relying on racial profiling, as well as **call for reform of unjust laws**, such as those for marijuana possession, that are unevenly enforced.



Racial profiling victim Lelynd Darkes, 20, speaks at the launch of the ACLU-NC’s 2012 campaign to combat racial profiling.



*Terrell McCullum is one of countless people who is considered “legally innocent” but is still serving time in federal prison.*

### DID YOU KNOW?

- Legally innocent people are wasting away in federal prisons in North Carolina because of wrongful “felon in possession of a firearm” charges.
- In North Carolina, African Americans are 3.4 times more likely to be arrested for marijuana possession, despite roughly equal usage rates between blacks and whites.
- A defendant convicted of killing someone in North Carolina is 2.6 times more likely to get the death penalty if the victim is white than if the victim is black.

### THIS YEAR YOU HELPED US

- Lobby against the repeal of North Carolina’s Racial Justice Act, a landmark civil rights law that sought to address racial bias in the capital punishment system.
- Bring attention, including a front page *USA Today* story, to the plight of countless “legally innocent” people in federal prisons and push federal officials to expedite their release.
- Investigate police checkpoints suspected of racially profiling drivers in Jackson and Alamance counties and the cities of Burlington and Winston-Salem.
- Assist the U.S. Department of Justice in its ongoing investigation of civil rights abuses against Latino residents by the Alamance County Sheriff’s Office.
- Release a report showing that marijuana arrests in North Carolina are wasteful and racially biased.

### WITH YOUR CONTINUED SUPPORT

- We will continue to play a leadership role in the fight to finally abolish the death penalty in North Carolina.
- We will keep investigating claims of racial profiling and advocating for policies to prevent racial bias.

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We believe in a  
North Carolina ...



Where all rights are  
LGBT rights

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**“My greatest fear is that if something were to happen to Crystal, I could lose my kids — they are my life, and I can’t imagine someone taking them away from me.”**

- Leigh Smith, Asheville

**L**GBT people, like everyone else, should have the freedom to build the kinds of personal, intimate relationships most meaningful to them without having to worry that their families will be disregarded or harmed by the state.

In North Carolina, **gay and lesbian parents are cruelly prohibited from sharing legal guardianship of the children they are raising together**, causing serious, enduring harm to families in countless ways.

**We are fighting this injustice** through a federal lawsuit on behalf of six same-sex couples and their children that seeks to overturn the state’s ban on second parent adoption, in which one partner in an unmarried couple adopts the other partner’s biological or adoptive child.

This summer, after the U.S. Supreme Court ruled (in the case of ACLU client Edith Windsor) that the federal Defense of Marriage Act defining marriage between one man and one woman was unconstitutional in part because of the harm it caused to the children of same-sex couples, **we amended our lawsuit to include a challenge to North Carolina’s ban on marriage for same-sex couples.**

Our LGBT equality strategy is based on the belief that fighting for the society we want means not just persuading judges and elected officials, but ultimately building widespread societal acceptance of LGBT people. To that end, **we are working with allies and LGBT communities across the state to foster an ongoing conversation** about the need to advance LGBT rights and the freedom to marry in N.C.



*Marcie (left) and Chantelle Fisher-Borne, of Durham, along with their children, Elijah and Miley, are the lead plaintiffs in the ACLU’s lawsuit seeking the freedom to marry in N.C.*



*Crystal Hendrix (left) and Leigh Smith, of Asheville, along with their children, Joe and Quinn, are one of six families the ACLU-NC is representing in a challenge to N.C.’s ban on marriage for same-sex couples.*

## **DID YOU KNOW?**

Same-sex couples in North Carolina are prohibited from sharing legal custody of their own children.

## **THIS YEAR, YOU HELPED US**

- Expand our federal lawsuit challenging North Carolina’s ban on second parent adoption to also include a challenge to the state’s ban on marriage for same-sex couples.
- Form an ACLU-NC transgender outreach committee with the goal of identifying and pursuing strategies for advancing legal protections for transgender North Carolinians.

## **WITH YOUR CONTINUED SUPPORT**

- We will continue our legal battle to win the freedom to marry for LGBT couples in N.C., as well as legal protections for their children.
- We will continue to advocate for equal rights and protections for all LGBT North Carolinians through lobbying, legal action, and community outreach.

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We believe in a  
North Carolina ...



Where women are free to make  
the best choices for themselves  
and their families

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## “Most North Carolinians agree that the government has no business placing itself between a woman and her doctor.”

- ACLU-NC Policy Director Sarah Preston



**W**omen’s fundamental, constitutional right to basic reproductive health care is under the most serious attack in decades. In North Carolina, extremist lawmakers have pushed a multitude of bills designed to shut down health centers that many women rely on for basic reproductive health services, including abortion care, and to interfere in the private relationship between a woman and her doctor.

This year, the General Assembly approved sweeping restrictions on women’s health care options without public notice or any meaningful opportunity for input from women’s health advocates. We spoke out strongly against these proposals. In the waning days of the legislative session, we submitted a petition signed by more than 7,000 people, pleading with Governor McCrory to veto the most onerous bill, S.B. 353, but it was clear that the politicians in charge were not willing to listen to the concerns of women’s health advocates or the medical professionals who testified against the new restrictions.

We will continue working with our allies to stop this attack on reproductive freedom and mitigate the damage done by S.B. 353. Going forward, we will be lobbying state officials during the rulemaking process in an effort to prevent this new law from cutting off access to clinics.

Now, more than ever, we must stand with North Carolina women and let extremist politicians know that their efforts to play political games with women’s health care will not be tolerated.



Supporters, staff members, and board members of the ACLU-NC gather outside Gov. Pat McCrory’s office before delivering a petition with more than 7,000 signature asking the governor to veto S.B. 353, which placed heavy restrictions on women’s health clinics and abortion access.

### THIS YEAR, YOU HELPED US

- Lobby, testify, and speak out in the media against an avalanche of anti-choice legislation in the General Assembly.
- Advance our federal lawsuit that successfully blocked parts of North Carolina’s so-called “Woman’s Right to Know” law, which required all women seeking abortion care to undergo a mandatory ultrasound and be shown the images in detail.
- Organize and deliver a petition with more than 7,000 signatures asking Gov. Pat McCrory to keep his campaign promise and veto legislation that places restrictions on access to abortion care and other health services for women.

### WITH YOUR CONTINUED SUPPORT

- We will lobby state health officials to mitigate the damage done by S.B. 353.
- We will remain leaders in the ongoing fight to protect women’s reproductive freedom.



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We believe in a  
North Carolina ...



Where no human being  
is illegal

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## “North Carolina should not be making it harder for aspiring citizens to integrate and contribute to our communities.”

- ACLU-NC Staff Attorney Raul Pinto

**E**ven though America was founded by immigrants, immigrants continue to be targets of discrimination and abuse, often being subjected to policies that alienate them from civic participation and threaten their freedom.

When the government has the power to deny legal rights and due process to one vulnerable group, everyone’s rights are at risk. That’s one of the many reasons why **we are dedicated to expanding and enforcing the rights of immigrants.**

This year, **we successfully defeated a bill that would have legalized racial profiling and brought an Arizona-style “show me your papers” law to North Carolina.** Meanwhile, we worked with immigrant communities to elevate their voices and introduce legislation that would allow many immigrants to legally drive to work or school by granting driver’s licenses to all qualified drivers, regardless of immigration status.

While investigating a checkpoint in Jackson County where federal immigration officers arrested 15 undocumented workers, **we uncovered disturbing evidence that the federal government employs deportation quotas.** Our findings garnered national attention.

In **one of the biggest victories of the year,** we successfully lobbied state officials to reinstate a policy that granted driver’s licenses to young immigrants who receive work permits through the Deferred Action for Childhood Arrivals (DACA) program. As part of that effort, we helped **Diana Gonzalez** (pictured left), a 17-year-old student who was brought to the U.S. from Mexico when she was 2, deliver more than 23,000 signatures to Gov. Pat McCrory’s office asking for the change.

Two days later, officials agreed to grant the licenses.



### THIS YEAR, YOU HELPED US

- Defeat an Arizona-style anti-immigrant bill that would have legalized racial profiling, and we educated the public about its capacity for harm.
- Successfully lobby officials to grant driver’s licenses to young immigrants brought into the country by their undocumented parents and to remove stigmatizing labels from the licenses.
- Introduce legislation that would have given full driver’s licenses to all qualified drivers, regardless of immigration status.
- Uncover orders from federal immigration officials that revealed how enforcement tactics are wrongfully guided by deportation quotas.

### WITH YOUR CONTINUED SUPPORT

- We will combat any other anti-immigrant laws or policies introduced in North Carolina.
  - We will continue working with partners across the state to advocate for driver’s licenses for all who qualify, regardless of immigration status.
  - We will investigate any and all claims of law enforcement targeting immigrant communities.
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# We believe in a North Carolina ...



Where no one has to sacrifice  
their privacy for their security

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## “It’s none of the government’s business where law-abiding citizens travel or who they talk to.”

**T**he Fourth Amendment protects against unreasonable searches and seizures by the government, but that right is challenged daily by new advances in technology that have given law enforcement agencies unprecedented abilities to track and record your activities and movements.

**We believe in expanding the right to privacy** and increasing the control that individuals have over their personal information while ensuring that civil liberties are enhanced rather than compromised by new advances in science and technology.

**In North Carolina, we are working to pass legal safeguards to protect your privacy against unwarranted surveillance** while still allowing law enforcement to use the tools for legitimate purposes. This year, we helped introduce three bipartisan bills in the General Assembly that would place warrant requirements on law enforcement’s use of drones, automatic license plate readers, and cell phone tracking — all of which are currently unregulated by law.

**If the government knows where you are, the government knows who you are.** Without proper safeguards, the increasing use of surveillance technology could easily result in profiling or the routine tracking of people who have done nothing wrong.

Polls show that the public strongly supports privacy protections. In one survey, **74 percent of North Carolina voters agreed that police should have to get a warrant before obtaining an individual’s location data from a cell phone company.**



- ACLU-NC Communications Director Mike Meno



*From left: ACLU-NC Comm. Director Mike Meno, ACLU-NC Policy Director Sarah Preston, Sharon Bradford Franklin of the Constitution Project, and Mark Newbold of the Charlotte-Mecklenburg Police Department discuss privacy issues at an ACLU-NC forum in Charlotte.*

### DID YOU KNOW?

Dozens of law enforcement agencies in North Carolina obtain cell phone location data to track individuals, 11 use automatic license plate readers to record people’s travel, and several are interested in obtaining surveillance drones, yet none of this technology is regulated by law?

### THIS YEAR, YOU HELPED US

- Conduct statewide investigations into law enforcement’s use of surveillance technology.
- Introduce bipartisan legislation to protect North Carolinians’ privacy against unwarranted use of drones, automatic license plate readers, and cell phone tracking.
- Win passage of a provision in the state budget that prohibits police and other government agencies from buying surveillance drones until July 2015, under most circumstances.
- Educate the public through community forums and the media about the threat to privacy posed by unregulated surveillance technology.

### WITH YOUR CONTINUED SUPPORT

We will work to pass legislation that would protect North Carolinians from unwarranted surveillance by state and local government agencies.

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We believe in a  
North Carolina ...



Where all are free to follow  
their faith - or no faith - without  
government interference

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## “I want my local government to be open and welcoming to people of all beliefs.”

- Nan Lund, Salisbury

**T**he First Amendment to the U.S. Constitution protects Americans from government establishment of religion and ensures that **people of all beliefs**, not just those held by the majority, will be free to worship (or not) according to the dictates of their own conscience without government influence or interference.

Through litigation, public education, and advocacy, the **ACLU-NC promotes religious freedom and works to ensure that government neither prefers religion over non-religion nor favors particular faiths over others.** At the same time, we act to protect the equally important and related constitutional right to express and exercise religious beliefs and individual conscience.

These rights are central to our national identity; **without religious liberty, we would not be truly free.** When the government plays favorites among religions, it sends a message to those who follow non-preferred faiths that they are second-class citizens.

That fact was hammered home when a nonbinding resolution was introduced in the General Assembly that called for allowing North Carolina to establish an official state religion. The proposal was rightfully and widely condemned, and with our help, the resolution was killed.

Whether it is **citizens who feel excluded** and unwelcome by their local officials' use of prayers specific to one religion at government meetings, or a student who is wrongfully prohibited from wearing a display of her religious faith at a high school graduation, we are committed to assisting any North Carolinian whose religious liberties have been violated by the government.



*Smoky Mountain High School graduate Kaitlyn Parker (right) was allowed to wear a feather in her graduation cap as part of her Cherokee heritage after the ACLU-NC intervened on her behalf.*



*From left: ACLU-NC Legal Director Chris Brook with Rowan County residents Nan Lund, Bob Voelker, and Liesa Montag-Siegel, plaintiffs in Lund et al. v. Rowan County*

### THIS YEAR, YOU HELPED US

- File a federal lawsuit on behalf of three Rowan County residents demanding that the Rowan County Board of Commissioners stop its unconstitutional practice of opening government meetings with prayers specific to one religion.
- Win an injunction from the court, ordering the Rowan commissioners to cease delivering unconstitutional prayers as the lawsuit proceeds.
- Kill a resolution in the General Assembly that called for allowing North Carolina to establish an official state religion.
- Defend a Jackson Co. high school student's right to wear a feather (part of her Cherokee heritage) in her cap during graduation.

### WITH YOUR CONTINUED SUPPORT

- We will continue to successfully advance our Rowan County lawsuit through the courts and take any further actions necessary to defend the religious liberty of North Carolinians.

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# Our 2013 Board of Directors

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## Chapter Presidents

**ACLU of Charlotte:** Richard Hester

**ACLU at UNC Law:** Howard Lintz

**ACLU-NC International**

**ACLU of Wake County:** Matthew Quinn

**Human Rights Committee:** Slater Newman

**ACLU of Western North Carolina:** Curry First

The American Civil Liberties Union of North Carolina is comprised of two organizations, the 501(c)(4) American Civil Liberties Union of North Carolina, which conducts our legislative and lobbying efforts, and the 501(c)(3) ACLU of North Carolina Legal Foundation, which conducts our litigation, legal, and educational work. The two organizations are collectively referred to as the ACLU of North Carolina throughout this report. Unless otherwise noted, board members listed above serve on both boards.

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# Our Staff



Back row, left to right:

Policy Director Sarah Preston

Program Associate Kevin Eason

Legal Director Chris Brook

Legal Intern Lauren Sampson  
(Duke University School of Law)

Legal Intern Joe McLean  
(University of California, Berkeley, School of Law)

Front row, left to right:

Executive Director Jennifer Rudinger

Paralegal Emily-Mary Brown

Communications Director Mike Meno

Staff Attorney Raul A. Pinto

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**“Eternal vigilance is the price of liberty.”**

- ACLU Founder Roger Baldwin



## Questions?

The ACLU-NC and ACLU-NC Legal Foundation are audited annually by the firm Perkins, Lund, Collar & Associates in Raleigh. We are very careful stewards of our supporters' dues and contributions, and we are happy to provide financial documents, including 990's and annual financial statements, to anyone upon request.

For more information, please contact Jennifer Rudinger, Executive Director, at [jrudinger@acluofnc.org](mailto:jrudinger@acluofnc.org) or 919-834-3466.

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AMERICAN CIVIL LIBERTIES UNION

**L E G A C Y**  
**C H A L L E N G E**

Including the  
ACLU in your will  
is worth more than  
words can convey.

In fact, today it's  
worth up to \$10,000.

**With a Single Sentence,  
You Can Defend Freedom  
Now and Forever.**

**What is the Legacy Challenge?**

Right now, by adding the ACLU to your will, you can leave a legacy of liberty for future generations and defend our freedom today.

Name the ACLU in your estate plans, and the LuEsther T. Mertz Charitable Trust will make a cash matching contribution of up to \$10,000 to the ACLU today, while matching funds are available.

This means that your gift for the future will truly have dual impact. You will help ensure that the ACLU has the resources necessary to defend freedom for generations to come. And, at the same time, the cash match triggered by notification of your gift plans will provide immediate support to help us as we stand up against current assaults on liberty.

For simple bequest language to include in your will and for information on other gifts that qualify for the Legacy Challenge, visit [www.aclu.org/legacy](http://www.aclu.org/legacy) or call toll-free 877-867-1025.

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# SUPPORT THE ACLU-NC

## JOIN AND BECOME A CARD-CARRYING MEMBER

A contributing individual membership is only \$35 per year. ACLU-NC membership automatically extends to the national ACLU and to your local chapter. Membership is not tax-deductible and supports our legislative, lobbying, and membership activities.

## MAKE A TAX-DEDUCTIBLE GIFT

Because the ACLU-NC Legal Foundation is a nonprofit 501(c)(3) organization, donations are fully tax-deductible. The ACLU-NC Legal Foundation supports our litigation, legal advocacy, public education, and community outreach activities.

## HOST AN ACLU-NC EVENT

Interested in hosting a house party or fundraiser with friends, neighbors and associates? Let us know! We have staff and board members available to talk about our work and more.

Go to [www.acluofnc.org](http://www.acluofnc.org)  
to sign up and stand up for civil liberties.

For details and additional options on giving or events, contact:

Jennifer Rudinger, Executive Director

ACLU of North Carolina

P.O. Box 28004

Raleigh, NC 27611

919-834-3466

[jrudinger@acluofnc.org](mailto:jrudinger@acluofnc.org)

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