



Photograph: Joe Raedle/Getty Images

A protester faces police in riot gear as they force people off a street in Elizabeth City, North Carolina, on 28 April 2021.

How George Floyd's Murder **Changed Us**

In the year since George Floyd's murder by a Minneapolis police officer, nearly 1,000 people have been killed by law enforcement in the U.S. Mr. Floyd's death sparked an international call for racial justice. Time will tell if the uprising of summer 2020 marked a watershed moment or if it will compound with future injustices.

Derek Chauvin's conviction for murdering George Floyd was a rare moment of police accountability. For many North Carolinians, that moment was marred when Pasquotank County Sheriff's Deputies executed Andrew

Brown Jr. less than 24 hours after the conviction was announced. State violence at home is a reminder that we still have work to do. In what follows, you'll read about the work we have done, what has and has not changed, and the ACLU of North Carolina's role in shaping what's to come.

This year, the ACLU of North Carolina has collaborated with advocates and activists to demonstrate and resist how white supremacy systematically shapes the experiences of Black people in the U.S., exposing them to premature death. We have seen lives shortened directly,

as evident in state-sanctioned murders at the hands of police, and indirectly, evident in the disproportionate deaths of Black people due to COVID-19. The high COVID-19 mortality rates for Black people, Indigenous people, Latinx people, and other racially marginalized groups expose disparities in employment, wealth, and health care that make clear that racial justice work is imperative.

Demands for justice, reform, and accountability continue. Ongoing protests in Raleigh, Charlotte, Maggie Valley, and Graham echo a sustained call for radical change. Following Andrew

continued on page 6

IN THIS ISSUE

**A Victory When It Was Needed
The Most** Page 3

**What's at Stake: NC Legislative
Overview** Pages 4-5

**Lingering Legacies Impact
Immigrants' Rights** Page 5

5 Questions Explained Page 7

ACLU
North Carolina

STAFF

Chantal Stevens, Executive Director
Stefania Arteaga, Acting Regional Immigrants' Rights Strategist
Elizabeth Barber, Policy Analyst
Daniel Bowes, Director of Policy and Advocacy
Jacquelyn Chaney, Office Manager
Dustin Chicurel-Bayard, Director of Communications
Irena Como, Senior Staff Attorney
Alicia Gathers, Paralegal
Kristi Graunke, Legal Director
Em Harwell, Senior Staff Attorney
Leah Kang, Staff Attorney
Anna Koltchagova, Chief Financial Officer
Angaza Laughinghouse, Field Manager
Alicia Lee, Development Associate
Jaclyn Maffetore, Staff Attorney
Tatiana McInnis, Staff Writer
Michael Mocciano, Paralegal
Liz Musselman, Director of Philanthropy
Stephanie Palazzo, Executive Assistant
Kristie Puckett-Williams, Statewide Campaign for Smart Justice Manager
Daniel Siegel, Staff Attorney
Mohamed Taguine, Communications Strategist
Ann Webb, Senior Policy Counsel

ACLU-NC & ACLU-NCLF BOARDS OF DIRECTORS

Kenneth Wade, President
Craig Merrill, Vice President (Union)
Carolyn Jefferson Jenkins, Vice President (Foundation)
Leah Hamilton, Secretary (Foundation)
Anne-Maria Makhulu, Equity Officer
Anne Gordon, Equity Officer
Linda Stephens, (Foundation)
Seth Cohen, General Counsel
Lela Ali, (Foundation)
Felicia Arriaga, (Foundation)
Jenna Beckham, (Union)
Wilhelmina Bratton
Jillian Brevorka, (Union)
Joaquin Carcano, (Union)
Alexandra Cury, (Union)
Desmera Gatewood, (Foundation)
Clarissa Goodlett, (Union)
Kathy Greggs, (Foundation)
Faisal Khan
Gregory McLeod, (Union)
David Mendel, (Foundation)
Wyatt Orsbon, (Union)
Jefferson Parker
Teuta Shabani-Towler
Adam Stein
Scott Taylor
Evangeline Weiss, (Union)
Holly Whitfield, (Union)

Unless otherwise noted, board members listed above serve on both the ACLU of North Carolina and the ACLU of North Carolina Legal Foundation boards.

From the Executive Director



I could not have anticipated the challenges of the last year, as a global pandemic, compounded with racial injustices, a contentious election, and an attempted coup, became a part of our realities. As I reflect on the work of our team, I am reminded of the optimism inherent in the ACLU's mission. Daily, our organization re-dedicates itself to the aspirational goal of creating a more perfect union—what optimism! We are striving to build the world we want to see.

In the pages that follow, you will read about how our work embodies that optimism. We describe our anti-racist approach and how the ACLU of NC has worked to dismantle white supremacy in North Carolina. You will read about how we have refused the dehumanization of incarcerated people by uplifting them through our advocacy efforts. You will read about how, with our coalition partners, we secured the safe release of thousands of incarcerated people housed in unsafe conditions in North Carolina's prisons. We have collaborated with immigrant communities in their refusal to accept policy proposals that would at best limit their access to resources and, at worst, contribute to deportation pipelines. You will read about how we collaborated with community members demanding transparency and accountability, even as we grieved the murder of Andrew Brown Jr., yet another Black person killed by the police.

At the ACLU of NC, a key component of our work is to challenge, undo, and remake the systems that subject people of color to shorter lives—this work is imperative everywhere and always. In taking on this collective responsibility, we hope you'll notice that we follow the direction of directly impacted people and communities as we take on these monumental challenges together. For decades, our members and supporters have counted on us to be guardians of liberty, and collaborative leadership has made us better listeners, dedicated learners, and stronger advocates for Black, Brown, and LGBTQIA individuals and communities.

I know that our team, our partners, and our communities can achieve incredible things - because we have. Thank you for your support and membership with the ACLU of North Carolina. It makes our achievements possible and offers hope when we need it the most.

Chantal Stevens
Executive Director
ACLU of North Carolina

A Victory When It Was Needed the Most

For the past year, the world has lived with fear, uncertainty, and grief brought on by the coronavirus. COVID-19 is particularly deadly in congregate settings like prisons, where infectious diseases can run rampant and where people cannot take preventative measures to protect themselves.

In March 2020, the ACLU of NC and partner organizations sent letters to Gov. Cooper, the N.C. Department of Public Safety, the Conference of District Attorneys, and local law enforcement agencies urging them to take immediate action to protect people held in prisons and jails. When they failed to act, we did.

In April 2020, the ACLU of North Carolina partnered with Disability Rights NC, Emancipate NC, Forward Justice, and National Juvenile Justice Network to bring a lawsuit to protect people incarcerated in North Carolina prisons. The organizations represent the North Carolina NAACP and several incarcerated individuals and their family members.

In February 2021, we reached a landmark settlement in the case, *NC*

NAACP v. Cooper. As a result of the settlement, the state will release 3,500 people from state prisons in the coming months, easing the crowding in the state's prisons. It will also implement other COVID-19 mitigation measures related to testing, quarantining, and vaccination. This is among the largest prison releases in the country achieved via COVID-19 litigation efforts.

The COVID-19 pandemic made it undeniable that mass incarceration is a racial justice and public health crisis. In our state prisons, where people of color and people with disabilities are disproportionately represented, thousands of incarcerated people were infected with COVID-19, and at least 55 incarcerated people died. Despite their constitutional duty to keep people in their custody safe and alive, Gov. Cooper's Department of Public Safety

failed to protect incarcerated people. Our fight in the courts was a part of a broader community and statewide effort to recognize and protect the rights and humanity of incarcerated people.

There is much more to do to disrupt the harm the carceral system inflicts upon Black and Brown community members. However, we know this settlement will play a critical part in helping to keep incarcerated people safe during the



remainder of the pandemic and that it will bring some people home to their families and loved ones. ■

Slowing the Spread of Infection in Prisons

The ACLU of North Carolina has worked to eliminate the known dangers of living conditions in prisons for years before the pandemic. This March, we settled a class-action lawsuit initially filed in 2018, which will expand testing and treatment for hepatitis C in North Carolina state prisons.

Until the coronavirus pandemic, hepatitis C was the deadliest infectious disease in the United States, causing more deaths each year than HIV, tuberculosis, and nearly 60 other infectious diseases combined. Up to 33% of people who are incarcerated in the United States are infected with hepatitis C. The settlement will result in treatment for thousands of people with hepatitis C in North Carolina prisons over the next five years, the vast majority of whom will one day return to their communities.

The bottom line: this settlement will save lives. We will continue to advocate for the dignity and human rights of people incarcerated in state prisons. ■

What's at Stake at the N.C.G.A.

The N.C. General Assembly began its two-year legislative session (a biennium) in January. May 13 was the crossover deadline, the point at which legislation must pass one chamber or another to be considered during the biennium. There are procedural maneuvers to get around that deadline, but it provides a good sense of where a lot of legislation stands.

The ACLU of North Carolina created a new online tool to help supporters track legislation and understand the complex legislative process. For more information about the items listed below or to take action on critical issues pending at the state legislature, visit acluofnclegislation.org.

Criminal Justice and School-to-Prison Pipeline Legislation



HB 608 would protect the dignity and humanity of those incarcerated by codifying perinatal care standards, restricting the cruel practice of shackling people who are pregnant, and prioritizing incarcerated women's health. **Unanimously passed the N.C. House.**



HB 247 encourages schools to use long-term suspensions and expulsion for minor behavioral challenges, such as disrespectful language and dress code violations, which disproportionately harm Black children and contribute to the school-to-prison pipeline. **Passed the N.C. House.**



SB 300 offers several moderate police reforms, including a proposal that would require law enforcement to show families of a person killed by law enforcement unredacted footage of the incident within five days if they sign a non-disclosure agreement. The rioting provision in the Senate version of this bill would reserve higher felony level

charges for those who directly cause property damage or injury and protect people who are "merely present" during a riot from prosecution. **Passed the N.C. Senate.**



HB 560 this harsh, harmful, and racially biased Department of Public Safety bill would impose mandatory minimum sentences for certain actions a person does while incarcerated. The changes implemented by this bill also undermine due process rights when prison staff negligently destroy or damage an individual's property. **Passed the N.C. House.**

Legislation Eroding the Right to an Abortion



SB 405 "Born Alive" legislation that promotes a false narrative about abortion and abortion providers. **Passed the N.C. Senate.**



HB 453 a "Reason Ban" that would ban abortions based on the reason behind the person's decision. **Passed the N.C. House.**

Anti-Immigrant Legislation



SB 101 A "show me your papers" bill that circumvents the local authority of sheriffs by requiring them to cooperate with Immigration and Customs Enforcement (ICE). This legislation assists in the federal government's deportation pipeline and is similar to HB 370, a 2019 bill that Governor Cooper vetoed. **Passed the N.C. Senate.**



HB 62 A proposal that would allow any North Carolina resident to file lawsuits against cities or counties that don't comply with the anti-sanctuary law. **Passed the N.C. House.**

Anti-LGBTQIA Legislation

Several bills targeting transgender youth were proposed this session, but **they all failed to move forward.** The proposals included:



HB 358 which would bar public and private schools and universities from allowing transgender girls and women and intersex people to play sports on segregated teams with cisgender girls and women.



SB 514 which would prohibit transgender people under the age of 21 from receiving essential medical care and require state employees—such as teachers, administrators, or counselors—to “out” transgender students to their parents, potentially before they are ready to share.



SB 515 which would grant any medical provider a “license to discriminate” and refuse medical care to LGBTQIA people, pregnant people, or people of differing faith backgrounds.

Legislation Undermining Protesters’ Rights



HB 805 legislation proposed by House Speaker Tim Moore days before the crossover

deadline that would deter people from engaging in protests for fear that they may face harsh penalties and be charged with rioting, even if they only engaged in peaceful protests. If enacted, it would certainly have a disparate impact on Black and Brown North Carolinians participating in social justice protests. This bill moved quickly through the House with little time for public input. **Passed the N.C. House.**

An Attack on Critical Thinking



HB 324 a bill that would ban teachers from using lessons that acknowledge America’s

history and legacies related to racism and sexism. This harmful proposal is part of a national effort to sow division, practice censorship, and impose an alternate version of American history—one that erases the legacy of discrimination and lived experiences of Black and Brown people, women and girls, and LGBTQIA individuals. **Passed the N.C. House.** ■

Lingering Legacies Impact Immigrants’ Rights

The Biden administration has reversed some of its predecessor’s most unconstitutional and authoritarian immigration decisions. In many cases, however, the new administration continues the practices it inherited.

On the state level, lawmakers in Raleigh continue to advance anti-immigrant proposals. The ACLU of North Carolina is a founding member of the Alianza de Derechos de los Inmigrantes de Carolina del Norte / Immigrants’ Rights Alliance of North Carolina (AICN), an immigrants’ rights coalition leading the charge to defend and advance the rights of our immigrant friends and neighbors.



Image courtesy of Netfix

Stefania Arteaga, ACLU of NC’s Regional Immigrants’ Rights Strategist attends demonstration opposing ICE policies.

The Alliance is working to defeat anti-immigrant proposals at the state legislature, including Senate Bill (SB) 101 and House Bill (HB) 62. Governor Cooper vetoed legislation similar to SB 101 in 2019. Like the previous proposal, SB 101 is a “show me your papers” bill that circumvents the local authority of sheriffs by requiring them to cooperate with Immigration and Customs Enforcement (ICE) and assist in the federal government’s deportation pipeline. HB 62 would allow *any North Carolina resident* to file a lawsuit against a city or county that they believe is not in compliance with the state’s anti-sanctuary law. Individuals could use the courts to enable local officials to engage in anti-immigrant and unconstitutional practices such as detaining people to interrogate them about their immigration status.

The immigrant community is leading the fight against these harmful policies. We are committed to supporting their work through our collaborations with dozens of community groups and regional and statewide partners. Additionally, we are following the lead of immigrant advocates who are working to provide education to community members and are pressuring lawmakers in their home districts.

Our legal team continues to defend the labor rights of North Carolinian farmworkers, over 90% of whom are Latinx, and the majority of whom are not citizens. In *FLOC v. Stein*, a federal court recently struck down a provision in state law that sought to outlaw farmworkers’ efforts to bargain for a union agreement as part of a settlement. While the court found that to be a violation of farmworkers’ First Amendment and equal protection rights, the court allowed a barrier to union dues collections to stand. We’re appealing this part of the decision to the U.S. Court of Appeals for the Fourth Circuit.

As long as there are efforts to dehumanize and undermine the rights of immigrants, you can count on your ACLU of North Carolina to fight back. ■

How George Floyd's Murder Changed Us

continued from page 1

Brown's death, protests in Elizabeth City amplified these calls. Kristie Puckett-Williams, our statewide manager for the Campaign for Smart Justice, was on the ground in the days following Mr. Brown's death, along with our partners from the North Carolina Community Bail Fund of Durham, Emancipate NC, and Black Voters Matter. Together, we offered support and resources for a community experiencing violence from the police while exercising their constitutionally protected right to protest.

When Elizabeth City officials implemented a curfew and permitting process for demonstrations, our legal team partnered with the Lawyer's Committee for Civil Rights Under Law and Emancipate NC to inform them why such actions were unconstitutional. We showed up when a North Carolina community needed us, and thanks to our partners, we weren't alone.

Our legal team also worked to support protester rights in Alamance County. We successfully pressured the City of Graham to repeal an unconstitutional ordinance limiting the right to protest and reached a settlement with Alamance County officials, reinforcing people's right to assemble and protest in public spaces. After a police assault on peaceful marchers to the polls on the last day of early voting in the 2020 election, and more recent examples of local law enforcement arresting peaceful protesters, it's clear that we must continue our work in Alamance County.

For over 55 years, North Carolinians have relied upon the ACLU of North Carolina to challenge efforts that undermine people's constitutional rights. We will continue to do so, but reactive efforts must only be part of our strategy to advance and defend people's civil liberties. Our policy team has adopted a direct and assertive strategy that aims



Photo by Keith Helfrich via Unsplash

Protesters with locked arms at a Black Lives Matter Protest in Charlotte, NC on June 11, 2020.

We showed up when a North Carolina community needed us, and thanks to our partners, we weren't alone.

to advance policies related to our work. This approach has already yielded some significant victories and a vision for more to come.

Later this year, we will continue the Redemption Campaign, an effort to decarcerate North Carolina's prisons. To achieve this goal, we call upon Governor Cooper to use his executive powers to grant clemency for thousands of North Carolinians, a life-saving decision that will specifically help Black and Brown people who are disproportionately incarcerated. The campaign will build upon the successes of the Vigil for Freedom and Racial Justice, a 58 day

sustained demonstration outside of the Governor's Mansion in Raleigh in 2020, with another vigil this year.

A vital part of this campaign will be to affirm the humanity and dignity of incarcerated people. One example of how this work is already underway is evident in successful lobbying for HB 608. This legislation would prioritize incarcerated people's health by limiting the use of restraints during pregnancy and childbirth and ensuring proper nutritional offerings for pregnant people. HB 608 will also expand opportunities for children to visit and have physical contact with incarcerated parents. The N.C. House unanimously approved HB 608 in May, and we will continue to advocate for it to become law this year.

In June 2021, we will launch Renegade Advocacy, a grassroots organizing and educational effort to dismantle several components of the carceral state. Through this initiative, we will serve as an authentic, accountable, and strategic support system for directly-impacted people as we confront key decision-makers in the policy-making processes

across the state. With Renegade Advocacy, our tactics will be radically truthful, highly visible, and disruptive as we follow and support the leadership of Black, Brown, low-income, LGBTQIA people who have been directly impacted by the brutality of the carceral state. The Redemption Campaign, lobbying for HB 608, and the Renegade Advocacy

effort signals a shift in our approach from reactive to proactive- we are building the world we want to see, starting with our communities. For decades, the ACLU of North Carolina has been at the forefront of significant victories. We are making an intentional effort to shift our approach into a role that uses our resources and power to

support the directly impacted people who are leading this work to implement systemic and lasting change. Of the many revelations of the last several months, we sustain our work by learning with and from our communities and partners in pursuit of a more perfect union. ■

5 Questions Explained

1 Why is the ACLU focusing on racial justice?

The ACLU recognizes that white supremacy systemically shapes the policies, operations, and consequences of every economic, political, and cultural system in the U.S. Of course, disproportionate police violence against Black people is just one example made evident by the events of the past year. A racial justice or anti-racist framework allows us to draw from history to analyze contemporary policies that create and maintain disparities in constitutional protections. So many byproducts of systemic racism are at the very center of the civil rights and civil liberties issues that we see today. We cannot - nor should we try to - separate our past fights for racial justice from the fights we face today.

2 How does focusing on racial justice align with the ACLU's defense of rights for all?

For the ACLU, "all" includes people who have been barred from full constitutional protections on the basis of their race. Striving for racial justice is not a departure from our commitments but a fulfillment that reckons with the U.S.'s history of white supremacy and how it comes to bear on the present.

3 Why is the ACLU working to affirm the rights of people who are not citizens?

The constitutional protections of due process and equal protection embodied in our Constitution and Bill of Rights apply to every person, regardless of immigration status. Using citizenship status to exclude and dehumanize is not constitutional, it is xenophobic and draws on a legacy of white supremacy that dictates that only a select group of people deserve rights and to be treated with dignity.

4 How does current work reflect the ACLU's commitment to protecting the First Amendment?

This is an ongoing debate, even among ACLU's advocates—how can we integrate a racial justice approach to our work and reconcile the ACLU's history of defending offensive speech that targets and harms racially marginalized people? We don't always get it right, but we know the First Amendment does not exist in a vacuum divorced from the legacies of oppression we are tackling in our racial justice work. In strategizing, we ask ourselves—are we advancing racial justice with this work? Are we promoting first amendment rights for Black, Brown, and LGBTQIA people who are most vulnerable to repression? Answers to these questions dictate how we work on a case-by-case basis.

5 Why is the ACLU expending effort and resources to defend people who are incarcerated?

In fulfillment of our investment in integrating an anti-racist methodology into our work, the ACLU views the overinvestment in mass incarceration and divestment from community resources as a threat to our democracy. A society that robs people, disproportionately people of color, of their liberties, dignity, and constitutional rights cannot boast itself a model of freedom. We trace the evolution of the carceral system from enslavement to mass incarceration to the current detention system and thus center the needs and dignity of people who are incarcerated in our pursuit of making the founding principles of this country true for all. ■



P.O. Box 28004
Raleigh, NC 27611

Non-Profit Org.
U.S. Postage
PAID
Raleigh, NC
Permit No. 2394

BUILDING THE WORLD WE WANT TO SEE

The ACLU of North Carolina is committed to reimagining a world that values and protects us all through our work to dismantle white supremacy, abolish the carceral state, and invest in our communities.

Learn more about and support our work on racial justice and more at acluofnc.org/donate.

CONNECT WITH US
ONLINE



Facebook.com/ACLUNC



[aclu_nc](https://www.instagram.com/aclu_nc)



[@ACLU_NC](https://twitter.com/ACLU_NC)

acluofnc.org