



Pictured: Elaine White

COVID-19 Spread Like “Wildfire” in Prisons

ACLU demanded action from the state to save lives

As a 66-year-old woman with type II diabetes, Elaine White is already at a higher risk of severe illness from COVID-19. But it was her living conditions under North Carolina Department of Public Safety (DPS) custody that made her fear for her life: a dormitory shared with 29 other women, where people slept fewer than six feet apart and shared one bathroom, and prison staff came and went daily, possibly carrying the highly-infectious disease.

When the coronavirus pandemic broke out earlier this year, Elaine was

incarcerated, serving her sentence since 2011. For the past several years, she had been living at the Center for Community Transitions, a reentry facility in Charlotte. In anticipation of her release in November of this year, Elaine participated in a work-release program and a home leave program, working in the deli section at a local Harris Teeter and spending the night at her sister’s home once a month.

But as COVID-19 spread in communities across North Carolina and entered the state’s prisons, DPS kept Elaine locked up, forcing her to live in crowded

conditions that made her fear she would catch the disease and get seriously ill.

In early April, thanks to the advocacy of the ACLU and other partner organizations, Elaine was sent home so that she could live safely with her sister.

“I have done everything I can to show that I have paid my debt to society,” said Elaine. “I would like to be somewhere safe during this pandemic. I just want to live.”

The novel coronavirus has forced the United States to confront the plague of mass incarceration. State governments

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This issue of *Liberty* was written by Molly Rivera and designed by Pam Chastain.

From the Executive Director



Dear ACLU family,

For one hundred years, the ACLU has built its resilience with every battle for justice and equality. Our fortitude comes from decades of experience navigating moments of crisis and an unyielding commitment to the simple idea that the work to defend freedom never ends.

When I joined the ACLU of North Carolina's team as the interim executive director, my charge was to guide the organization through a time of transition—a profound responsibility in ordinary times.

But when the coronavirus pandemic shook long-standing institutions and our everyday lives, the ACLU's work to defend civil liberties without compromise was forced to take new shape. Then, in the wake of the murders of Ahmaud Arbery, Breonna Taylor, George Floyd, and Tony McDade, people rose up in cities and towns across the country against white supremacy and in defense of Black lives. They demanded an end to police brutality and other systems of racial oppression. In this moment, the ACLU's work to advance racial justice, including our work against racist policing, became even more urgent.

With a talented, dedicated staff and passionate base of supporters across the state, we rose to the challenge at every turn.

Since the first days of the COVID-19 crisis, the ACLU-NC worked closely with our partners to immediately protect vulnerable people inside our state prisons from the disease (cover story). We quickly launched a new helpline, "Text Abby," so that minors could access abortion care during the pandemic (p. 7). We carefully watched the General Assembly to ensure lawmakers made no attempt to restrict people's rights during the crisis and instead passed laws to safeguard our democracy (p. 3). And in cities across the state, we supported protesters' demands to divest from the police, enact true accountability, and protect people's rights (p. 4).

During these moments of uncertainty and fear, we also celebrated an important victory in our lawsuit against unjust bail practices in Alamance County (p. 3). Further, our staff grew even stronger with the addition of two new team members—our legal director, Kristi Graunke, and field manager, Angaza Laughinghouse (p. 7).

This prolonged crisis can certainly be a lot to process. But remembering how far we've come even in the face of extreme adversity gives me hope. With your support, our organization can remain nimble and ready to defend voting rights and other civil liberties like the right to protest, reproductive freedom, LGBTQ equality, and protect the most vulnerable in our jails, prisons, and detention centers.

I am new to the ACLU family. And COVID-19 and the crossroads we face as a country certainly present new challenges for us all. But the ACLU has never backed down from a fight before, and we won't now.

I am honored to be a part of this movement. Thank you for sticking with us.

Chantal N. Stevens
Interim Executive Director

Victory: People in Alamance County will no longer be jailed because they are too poor to pay bail.



In a victory for the movement to end unjust cash bail in North Carolina, a federal judge in May approved an agreement to reform bail practices in Alamance County, ensuring that no one will be held in the county’s jail only because they are unable to pay their bond.

This was the result of a lawsuit that the ACLU of North Carolina filed in November 2019, along with Civil Rights Corps and the ACLU Criminal Law Reform Project, to challenge Alamance County’s unconstitutional cash bail system.

Under Alamance County’s old bail practices, more than 80 percent of all people charged with crimes in Alamance County were issued a cash bond—one of the highest rates

in the state. Court officials’ regular practice was to set bail without any consideration of a person’s ability to pay it. If a person could not afford their bond, it operated as a detention order. Jailing the county’s poorest residents before they could have their day in court had been the norm for many years.

Lea Allison, the lead plaintiff in the lawsuit, experienced this injustice firsthand. Lea had been out of work and was about to start a new job to support her daughter when she was arrested and locked up in Alamance County’s jail on a \$3,500 bond that she could not afford. Lea had not been found guilty of a crime and was legally innocent. And yet she was held behind bars, away from her child and her new

job, simply because she could not afford to pay her bail.

This practice has exacted a devastating toll on communities, particularly for people of color who are jailed at higher rates. Research shows that with each day spent locked in jail, the chance for a fair trial diminishes because it is tougher to mount a defense from behind bars. What’s more, spending just three days in jail puts a person at risk of losing their job, home, and custody of their children.

But after this court ruling, people in Alamance County Detention Center will now receive an individual determination of their ability to pay bail, a prompt opportunity to be heard by a judge, and representation by an attorney at their first court appearance. These changes will significantly transform the pretrial release and bail policies in Alamance County while the rest of our class-action lawsuit proceeds.

Detention should be the exception, not the rule. And a system where a person’s freedom depends on how much money is in their bank account is a broken one. We will continue to monitor the county’s compliance with the agreement and work to eliminate wealth-based incarceration once and for all. ■

Uprisings Give Life to Movement to End Police Brutality



Alvin C. Jacobs

George Floyd protest in Charlotte

In June, thousands of North Carolinians joined the protests against police brutality, systemic racism, and anti-blackness. People took to the streets for weeks on end to relentlessly demand justice for George Floyd, Breonna Taylor, and the countless other Black people killed by police.

In Charlotte, Raleigh, and Asheville, police responded violently against protestors, deploying tear gas, flashbangs, rubber bullets, and other weapons. Cities implemented broad curfews, threatening people's First Amendment rights. ACLU-NC staff worked alongside organizers on the ground, demanding accountability for police officers' actions, joining the calls for justice, and protecting the right to protest.

But despite the tireless work done by so many in the ACLU for decades to address police violence in communities of color, there's a fundamental truth that we must confront: It has not worked. Black people continue to be murdered and brutalized by police with near impunity. More of the same won't fix this problem.

From their inception, police have been tasked with protecting the power and privilege of white people by exerting social and physical control over Black people. As we look to the future, the ACLU unites behind the profound fight that groups like Movement for Black Lives have been leading: the fight for a completely reimagined vision of the role, presence, and responsibilities of police in America.

The ACLU has joined the growing chorus to fundamentally change the role of police in our society. Money saved from reducing the size and scope of police departments must be reinvested into community-based services that are better suited to respond to actual community needs. Doing so will foster improved safety and health outcomes, and present opportunities in Black communities, where decades of underinvestment in everything except police has helped fuel a mass incarceration crisis.

The ACLU will continue to use our power to support efforts in Black and Brown communities to develop and build community-controlled institutions and interventions. We hope you'll stay with us in the struggle for justice. ■



Raleigh Protest Against Police Brutality

A person holds a “Dissent is Patriotic” sign at a protest against racist police practices in Raleigh. In June, protesters gathered outside the Raleigh Municipal Building to demand action from Raleigh city leaders to hold police accountable and end police brutality in the city.

Report from the General Assembly

State lawmakers returned to Raleigh for the legislative session this spring. While the state’s response to COVID-19 and the budget were top priorities, lawmakers also took action on issues that continue to affect North Carolinians every day.

One positive step forward this session was the passage of the NC Second Chance Act, which expands access to criminal record expunctions for formerly incarcerated people and people whose charges are dropped. In addition, the passage of the NC First Step Act expanded sentencing reforms and requires the state to study how to collect more accurate statewide information about people incarcerated in our jails and prisons. Looking ahead to future legislative sessions, the ACLU of North Carolina will continue to work at the General Assembly to push for legislation that would end the shackling of incarcerated people who are pregnant and provide workplace accommodations for pregnant people on the job.

We’ll also watch closely for any bills that aim to harm vulnerable communities or restrict people’s rights. With the help of our partners, we’ll work to ensure that lawmakers do not override Governor Cooper’s veto of House Bill 370, an anti-immigrant bill that would force local law enforcement agencies to collaborate with ICE.

To stay up-to-date on what’s going on in the state legislature and for ways to take action, follow us on Twitter @ACLU_NC. ■

COVID-19 Spread Like “Wildfire” in Prisons

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that have spent years locking up tens of thousands of people and holding them in barbaric, overcrowded conditions are now struggling to mitigate the spread of COVID-19 in the prison system.

The result is a heightened racial justice crisis: both the criminal legal system and COVID-19 have exacted a disproportionate toll on people of color. In North Carolina, Black people are locked up at a rate 4.5 times higher than white people. Across the country, Black people who are infected with COVID-19 are dying from the disease at almost three times the rate of white people.

Prisons and jails have long been recognized as breeding grounds for infectious diseases, with high concentrations of people in small spaces living in tightly-packed and poorly ventilated dormitories. They are forced to share toilets, showers, and sinks, and their sheets and clothes are washed infrequently. They have no control over their own movement and are frequently denied resources for basic hygiene like soap, warm water, and face masks. In this setting, social distancing is impossible, and it became clear that incarcerated people simply cannot take the steps they need to protect themselves during this pandemic.

To make matters worse, when an incarcerated person becomes infected with the virus, prisons cannot easily quarantine them and often use the punitive, torturous, and medically unsound practice of solitary confinement. For those who get sick, the North Carolina prison system—which has just two medical facilities, zero ventilators, and a high rate of vacancies among its prison staff—cannot provide the medical care they need.

From the beginning, it was not a matter of if, but when, the coronavirus broke out in our prisons.

In April, the ACLU of North Carolina, along with Disability Rights North Carolina, Emancipate NC, Forward Justice, and the National Juvenile Justice Network filed a lawsuit to compel Governor Cooper and other state officials to reduce the prison population in order to implement the physical distancing measures that public health experts agree is necessary to prevent the spread of the deadly virus in overcrowded prisons. Failing to do so, the lawsuit argued, would be a violation

“I have done everything I can to show that I have paid my debt to society,” said Elaine. “I would like to be somewhere safe during this pandemic. I just want to live.”

of the state Constitution’s prohibition against cruel or unusual punishment.

The lawsuit was filed on behalf of the NC NAACP, Disability Rights North Carolina, the ACLU of North Carolina, three people who are currently incarcerated, and a spouse of an incarcerated person.

At the time of the lawsuit filing, more than 34,000 people incarcerated in state facilities were living in dangerous conditions. In the first three months of the pandemic, Neuse Correctional Institution in Goldsboro reported that hundreds of incarcerated people and staff members tested positive for COVID-19, and the North Carolina Correctional Institute for Women in Raleigh emerged as one of the largest outbreaks in the state. Since then, five incarcerated people and a nurse who worked at Caswell Correctional Institution have died of COVID-19.

“Now it’s spreading like wildfire in the women’s prison,” said Elaine. “The women there must be so scared. People don’t deserve to just die this way.”

In June, in a victory for our clients and the health of everyone in the prison system, a Wake County Superior Court judge granted the plaintiffs’ request for an emergency order in the case, affirming that state officials have a constitutional obligation to protect the health and safety of the people in their custody. The order directed officials to take steps to combat the spread of this deadly disease, including considering incarcerated people for early release and making a plan to test people in DPS custody.

We, along with our partners, will continue to fight and hold officials accountable to protect the human beings in their custody and release those most vulnerable to this infectious disease. And as we look to the future, we will continue to pressure state leaders to do more to reform North Carolina’s prison system and end our overreliance on incarceration. ■



Angaza Laughinghouse and Kristi Graunke

ACLU in the Courts and in the Streets

Kristi Graunke joined the ACLU of North Carolina in February as our legal director. In this role, she leads the ACLU-NC’s work in the courts to protect and advance the constitutional rights of all North Carolinians.

Before joining the ACLU of North Carolina, Kristi worked as a supervising attorney with the Southern Poverty Law Center, focusing primarily on enforcing the civil rights of low-income immigrant workers and defending the civil rights of LGBTQI individuals and incarcerated people. In 2015, she received the Public Justice’s Trial Lawyer of the Year Award for her work on a team representing victims of human trafficking on Mississippi’s Gulf Coast in the wake of Hurricane Katrina.

Kristi holds a B.A. from Cornell University and a J.D. from Yale Law School.

“It’s an honor to lead the ACLU-NC’s brilliant legal team during such a pivotal time for civil liberties and civil rights in North Carolina.”

Angaza Laughinghouse joined the ACLU of North Carolina in early February as our field manager. In this role, Angaza works with grassroots organizations and broad coalitions around the state for the advancement of civil rights and justice. Through his work as an assistant public defender, he directly witnessed the racism and classism of the legal system. This experience led to his subsequent work to end mass incarceration and the school-to-prison pipeline, while also organizing Black and Brown working-class communities to contend for power.

Angaza received his B.A. in Sociology from the University of North Carolina at Greensboro and his J.D. from North Carolina Central University School of Law. Before graduating from law school in 2015, Angaza spent time as a community and labor organizer, supporting working-class struggles for racial and economic justice.

“Without organization, there is no power.” ■



In North Carolina, youth under the age of 18 are required to get permission from a parent before they can have an abortion.

For many young people, that is not possible. But without their permission, they are forced to navigate our state’s complicated legal system to pursue the only other option available to them: a waiver of parental consent signed by a judge.

This would be a significant, intimidating obstacle for anyone, but even more so for young people who may not have access to transportation and may have to explain their whereabouts to their parents. The COVID-19 pandemic has complicated this process even further as courts operate on limited hours, restrict physical access to courthouses, and most youth are home without a reason to have to leave.

Together with the Carolina Abortion Fund, we launched a new service to help young people after they have made the decision to have an abortion. The new text line, “Text Abby,” is a confidential and free service that allows a live expert to answer questions for young people about parental consent laws in North Carolina and connect them with an attorney and other resources that they need to navigate the judicial waiver process and get an abortion.

If you or a teenager you know needs help obtaining an abortion, text Abby at 844-997-2229. ■

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WE THE PEOPLE

KEEP UP THE FIGHT FOR JUSTICE

100 years ago, a few determined activists dared to create a more perfect union. As we celebrate our centennial anniversary, we want to thank you for fighting alongside us to protect the rights of all North Carolinians. We couldn't have gotten here without you.

Visit acluofnc.org/donate to stay in the fight in North Carolina.

Statewide Campaign for Smart Justice Manager Kristie Puckett-Williams

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