



Because the future can't protect itself

American Civil Liberties Union of North Carolina 2016 Annual Report



Founded in 1965, the ACLU of North Carolina (ACLU-NC) is a statewide nonprofit, nonpartisan organization dedicated to advancing and defending civil rights and civil liberties for all North Carolinians. The ACLU-NC works in the courts, legislature, and communities to defend and expand the rights guaranteed by the U.S. and North Carolina Constitutions and related civil rights laws, with a particular emphasis on reproductive freedom, racial justice, voting rights, LGBTQ equality, free speech, privacy, and religious liberty. The ACLU-NC is the state affiliate of the national American Civil Liberties Union.

Annual report designed by Pam Chastain Design.

This report is a joint publication of the American Civil Liberties Union of North Carolina and the ACLU of North Carolina Legal Foundation. The report refers collectively to the two organizations as the ACLU of North Carolina.

Dear Supporter,

As champions of freedom and justice, we have faced unprecedented challenges in 2016, with North Carolina making national headlines time and again for all the wrong reasons.



We've seen reactionary extremists use our state as the testing ground for truly horrific legislation, from the nation's worst voter suppression law to an unprecedented measure attacking the rights and dignity of LGBTQ people. Each time the ACLU fought back, immediately filing court challenges on behalf of vulnerable North Carolinians.

We've also worked with communities across the state to challenge an unjust criminal justice system, fight for racial equity and gender equality, and combat policies that discriminate against students, women, immigrants, people of color, and others who call our state home.

This litigation and advocacy has been made possible because of your support.

But we are at a critical moment that will decide what kind of state we will leave for the next generation.

Thanks to your support, we have grown our capacity to meet new, more intense challenges. Today the ACLU of North Carolina boasts our largest staff ever, with more attorneys, advocates, and communications professionals than at any other time in our organization's 51-year history. Together we fight for a future where democracy works for all and where our criminal justice system does not punish people for being poor. A future where people of color aren't wrongly targeted by law enforcement, where LGBTQ people live openly without fear, and where every woman has the freedom to choose whether and when to have a child.

We are fighting for a North Carolina where all people are free to be who they are, to live without discrimination, and to be guaranteed equal protection under the law.

I am deeply honored to serve as Executive Director of the ACLU of North Carolina at such a critical time for civil liberties in our state and our nation. What we do today will have a profound impact on North Carolina and the nation for years to come.

With your continued support, we can advance democracy, equality, justice, and freedom—and protect North Carolina's future.

Sincerely,

A handwritten signature in white ink, appearing to read 'Karen Anderson', written over a dark background.

Karen Anderson
Executive Director

The ACLU works in North Carolina and across the nation to ensure that all eligible voters are able to fully participate in our democracy.



ACLU-NC attorneys Irena Como and Cristina Becker monitor the polls on Election Day in Durham.

DEMOCRACY

Voting is the cornerstone of our democracy and the fundamental right upon which all our civil liberties rest.

For decades, the ACLU has worked to protect that right for every eligible voter—especially when it is attacked by politicians who seek to suppress the votes of historically disenfranchised groups.

When North Carolina passed in 2013 what many observers called the worst voter suppression law in the nation, the ACLU and our allies immediately filed a federal lawsuit challenging the measure as unconstitutional.

African American voter participation had surged in North Carolina over the last decade, particularly in the presidential elections of 2008 and 2012. In response, the legislators who authored North Carolina's 2013 law eliminated voting methods that were disproportionately popular with African Americans, including same-day registration, out-of-precinct voting, and a week of early voting. The law also required forms of ID that white North Carolinians were more likely to possess while at the same time excluding many of the alternative photo IDs used by Black voters.

The ACLU and our allies fought back through litigation and advocacy, bringing forward witnesses whose votes were not counted under the new restrictions and introducing evidence that the law made it harder for hundreds of thousands of North Carolinians to participate in elections.

After a three-year struggle, a federal appeals court struck down North Carolina's voter suppression law in its entirety this summer, finding that it was enacted "with discriminatory intent" and targeted Black voters "with almost surgical precision."

Thanks to the ACLU and many others, thousands of voters across North Carolina were able to register and vote in the November 2016 election without having to navigate the unnecessary obstacles that extremist lawmakers sought to impose.

But the fight for democracy is never over. After the court ruling, ACLU attorneys worked to expand early voting in several counties and send a clear message to local officials that further attempts to suppress votes would be met with resistance.

The ACLU continues working in North Carolina and across the nation to ensure that as many eligible voters as possible are able to fully participate in our democracy.

Through public education, litigation, and advocacy, we're working to overturn the regressive and discriminatory House Bill 2.



Photo by Jess Rotenberg

Hunter Schafer is one of the named plaintiffs represented by the ACLU-NC in the legal challenge to House Bill 2.

EQUALITY

Not special treatment. Just equal treatment for all.

Less than two years after same-sex couples in North Carolina won the freedom to marry, thanks in part to lawsuits brought by the ACLU, extremists in the North Carolina legislature convened an “emergency” special session to enact one of the nation’s most sweeping laws targeting LGBTQ (lesbian, gay, bisexual, transgender and queer) people for discrimination.

Why? Because the city of Charlotte rightly passed a nondiscrimination ordinance that extended legal protections to LGBTQ people. Though the ordinance did many things, it was dubbed the “bathroom ordinance” by opponents who falsely claimed that protecting transgender people from discrimination would somehow threaten the privacy and safety of others—a myth that has served to justify and perpetuate violence against the transgender community for years.

House Bill 2 forces transgender people to use restrooms and changing facilities in government buildings, public universities and other public places that accord with the gender listed on their birth certificate, whether or not that matches their lived gender identity. It also prevents local governments from passing policies that protect LGBTQ people from discrimination.

It is a dangerous, damaging, and disgraceful law that attacks some of the most vulnerable members of our community. It is also unconstitutional.

Days after HB2 was passed, the ACLU and Lambda Legal filed a legal challenge on behalf of several LGBTQ North Carolinians and members of the ACLU-NC.

We are so proud to be representing transgender students like Hunter Schafer, a high school senior and talented visual arts student at the University of North Carolina School of the Arts, who has used girls’ restrooms for years and lives in the girls’ dorm on campus.

HB2 would force young transgender women like Hunter to use the boys’ restroom, causing serious anxiety and potential exposure to threats of harassment and violence.

Hunter deserves the same privacy, respect and ability to learn and thrive as every student in North Carolina. She shouldn’t be treated differently simply because she’s transgender.

In August, a federal court agreed—and blocked the University of North Carolina from enforcing HB2 against Hunter and two of our other clients, allowing them to return to using on-campus facilities that match their gender.

HB2 is starting to crumble. But we know the harmful effects of this discriminatory law are far-reaching. We’re appealing August’s ruling in order to win broader relief for all transgender people who call North Carolina home or visit our state. During the full trial in 2017, we will also challenge the law’s ban on local LGBTQ protections.

Through public education, litigation, and advocacy, we’re working to overturn this regressive and discriminatory law and continue moving North Carolina toward full lived equality for all LGBTQ people.

We are challenging abortion restrictions to fight back against the coordinated effort to take away a woman's right to reproductive freedom.



FREEDOM

A decision about having a child or having an abortion is a deeply personal, private matter that should be left to a woman, her family, and her doctor.

Yet some politicians remain obsessed with interfering. The ACLU works to ensure that every woman can make the best decision for herself and her family about whether and when to have a child without undue political interference.

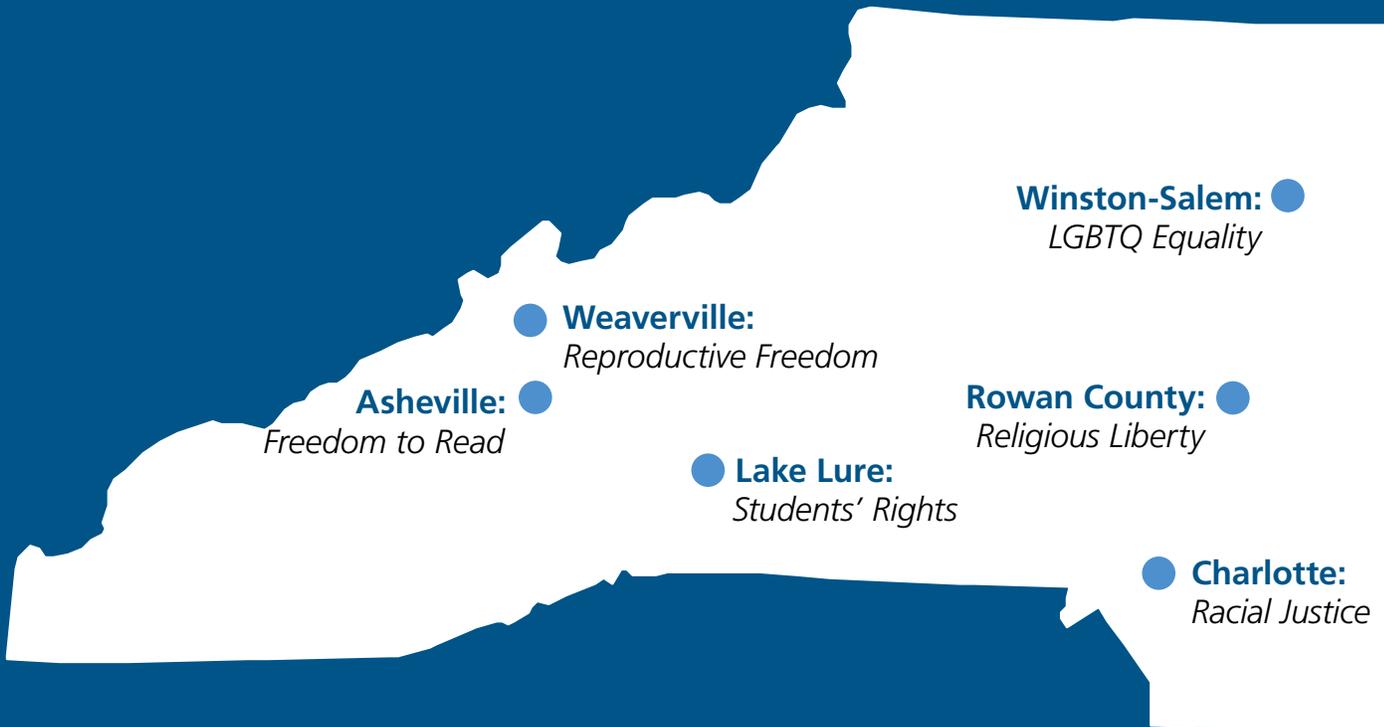
Across the country and here in North Carolina, extremist lawmakers have repeatedly attacked a woman's right to access a safe and affordable abortion. Since the 2010 elections, more than 300 abortion restrictions have been passed in states across the country—commonly under the guise of “protecting women's health” and other sham justifications meant to hide their true intent.

Anti-abortion politicians here in North Carolina have made it harder for women to access health insurance that covers abortion, directed state officials to review and implement laws regulating abortion clinics with the goal of shutting them down, required abortion providers to submit women's ultrasounds to the state, and tripled the mandatory waiting period for a woman who has decided to have an abortion to 72 hours, the longest waiting period in the country.

None of those measures protects a woman's health, nor do they help to promote her economic security if she chooses to have a child. For example, North Carolina remains one of only four states that provide no additional employment protections for pregnant workers. But we're fighting to change that.

This year we won a settlement for Jaimie Cole, a mother of three and her family's primary breadwinner, after she was pushed out of her job at a nursing home facility while pregnant with her third child. Settlement in her case included the implementation of a new policy at her work to make sure that pregnant workers are given the same accommodations as other employees needing temporary job changes. No expecting mother should be forced to go without a paycheck. We thank Jaimie for speaking out against discrimination in her workplace and for helping to lay the groundwork of fairness for future mothers. We will continue to represent other pregnant workers in court and advocate for statewide protections in the legislature to ensure all parents have equal opportunity to raise their children in a safe, healthy, and supportive environment.

We have also hired several staff members that will focus on these critical issues, including a Reproductive Freedom Fellow who works with agency and community partners to ensure equitable access to full reproductive health and justice. We plan to work with legislative allies in the 2017 session and are pursuing challenges to abortion restrictions in North Carolina to fight back against the coordinated effort to take away a woman's right to reproductive freedom.



- **Weaverville:** The ACLU-NC settled a pregnancy discrimination claim on behalf of a pregnant woman who, at the urging of her doctor, requested light duty at work. When her employer sent her home without pay, we helped Jaimie get the compensation she deserved.
- **Asheville:** The ACLU-NC's Western North Carolina chapter hosted local writers, storytellers, poets, and artists for a reading of banned books to celebrate the freedom to read during Banned Books Week.
- **Lake Lure:** After pressure from the ACLU-NC, a public charter school lifted its suspension of student-run groups, after some community members challenged the formation of an LGBTQ+ club.
- **Winston-Salem:** Attorneys from the ACLU and Lambda Legal won a preliminary injunction from a federal court blocking the University of North Carolina from enforcing the anti-LGBTQ House Bill 2 against three transgender plaintiffs.
- **Rowan County:** All 15 judges on the U.S. Court of Appeals for the Fourth Circuit will hear our case challenging county commissioners' practice of coercing public participation in overwhelmingly sectarian prayers.
- **Charlotte:** The ACLU-NC was among the first to call on Charlotte-Mecklenburg police to release all video footage of the police shooting of Keith Lamont Scott and worked with journalists to expose how officers violated the department's own policies throughout the incident.
- **Jamestown:** The ACLU-NC joined community advocates at one of four public hearings across the state to call on officials to no longer automatically send 16- and 17-year-olds charged with a crime to the adult criminal justice system regardless of the offense.

ACLU-NC Statewide

● **Jamestown:**
Juvenile Justice

● **Raleigh:**
Racial Justice

● **Hookerton:**
Prisoners' Rights

● **Pitt County:**
Voting Rights

● **Richmond County:**
Voting Rights

● **Leland:**
Students' Rights

- **Richmond County:** The ACLU-NC won expanded early voting hours during a hearing before the State Board of Elections.
- **Raleigh:** The ACLU-NC is working with a coalition of residents to advocate for policies that combat racial bias and promote transparency and accountability in the Raleigh Police Department.
- **Hookerton:** The ACLU-NC and other human rights groups are monitoring the implementation of alternatives to solitary confinement at Maury Correctional Institution and other state-run prisons.
- **Leland:** The ACLU-NC is representing three students in a lawsuit challenging part of a public charter school's dress code that requires all female students to wear skirts or risk being punished.
- **Pitt County:** The ACLU-NC won expanded early voting hours during a hearing before the State Board of Elections.

We are working with communities across North Carolina to stop racially biased policing and dramatically shift our criminal justice system.



Photo by Gabriel Duran

Protesters in Charlotte shut down I-85 following the death of Keith Lamont Scott.

JUSTICE

Our criminal justice system is broken.

Across North Carolina, law enforcement agencies are not transparent to the communities they serve. When officers do something wrong, they are rarely if ever held accountable. And far too many North Carolinians have become ensnared by a legal system that criminalizes poverty and disproportionately targets and incarcerates people of color.

Racial bias, both explicit and implicit, has fueled widespread disparities in which Black and Latino residents are subjected to street stops, vehicle searches, marijuana arrests, and even the use of deadly force by police at an alarming rate.

These injustices must end. The ACLU-NC is working with communities across North Carolina to stop racially biased policing and dramatically shift our criminal justice system so that law enforcement is accountable and transparent, fewer people are wrongfully arrested and incarcerated, and when someone does end up in jail or prison, they are treated with respect and given an opportunity to turn their life around.

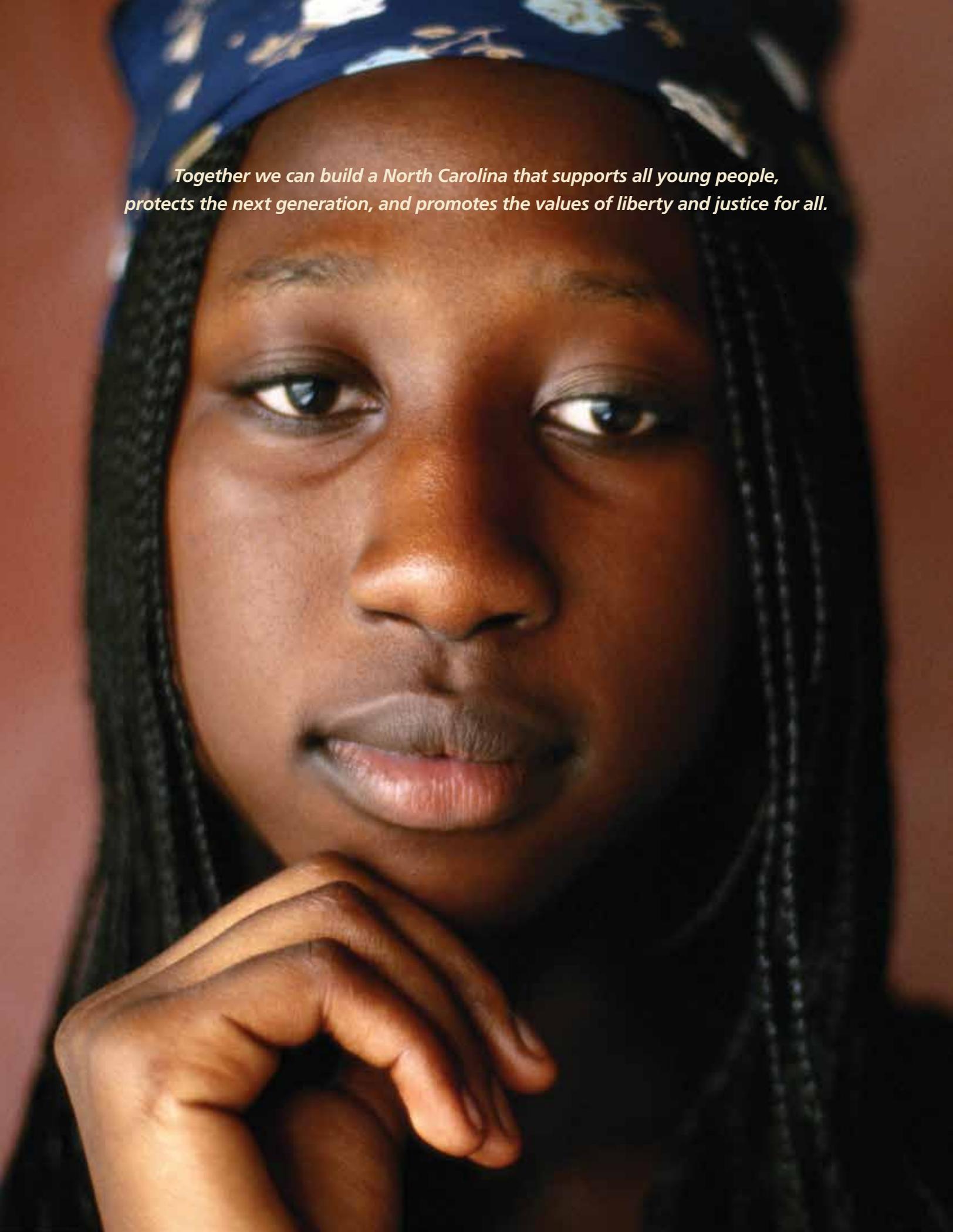
When Keith Lamont Scott, a 43-year-old Black man with a traumatic brain injury, was shot and killed by a Charlotte-Mecklenburg police officer, we were among the first to demand that police release body and dash camera footage of the incident. When they finally did, we worked with journalists to show how officers violated their own department's policies, and we continue to work with Charlotte community members to hold the department and its officers accountable.

We continue to advocate for officer-worn body camera policies that serve the public interest, and we have been the leading organization fighting to first oppose, and now amend House Bill 972, a shameful law that severely limits the public's ability to see video of police encounters. We have also equipped more than 25,000 North Carolinians and counting with "the people's body camera," our free Mobile Justice NC smartphone app to record police and seek legal assistance.

After sounding the alarm on the horrific conditions experienced by inmates, many suffering from mental illness, who are locked away in solitary confinement, the ACLU-NC and other human rights groups are now urging and monitoring the implementation of alternatives to this tortuous practice. Earlier this year, thanks to our efforts, North Carolina announced it would stop placing 16- and 17-year-old offenders in solitary confinement.

Our legal department also hired a Criminal Justice Debt Fellow to uncover how excessive court fees have created a racially-skewed, two-tiered system of justice in which the poor receive harsher, longer punishments for committing the same crimes as the rich, simply because they are poor. These modern-day debtors' prisons exact a devastating human toll, undermine civil rights, and must end.

Ultimately, we are working toward a North Carolina where every person is treated fairly, where communities are empowered, and justice is guaranteed for all.



*Together we can build a North Carolina that supports all young people,
protects the next generation, and promotes the values of liberty and justice for all.*

THE FUTURE

The future of our state depends on the next generation.

But too many young people still face discrimination, injustice, or violence.

Like Hunter, a transgender high school student whose very identity continues to be attacked by our state government through the shameful House Bill 2.

Or Keely, a student in Leland who wasn't allowed to go to class because she wore shorts to her public charter school, which has a policy that says girls have to wear skirts or risk being punished.

Or the 16-year-old who ends up in an adult jail for making one bad decision—even one as minor as stealing a candy bar—because North Carolina continues to treat 16- and 17-year-olds as adults in the criminal justice system, without exception.

But as children constantly remind us, hope is not lost.

We are fighting for Hunter and other LGBTQ youth in our case against House Bill 2, just as we did at a public charter school in Lake Lure, where community members tried to ban an LGBTQ+ student club. Thanks to our work all student-run clubs at Lake Lure Classical Academy will have equal access to school resources and students are free to join LGBTQ+ and other clubs that seek to create a safe space and promote equality for all students on campus.

We took Keely's case and filed a lawsuit on behalf of her and two other Brunswick County students against the school's dress code which requires female students to wear skirts to school, a policy based on stereotypes that constitute unlawful sex discrimination. "There are so many professional women who wear pants every day. In the year 2016, no one should have a problem with girls wearing pants," said Keely.

And we believe North Carolina is finally getting close to raising the age of juvenile jurisdiction. North Carolina is one of only two states left in the country that continues to treat 16- and 17-year-olds as adults in the criminal justice system. It's a law that dates back to 1919, but criminal justice experts, child psychologists, neuroscientists and others have now compiled a mountain of data that shows the irreparable harm this policy is causing children and families in our state. Under our current system, 16- and 17-year-old offenders are housed in adult jails, where they face an increased risk of suicide and sexual assault and are branded with a criminal record that will make it harder for them to go to college, find a job, and contribute to society. Thankfully, there is reason to believe that 2017 could be the year that North Carolina finally adopts the evidence-based, commonsense, cost-saving policy of treating young people under the age of 18 like the juveniles that they are in the criminal justice system.

Together we can build a North Carolina that supports all young people, protects the next generation, and promotes the values of liberty and justice for all.

THANK YOU

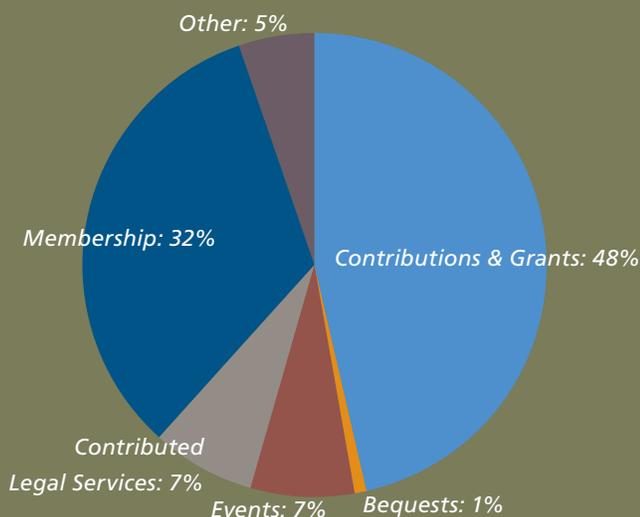
The ACLU of North Carolina’s work is made possible by the support of thousands of individuals throughout North Carolina who care passionately about a just and free society. For more than 50 years in North Carolina, and nearly 100 years nationwide, the ACLU has been our nation’s guardian of liberty, working in courts, legislatures, and communities to defend and preserve the individual rights and liberties guaranteed by our state’s and nation’s Constitutions and laws.

The ACLU is nonprofit and nonpartisan. We do not receive any government funding. Contributions from individuals, grants from private foundations, and member dues support our work.

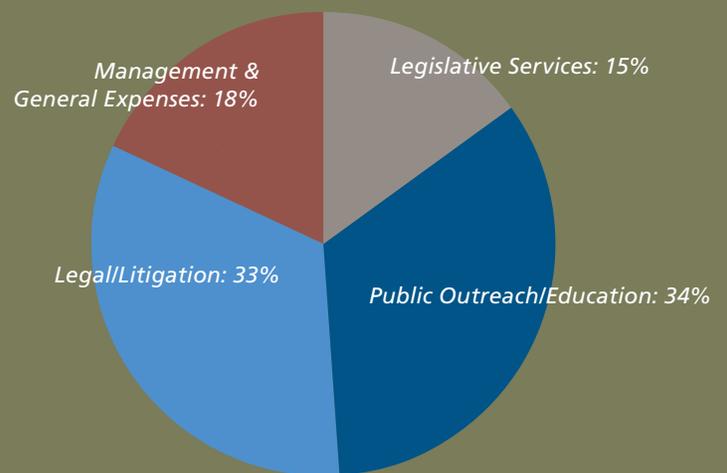
Thank you for your continued support and commitment—and thank you for standing with the ACLU.

Financial Overview

The American Civil Liberties Union of North Carolina and ACLU-NC Legal Foundation
Fiscal year 2016 (April 1, 2015 to March 31, 2016)



Fiscal year 2016 Income:
\$780,146.47



Fiscal year 2016 Expenses:
\$945,474.00

Figures shown are from audited financials.

Contribute to the fight for civil liberties

There has never been a more important time to support our work. Here's how:

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. Learn more and join at acluofnc.org/JoinUs.

Make a Tax-Deductible Gift

Because the ACLU-NC Legal Foundation is a nonprofit 501(c)(3) organization, donations are tax-deductible to the extent authorized by law. You can make a one-time or recurring financial contribution, make a gift of stock, or donate a car, truck or other vehicle. 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.

Leave a Legacy of Liberty

The civil liberties landscape can change in unexpected ways. What threats will we face in 20, 30, or 40 years? Whatever they are, the ACLU will be there--proud, principled, unflinching, and effective.

When you name the ACLU to receive a bequest or other gift through your estate plans, you play a personal role in protecting freedom's future. Visit aclu.org/legacy or call 877-867-1025 to learn more.

If you have questions about supporting the ACLU-NC, please contact Kevin Eason at 919-354-5061 or keason@acluofnc.org.



ACLU-NC staff members proudly display their pocket Constitutions.

Staff

From left to right:

Legal Director: **Chris Brook**

Criminal Justice Debt Fellow: **Cristina Becker**

Communications Associate: **Molly Rivera**

Communications Director: **Mike Meno**

Paralegal: **Beth Svendsgaard**

Staff Attorney: **Irena Como**

Policy Counsel: **Susanna Birdsong**

Executive Director: **Karen Anderson**

Reproductive Freedom Fellow: **Lynne Walter**

Faith and Community Engagement Coordinator: **Jessica Turner**

Director of Operations: **Kevin Eason**

Policy Director: **Sarah Gillooly** (not pictured)



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