

# LIBERTY

Spring 2016

ACLU of North Carolina Newsletter



## Our Fight to Repeal HB2

The passage of House Bill 2, the most extreme anti-LGBT law in the country, has put North Carolina front and center in the national struggle to defend the rights of transgender people and achieve full, lived equality for all LGBT Americans.

At every step of this fight – from the Charlotte City Council, to the legislature, to the courthouse, to the campaign to repeal HB 2—the ACLU of North Carolina has been on the front lines.

In February, the Charlotte City Council voted to expand that city’s nondiscrimination ordinance to protect LGBT people in public accommodations, as do 18 states and more than 200 other cities. Members of the ACLU-NC testified in support of the move alongside

advocates who for years had told council members about the significant degree of discrimination faced by LGBT people, particularly transgender people. Because North Carolina state law does not prohibit discrimination based on sexual orientation or gender identity, the many LGBT residents of Charlotte—as well as LGBT residents throughout the state—are exposed to invidious discrimination in their day-to-day lives simply for being themselves. According to the National Transgender Discrimination Survey, half of respondents in North Carolina reported being verbally harassed or disrespected in a place of public accommodation – the exact type of discrimination Charlotte’s ordinance sought to protect against.

But before the Charlotte ordinance could take effect, the North Carolina General Assembly, in a vindictive and undemocratic move, convened a one-day special session on March 23 to not only override the ordinance but make it harder for any local government to protect LGBT people from discrimination, and much more. HB 2 was introduced and passed in just 8 hours, at a cost of \$42,000 to taxpayers, with virtually no public debate.

Lawmakers made no attempt to hide the purpose of their actions and instead openly and virulently made clear that HB2 was targeted retaliation for

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Because Freedom Can't Protect Itself



## LIBERTY

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## We Are Not This

**W**hen the Charlotte City Council voted in February to protect LGBT people from discrimination in public accommodations, few could have predicted that the backlash from anti-LGBT extremists in the General Assembly would snowball into the defining struggle for LGBT equality in the country today.

House Bill 2, the most extreme anti-LGBT law in the country, is an attack on all our lesbian, gay, bisexual, and transgender friends, family, and loved ones. It has placed North Carolina at the center of a national conversation about the need to fully protect LGBT people from discrimination and ensure that our transgender brothers and sisters are able to live their lives openly and without fear or oppression.

I am beyond proud that the ACLU-NC has been at the center of this fight. Our Charlotte chapter testified in favor of Charlotte's nondiscrimination ordinance before the City Council vote. Our staff was at the legislature during the undemocratic sham of a special session in which House Bill 2 was introduced, passed, and signed into law in a mere 12 hours. We testified against the bill and aided transgender North Carolinians in testifying and meeting with legislators. I heard amazing and sometimes painful stories shared by some of the most beautiful and courageous transgender, gay, lesbian, and queer folks I have ever met, even as the legislature tried to quiet those voices.

Five days after HB 2 passed, we filed a federal lawsuit to overturn the measure on behalf of LGBT North Carolinians and ACLU-NC members. Our courageous plaintiffs



**Sarah Preston**  
ACLU of North Carolina Acting Executive Director

bravely stepped forward to challenge this hateful law, and we are incredibly grateful to them for making this challenge possible.

Throughout Gov. McCrory and the legislature's efforts to demonize transgender North Carolinians and remove protections for all LGBT people, I've taken comfort in knowing that the ACLU-NC will never stop fighting for lived equality and fairness for all.

Our entire staff has been working around the clock to respond to HB 2 without losing sight of the intersections of oppression that so many in our community face. I think I can speak for all of us when I say that it is a privilege to work for this phenomenal organization that has fought for justice for over 50 years in North Carolina.

I am very excited that our team is about to expand, as we are in the process of hiring for three brand new positions: a Reproductive Freedom Fellow, a Faith and Community Engagement Coordinator, and a Communications Associate. It's been an honor to serve as acting Executive Director of this organization, and I look forward to soon returning to my former role as Policy Director as our Board prepares to announce our next permanent Executive Director.

Thank you for your continued and steadfast support of the ACLU-NC. You make this work possible. Please consider using the enclosed envelope to make a donation so that we can keep up the fight against HB2 and other attacks on civil liberties and make clear that #WeAreNotThis. ■■

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## Meet the Plaintiffs Challenging HB2 in Court



### Joaquín Carcaño

The lead plaintiff in *Carcaño v. McCrory*, Joaquín is a 27-year-old transgender man

who works at the University of North Carolina at Chapel Hill at the Institute for Global Health and Infectious Disease. The project that he coordinates

provides medical education and services such as HIV testing to the Latino/a population, and specifically

serves transgender women.

Under HB2, Joaquín explains, “I’m put in the terrible position of either going into the women’s room where I clearly don’t belong, or breaking the law.”

At the press conference announcing the lawsuit that bears his name, Joaquín explained the toll that legislation like HB2 has on transgender men and women, 41% of whom have

reported attempting suicide. “HB 2 strips me and the transgender community of the dignity and respect we so rightly deserve,” he says. “We already fight every day for our survival and HB 2 only serves to compound the discrimination and marginalization we face. Dehumanizing legislation such as HB 2 requires we

*continued on page 4*

### HB2 *continued from page 1*

what it called Charlotte’s “radical” move to protect its citizens from discrimination—invoking a particularly abhorrent series of attacks on transgender people, who were falsely portrayed as predatory and dangerous to others.

Governor Pat McCrory signed the far-reaching bill into law that same day, ignoring an invitation from the ACLU-NC to meet with transgender North Carolinians beforehand to talk with them about the bill’s impact.

Five days after the law was passed, the ACLU, ACLU of North Carolina, and Lambda Legal filed a federal lawsuit challenging House Bill 2 on behalf of two transgender men, Joaquín Carcaño and Payton McGarry; a lesbian law professor and former ACLU-NC board member, Angela Gilmore, and our members. We have since added a transgender high school student, Hunter Schafer, and a married lesbian couple, Beverly Newell and Kelly Trent, as plaintiffs.

The lawsuit argues that through HB 2, North Carolina sends a purposeful message that LGBT people are second-class citizens who are undeserving of the privacy, respect, and protections afforded others in the state. The complaint argues that HB 2 is unconstitutional because it violates the Equal Protection and Due Process clauses of the Fourteenth Amendment by discriminating on the basis of sex and sexual orientation and is an invasion of privacy for transgender people.

HB 2 also violates Title IX by discriminating against students and school employees on the basis of sex. On April 19, the U.S. Court of Appeals for the Fourth Circuit, which

has jurisdiction over North Carolina, ruled in another ACLU case that Title IX protects the rights of transgender students to use restrooms that are consistent with their gender identity. That case, in which the ACLU is representing Gavin Grimm, a transgender male high school student in Virginia, has major implications for the legal challenge to HB 2.

The Obama administration is presently considering whether HB 2 makes the state ineligible for billions of dollars in federal aid for schools, highways, and housing. North Carolina receives more than \$4.5 billion in federal funding for secondary and post-secondary schools, all of which remains at jeopardy under HB 2.

As the public and business backlash to HB 2 has mounted, we are also working with our partners to advocate for repeal through the legislature. On April 25, the first day the General Assembly returned to Raleigh since HB 2 became law, the ACLU-NC and our partners delivered more than 185,000 signatures to Gov. McCrory’s office demanding repeal, while thousands of people rallied against the law outside the legislature. This fight is far from over.

*Cover photos: ACLU-NC Acting Executive Director Sarah Preston speaks at an April 25 press conference outside the governor’s office; Payton McGarry, a plaintiff in the ACLU’s legal challenge to HB2, was among those who delivered petitions to the governor’s office. ■■*

take action and make our voices heard.”

## Payton Grey McGarry



Payton Grey McGarry, 20, is a full-time student at the University of North Carolina at Greensboro, where he is double majoring in Business Administration and Accounting. He is also a transgender man and a skilled musician who has played trumpet in many ensembles at UNC-Greensboro. He plays the guitar, baritone, clarinet, and saxophone. Payton is a member of Phi Mu Alpha Sinfonia, a music fraternity, and is the Vice President of the Iota Epsilon Chapter of that fraternity. His fraternity brothers are aware that he is transgender and have no concerns with his use of men’s restrooms and locker rooms.

“HB 2 says that my identity as a man is illegitimate and that my status as an LGBT person means that I shouldn’t be protected the same as other citizens of North Carolina,” Payton says. “I am standing up to HB2 to say that this is not acceptable. Knowing that my accom-

plishments and professional experience could be deemed null due to a letter on my driver’s license or a word on my birth certificate is disheartening. Knowing that my friends or family could be denied employment, access to businesses, or admissions to certain programs based on nothing more than their own identities is nothing short of revolting.”

## Angela Gilmore

Angela, a former ACLU-NC board member, lives in Durham and currently serves as the associate Dean for Academic Affairs and Professor of Law at North Carolina Central University. She and her wife have been together for nearly 20 years and moved to North Carolina in 2011 hoping that it



was a place where they could be fully themselves and live comfortably as African American lesbians. But as Angela explained at the press conference announcing the lawsuit against HB 2, the law has now made her and her wife feel less welcomed and less safe in North Carolina.

“HB 2 is personal,” she says. “It is a message to us from the legislature and

the governor that we are not welcome here. It’s also a message to Durham, our new home, not to do anything that will make us feel welcome and safe.”

## Hunter Schafer



Hunter is a 17-year-old high school junior at University of North Carolina School of the Arts High School in Winston-Salem. Hunter was diagnosed with gender dysphoria in the ninth grade. By her sophomore year she was using the girls’ restroom and feminine pronouns, and that year was elected to the Queens Court. This year, because of her talent as a visual artist, Hunter attends UNC-SA where she stays in the girls’ dorms. Because of the passage of HB 2, Hunter could be forced to use the boys’ restroom, which would cause her serious anxiety and expose her to threats of harassment and violence.

“I just want to be able to concentrate on school, grow as an artist, and have fun while doing that,” Hunter said. “I’m not a man. I have always felt more comfortable in the girls’ dorm at school and the girls’ restroom and using them has never been a

problem. It’s humiliating and scary that there’s now a law that would force me to go to a boys’ bathroom when I clearly don’t belong there.”

## Beverly Newell and Kelly Trent



Beverly Newell (above right), a realtor, and Kelly Trent (above left), a registered nurse, are a married couple who live in Charlotte. As alleged in the lawsuit, Beverly and Kelly recently experienced discrimination first-hand, when a fertility clinic where they had scheduled an appointment called the couple to cancel the appointment saying that they do not serve same-sex couples.

“It’s unnerving to know that we could be turned away by any business for being a same-sex couple and have no recourse because of HB 2,” Beverly said. “HB2 has encouraged this type of conduct and we no longer have the ability to file discrimination complaints when this type of thing happens in our home city of Charlotte. The bill has made it OK to harm LGBT people. The state of North Carolina is better than this.”

## What Does HB2 Do?

**I**ntroduced, passed, and signed into law with virtually no public debate in just 12 hours on March 23, North Carolina's House Bill 2 is a sweeping and unprecedented piece of discriminatory legislation. Specifically, it

- Overrides Charlotte's recently passed nondiscrimination ordinance that protected LGBT people from discrimination in public accommodations such as hotels, restaurants, taxis, and public restrooms.
- Bans transgender people from using restrooms and other public facilities that correspond with their gender identity at schools and government buildings, including libraries, airports, hospitals, courthouses, and police stations.
- Blocks local governments from protecting LGBT people against discrimination in a wide variety of settings.
- Requires the UNC system and local school boards to force students and employees to use bathrooms and other single sex facilities in accordance with the sex displayed on their birth certificate, and not their gender identity — a violation of Title IX that could jeopardize \$4.5 billion North Carolina receives in federal education funding.
- Enacts new statewide nondiscrimination policies in employment and public accommodations that specifically exclude sexual orientation and gender identity from protection.
- Restricts local governments from requiring recipients of local government contracts to adopt nondiscrimination policies that go beyond state policy by, for example, prohibiting LGBT discrimination.
- Preempts local governments from enacting their own employment policies, such as minimum wage or number of paid sick days, that go beyond state policies.
- Eliminates the ability of those who have been wrongfully terminated to file a discrimination claim in state court, by expressly stating that there is no right of action based upon the nondiscrimination policy of the state.

Read our fact sheet on HB2 at [acluofnc.org](http://acluofnc.org). 

## ACLU Appealing Ruling on Voter Suppression Law

**I**n a 485-page ruling that the ACLU and our allies are appealing, U.S. District Judge Thomas Shroeder on April 25 upheld all provisions of North Carolina's sweeping 2013 voter suppression law.

The ACLU, ACLU-NC, and Southern Coalition for Social Justice are challenging provisions that eliminate a week of early voting, end same-day registration, and prohibit the counting of out-of-precinct ballots.

Thousands of North Carolinians, disproportionately African-Americans, have relied on those provisions to cast their votes in past elections.


“The sweeping barriers imposed by this law undermine

voter participation and have an overwhelmingly discriminatory impact on African-Americans. Thousands of voters in North Carolina could be pushed to the sidelines of the upcoming election because of this discriminatory law. That is wrong, illegal, and why we are appealing,” said Dale Ho, director of the ACLU's Voting Rights Project.

The ACLU, ACLU of North Carolina, and Southern Coalition for Social Justice filed the lawsuit in 2013 on behalf of several plaintiffs, including the League of Women Voters of North Carolina, the North Carolina A. Philip Randolph Institute, North Carolina Common Cause, and Unifour Onestop Collaborative, and several individuals.

The Fourth Circuit Court of Appeals previously ordered North Carolina to restore same-day registration and out-of-precinct voting for the 2014 elections as the case made its way through the courts; that ruling was ultimately reversed, however, and the provisions remained in effect.

At federal trial in July 2015, dozens of witnesses spoke of how the law has severely restricted ballot access for the state's most vulnerable citizens, including low-income voters, those with transportation challenges, and particularly African-American voters. In the 2012 election, 900,000 North Carolinians cast their ballots during the seven days of early voting eliminated by the North Carolina General Assembly — 70 percent of those who voted early were African-American.

The ACLU and Southern Coalition for Social Justice charge the law violates the U.S. Constitution's Equal Protection Clause and the Voting Rights Act. 



# My School Requires all Girls to Wear Skirts

The ACLU is Helping Me Fight for My Right to Wear Pants

By Keely Burks

I am like a lot of eighth grade students. I try to do my best in class, I like sports and playing outside, and I regularly go to Bible classes. I also believe in standing up for myself and others. So last year, along with some friends, I created a petition to ask my school to change its policy that says girls have to wear skirts to school or risk being punished.

I go to Charter Day School, a K-8 public charter school in Leland, North Carolina. Like a lot of schools, Charter Day has a uniform policy. That policy says that all female students have to wear skirts that are “knee-length or longer” and that we can’t wear pants or shorts, except on gym days. Boys are able to wear pants and shorts every day. My friends and I got more than 100 signatures on our petition, but it was taken from us by a teacher and we never got it back. Some parents asked about changing the policy, but the school said that making girls wear skirts is supposed to promote “chivalry” and “traditional values.”

Now we are turning to the ACLU for help. On February 29, the ACLU of North Carolina and the ACLU Women’s Rights Project filed a lawsuit on behalf of me and two other students that says Charter Day’s uniform policy violates the law and discriminates against girls.

Personally, I hate wearing skirts. Even with tights and leggings, skirts are cold to wear in the winter, and they’re not as

comfortable as shorts in the summer. I love playing outside, especially soccer and gymnastics. When we go outside for recess, the boys in my class will sometimes play soccer or do flips and cartwheels. But I feel like I can’t because I’m wearing a skirt.

And it’s not just when I go outside. When I’m sitting in class, I have to pay attention

to the position of my legs when I’m in a skirt, and it can be very distracting and uncomfortable. When I was in first grade and we sat on the floor, my teacher told all the girls that we couldn’t sit “criss-cross applesauce” like the boys in class. Instead, the teacher said we had to sit on the floor with our legs curled to the side because we were in skirts. When I said I didn’t want to sit that way, my teacher took me aside and put me in time out.

I was even punished on the last day of school one year for wearing shorts when I mistakenly thought it was permitted. I had to sit in the office all day and wasn’t allowed to go back to class until my mom could come pick me up—all because I wasn’t wearing a skirt.

In the year 2016, I don’t think anyone should have a problem with young women wearing pants. There are so many professional women – businesswomen, doctors, and world leaders – who wear pants every day. If I had the choice, I would wear pants or shorts to school every day. Some of my classmates would probably still want to wear skirts—but that should be their decision, not the school’s. Either way, we should have a choice.

I hope that by challenging my school’s policy, I can help other girls who want to go to school without being stereotyped, or who just want to play outside or sit in class without feeling uncomfortable. ■■



**“My school requires all girls to wear skirts, to promote “chivalry” and “traditional values,” or risk being punished.**

There are so many professional women – businesswomen, doctors, and world leaders – who wear pants every day.

In the year 2016, no one should have a problem with young women wearing pants.”

**—Keely Burks**

*Challenging her North Carolina charter school’s dress code*

ACLU

The ACLU and the law firm of Ellis and Winters LLP filed the lawsuit on behalf of Keeley and two other Brunswick County students against a section of their K-8 public charter school’s dress code that requires female students to wear skirts to school and prohibits them from wearing pants or shorts. The suit argues that the requirement for girls to wear skirts is based on stereotypes that constitute unlawful sex discrimination. It asks the court to block Charter Day School from enforcing its ban on girls wearing pants or shorts.

In an email cited in the lawsuit, Baker A. Mitchell, Jr., the school’s founder and primary author of the uniform policy, says that the requirement that girls wear skirts was based, among other things, on “chivalry” and “traditional values.” Mitchell’s email cites the 1999 Columbine school shootings as motivating the school “to preserve chivalry and respect among young women and men.”

# Victory for a Pregnant Worker and Her Family

**T**he ACLU and ACLU of North Carolina have reached settlement in a case filed on behalf of a certified nursing assistant who was pushed out of her job at a nursing home facility in Weaverville while pregnant with her third child.

The settlement with Sava Senior Care's Brian Center comes in a complaint brought with the Equal Employment Opportunity Commission in October 2014 on behalf of Jaimie Cole, a mother of three and her family's primary breadwinner. During her third trimester of pregnancy, Cole developed a high risk condition and provided her employer a doctor's note recommending that she not lift more than 35 pounds. Because her job entailed helping patients in and out of bed and assisting them with bathing, Cole requested a temporary light duty assignment to maintain a healthy pregnancy.

Instead of treating her request the same as other workers temporarily unable to perform normal job duties, Cole was told by her supervisor that pregnant women "aren't eligible for light duty," and was forced to take five weeks of unpaid leave. Settlement in her case includes payment for lost wages and emotional distress, and Sava's implementation



of a new policy to make sure that pregnant workers get light duty and other accommodations on the same terms as other employees needing temporary job changes.

"The new policy is what fairness looks like," Jaimie said. "No expecting mother should be forced to go without a paycheck when her family desperately depends on those funds to cover the costs of welcoming a new child." ■

# Appeals Court Reverses Ruling in 'Choose Life' License Plate Case



**I**n a 2-1 ruling, the U.S. Court of Appeals for the Fourth Circuit reversed its earlier ruling that a 2011 North Carolina law allowing specialty license plates that say "Choose Life," but not an alternative plate with a message supporting reproductive

freedom, was unconstitutional. In its March 10 ruling, the court says North Carolina is now under no obligation to offer a pro-choice plate.

The U.S. Supreme Court had asked the Fourth Circuit to reconsider its ruling in light of the Supreme Court's 2015 ruling finding that Texas was able to reject a proposal for plates featuring a Confederate battle flag because the plates were government speech.

The ACLU-NC had challenged North Carolina's law on behalf of

pro-choice drivers after the General Assembly authorized the issuance of a "Choose Life" license plate but refused to authorize plates that supported reproductive freedom, such as "Trust Women. Respect Choice." or simply "Respect Choice."

"Regardless of the court's ruling, the General Assembly should finally do the right thing and allow citizens on both sides of this controversial issue to purchase specialty license plates supporting their views," said Sarah Preston, acting Executive Director of the ACLU-NC. ■

# Defending Religious Liberty for All

**O**n January 27, ACLU-NC Legal Director Chris Brook urged a three judge panel of the U.S. Court of Appeals for the Fourth Circuit to uphold a lower court's ruling that the county commissioners of Rowan County violated the Constitution when they coerced public participation in prayers that overwhelmingly advanced beliefs specific to one religion. The Fourth Circuit's ruling is expected any day.

In March 2013, the ACLU-NC and national ACLU Program on Freedom of Religion and Belief filed a lawsuit challenging the commissioners' coercive prayer practice on behalf of Rowan County residents Nan Lund, Robert Voelker, and Liesa Montag-Siegel. Between 2007 and 2013, more than 97 percent of the prayers delivered by commissioners before public meetings were specific to one religion, Christianity. In May 2015, a federal district court ruled the practice unconstitutional and ordered the commissioners to cease opening their meetings with prayers that coerced public participation and had the effect of discriminating against religious minorities in the community. ■



ACLU-NC staff and clients outside the U.S. Court of Appeals for the Fourth Circuit on January 27.



# ACLU-North

## Meet the Candidates

### Jillian Brevorka Greensboro

*Trust and Estate's Attorney*

**F**or the past three years it has been a privilege serving on the board and, for the past year, as the President. I would be honored to continue to serve, if reelected. During my time on the board I have watched our Legislature and Governor chipped away at our civil liberties with legislation such as Amendment One, HB2, efforts to disenfranchise voters and limit women's access to health care. I would like to continue our fight against these attacks. I feel passionately about the work we do at the ACLU and our efforts to restore rights for all North Carolinians.

### Allen Burch Garner

*Managing Director, The Nielsen Company*

**M**any of the ACLU's aims affect my life in a personal way. I'm a gay married father of six. I left my church over injustice. I have adopted a bi-racial child. My daughters have defended their reproductive rights. My son was swept up in the mandatory sentencing regime of our criminal "justice" system. Throughout my career I've been advocating for equal pay, LGBT inclusion and transgender benefits. My opinion on key issues closely mirrors the ACLU's. My reason for seeking Board membership is to

make those positions a practical reality and improve the liberty and lives of North Carolinians.

### William L. Gechtman Charlotte

*Left TIAA-CREF after approximately 10 years, most recently as a CFP® Financial Consultant, to explore law / graduate school options*

**T**he importance of civil and human rights was taught me at a very early age by my family and my church. I've wanted to advance the cause of the ACLU since, quite literally, my pre-teen years. Since then, I've seen my gay and lesbian friends be denied their civil rights. I've watched voting rights be systematically attacked and rolled back. I've seen actual religious freedom compromised in the name of religious freedom. All of this drives my desire to serve the ACLU in their mission to preserve and advance the civil liberties of all Americans.

### Leah Hamilton Lenoir

*Assistant Professor of Social Work at Appalachian State University*

**B**efore obtaining a PhD in Public Policy, I worked for several years as a foster care caseworker and witnessed the need for larger policy change to address social inequality and injustice. I currently teach social welfare policy and advocacy to social work students and conduct research on



# Carolina Board Elections

economic justice. My work experience also includes legislative advocacy for improvements to punitive public assistance programs and community organizing for GLBTQ rights. I have chosen to run for the ACLU-NC board in order to further my commitment to serving underrepresented North Carolinians.

## Dino A. Lambridis Cary

*Entrepreneur/Clinical Research professional*

**M**y passion for equality and fairness started at an early age. Throughout my career I have always made decisions based on the sustained impacts they'll have. Since the early nineties and as part of many successful business ventures, I have advocated strongly for: sensible animal welfare standards; progressive, yet practical, environmental policy; and the defense of civil liberties for all. The role the ACLU plays in safeguarding our liberties is unparalleled. I will continue to work hard to sustain this influence and bolster its effectiveness and resources. I'm honored to serve as a board member. Thank you for your consideration.

## Jennifer Watson Marsh

### Chapel Hill

*Director of Research, Community Services and Student Programs, UNC Center for Civil Rights*

**I**am a native and life-long resident of North Carolina. My roots run deep and love is boundless

for this state and its people. As an attorney and member of the civil rights legal community I regularly observe efforts being made to impinge on the freedoms we are guaranteed by law. In my work I address these issues but there is more to be done. Bringing legal experience and years of dedication to the effort to protect individual rights and freedoms, I would be honored to be chosen to serve on the ACLU Board of Directors.

## Ann K. McDowell Pittsboro

*Director, Project Management*

**I**'d like to serve on the board to help drive lasting change in our state. I love living in North Carolina and the ACLU represents me and many of my fellow residents in the fight against unjust legislation. I'm concerned about recent events, which include legislation aimed at limiting women's access to abortion and birth control. I'm also disheartened by the passage of HB2 and the effect it is having on our LBGTQ community as well as on our economy. The skills I've developed and network I've built in NC's corporate community will allow me to work with the ACLU to fight for what's right.

## Blanca Zendejas Nienhaus

### Graham

*Writer*

**W**hen 13 years ago I came to this country I realized firsthand how things actually are. Coming

from a country with strong laws but endless layers of corruption and weak enforcement I was naive enough to believe that here things would be almost perfect, but I learned otherwise through my fellow countrymen and my own experience as part of a minority. Although I am just a regular citizen I am convinced that important things for the community can be accomplished by persistently using knowledge, the right tools and a good heart as ACLU does.

## Manju Rajendran Durham

*Facilitator at AORTA, Anti-Oppression Resource and Training Alliance and Restaurant Worker at Vimala's Curryblossom Cafe*

**W**ith deep appreciation for ACLU-NC's vision and work, I would be honored to serve a second term on the ACLU-NC board. I am particularly passionate about the racial justice, reproductive rights, LGBTQ rights, and voting rights components of our issues agenda. I have been doing social, economic, and environmental justice work for 23 years. I'm a facilitator with a national worker-owned cooperative called AORTA- Anti-Oppression Resource & Training Alliance. I also work at Vimala's Curryblossom Cafe, my family's food justice restaurant in Chapel Hill. I am a national committee member of the War Resisters League, a 93-year old peace organization.

## ACLU-NC Board of Directors Ballot

Please vote by marking one square next to each candidate you support. Each member may vote for up to seven (7) candidates on this ballot. Two members at the same address who share a joint membership should use both squares.

INDIVIDUAL JOINT

- |                          |                          |                          |
|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Jillian Brevorka         |
| <input type="checkbox"/> | <input type="checkbox"/> | Allen Burch              |
| <input type="checkbox"/> | <input type="checkbox"/> | William L. Gechtman      |
| <input type="checkbox"/> | <input type="checkbox"/> | Leah Hamilton            |
| <input type="checkbox"/> | <input type="checkbox"/> | Dino A. Lambridis        |
| <input type="checkbox"/> | <input type="checkbox"/> | Jennifer Watson Marsh    |
| <input type="checkbox"/> | <input type="checkbox"/> | Ann K. McDowell          |
| <input type="checkbox"/> | <input type="checkbox"/> | Blanca Zendejas Nienhaus |
| <input type="checkbox"/> | <input type="checkbox"/> | Manju Rajendran          |

Please clip and send along with your name(s) and return address to:  
ACLU-NC Board Elections  
PO Box 28004  
Raleigh, NC 27611-8004

**Who Can Vote** Under the bylaws of the ACLU-NC, only current dues-paying members of the ACLU-NC can vote in board elections.

**Instructions for Voting** The candidates are listed in alphabetical order. We have 9 candidates running to fill 7 open seats on our Board of Directors. Each ACLU member may vote for up to 7 candidates. See pages 8-9 for candidate statements. A member cannot vote for the same candidate twice. Voting for more than 7 candidates will disqualify your ballot. For individual memberships, vote for a maximum of 7 candidates. For joint memberships (two members with the same mailing address), each member may vote for a maximum of 7 candidates, with one member voting for up to 7 candidates under the column marked "individual" and the second member voting for a maximum of 7 candidates under the column marked "joint." You can return your ballot using the enclosed envelope. Please include your name and return address so we can verify your membership status.

**Voting Deadline** In order for your ballot to be counted, we must receive it at P.O. Box 28004, Raleigh, NC 27611-8004 by Thursday, June 2, or you may cast your vote in person at the ACLU-NC's Annual Membership Meeting on June 5. See back page for details.

# Liberty Awards

On April 2, the ACLU-NC hosted our annual Liberty Awards Dinner in Chapel Hill, where we honored champions in the fight for civil liberties. Special thanks to Replacements, Ltd., for once again serving as our Title Sponsor and Constitutional Champion.



**Bob Hall**, executive director of Democracy NC, receives the 2016 Frank Porter Graham Award for his lifetime of work to protect and advance voting rights.

in *Stuart v. Camnitz*, an ACLU case that found North Carolina’s 2011 forced ultrasound law unconstitutional.



**Judge Greg Weeks** speaking about the late Darryl Hunt, an advocate for criminal justice reform whom he called “an extraordinary man.” An exonerated turned activist who wrongly spent 19 years in prison for a crime he didn’t commit, Darryl was presented with the 2016 Paul Green Award posthumously for his efforts after he passed away earlier this year.



**Payton McGarry, Angela Gilmore, and Joaquin Carcaño**: The first three plaintiffs in the ACLU’s legal challenge to North Carolina’s discriminatory HB 2 were recognized at the 2016 Liberty Awards. ■■



**Dale Ho**, Director of the National ACLU’s Voting Rights Project, delivers a keynote address about the wave of voter suppression laws being combated by the ACLU and others in North Carolina and across the country.



**Serena Sebring** of SONG (Southerners on New Ground) accepts the 2016 Sharon Thompson Awards on behalf of the organization for its extraordinary efforts to advance LGBTQ equality.



**Dr. Amy Bryant**, one of the recipients of the 2016 ACLU-NC Award, speaks on behalf of abortion providers who served as plaintiffs

## Historic Thousands on Jones Street

ACLU-NC members marched through downtown Raleigh in the annual HKonJ March (Historic Thousands on Jones Street) organized by the North Carolina NAACP on February 13, joining thousands to rally for voting rights, criminal justice reform and other issues.



# You Have the Right to Remain Private

**A**CLU affiliates in 16 states and the District of Columbia held simultaneous events with a diverse, bipartisan coalition of elected officials and citizens on January 20 to tell the nation we care about their digital privacy and are willing to join together to fight for it.

In North Carolina, Rep. Duane Hall (Wake) stood with the ACLU-NC and North Carolina students to ask his legislative colleagues to focus on the issue of student data privacy and to support legislation, which Rep. Hall plans to introduce, that would prohibit school officials from forcing or coercing students or applicants into providing access to their personal social media accounts, except under a limited set of specifically defined circumstances, such as investigating

specific allegations of harassment.

“In the twenty first century, social media platforms have become some of the most important and vibrant forums for people to exchange ideas and exercise their right to free speech with a selective audience,” Hall said. “When school officials demand access to an individual’s social accounts, it constitutes a significant violation of personal privacy, and it would have a chilling effect on free speech. That’s why it’s important that school officials be prohibited from forcing or coercing students to provide access to their social media accounts, except under a very narrow set of circumstances.”

Learn more about the #TakeCTRL campaign at [aclu.org](http://aclu.org). ■■

## ACLU, Citizens Seek Police Reforms in Raleigh

**T**he fatal shooting of Akiel Denkins, a 24-year-old African American father of two, by a Raleigh police officer on February 29 raised questions about the transparency and accountability of the Raleigh Police Department, and in particular, the way officers police local communities of color.

For a group of Raleigh citizens and community organizations the ACLU-NC has been working alongside for the past year, however, concerns about disproportionate policing, especially in Southeast Raleigh, the neighborhood where Denkins was killed, were not new.

Questions about Denkins’ death remain, but we already know that far too many people of color are victims of wrongful targeting and excessive use of force by law enforcement officers across the country, and North Carolina is not immune to that reality. Personal stories and statistics bear this out. The Raleigh Police Department, for example, is 270 percent more likely to search black drivers during a traffic stop than they are white drivers, even though black drivers are 10 percent less likely to



Members of the ACLU and PACT outside the Raleigh City Council on April 5.

be found with contraband. Despite being North Carolina’s second largest city, Raleigh lacks many of the tools – such as community review boards and police body cameras – that other cities have utilized to promote accountability and improve community relations.

To address these issues, a collection of individuals and groups, including the ACLU-NC, came together to

create PACT, or Police Accountability and Community Task Force, a coalition that works to advance policies to promote accountability and combat racial profiling and excessive use of force in Raleigh. In April, the ACLU-NC and representatives of PACT delivered a series of proposed reforms to Raleigh’s City Council and Human Relations Commission. The recommendations include implementing officer worn body cameras with accompanying policies to prevent abuse, creating a strong community oversight board, making marijuana the lowest law enforcement priority, strengthening anti-bias police training and techniques, and more.

To learn more and get involved, visit [raleighpact.org](http://raleighpact.org). ■■



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## Save the Date!

### The ACLU-NC's 2016 Annual Membership Meeting

*Sunday, June 5, 2016 at 3 p.m.*

NC Advocates for Justice  
1312 Annapolis Drive  
Raleigh, NC 27608

Stay tuned for more details on [acluofnc.org](http://acluofnc.org)

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