

Liberty

ACLU OF NORTH CAROLINA NEWSLETTER FALL 2018

WE THE
PEOPLE
DARE
TO CREATE
A MORE
PERFECT
UNION



Alvin C. Jacobs Jr.

People, Not Prisons

North Carolina currently incarcerates more than 50,000 people in prisons and jails, and our prisons are expected to exceed capacity by 2025. Over the past five decades, we have dramatically increased our reliance on the criminal justice system as a way to respond to drug addiction, mental illness, poverty, and underfunded schools.

I know how traumatic, dehumanizing, and harmful our criminal justice system is because I survived it.

I am a native North Carolinian, and I have lived in Charlotte my whole life. I

grew up here and have raised my own family here.

I am now an activist in my community, and I am among the one-third of U.S. adults who has a criminal record. This summer I was excited to join the team at the ACLU of North Carolina as our first Regional Field Organizer in Charlotte, working to change the conversation about criminal justice issues. As part of our Campaign for Smart Justice, the ACLU's nationwide effort to cut the number of people incarcerated by half and eliminate racial disparities in the criminal justice system, I'll be helping

By Kristie Puckett-Williams

to lay the groundwork across the state to advance a new vision of justice and safety that prioritizes people over prisons.

At 21-years-old, I began a relationship that ultimately turned violent and abusive, leading to frequent interactions with law enforcement and even my arrest, even though I was the victim of domestic violence.

To cope with the trauma I was experiencing, I began using cocaine and eventually became addicted to crack cocaine. Over time, I engaged in illegal

continued on page 7

IN THIS ISSUE

**Major Victory for Farmworkers'
Right to Organize** Page 3

**Poverty Should Never Be a
Crime** Page 4

**Fighting in Court for LGBTQ
Equality** Page 5

**NC Denying Lifesaving Treatment
to People in Prisons** Page 6

ACLU
North Carolina

STAFF

Karen M. Anderson, Executive Director
Cristina Becker, Staff Attorney
Susanna Birdsong, Senior Policy Counsel
Katrina Braun, Immigration Legal Fellow
Chris Brook, Legal Director
Cameron Bynum, Development Assistant
Irena Como, Senior Staff Attorney
Kevin Eason, Director of Operations
Sarah Gillooly, Director of Political Strategy & Advocacy
Mike Meno, Communications Director
Michael Mocciano, Paralegal
Liz Musselman, Director of Philanthropy
Kristie Puckett-Williams, Regional Field Organizer
Molly Rivera, Communications Associate
Emily Seawell, Staff Attorney
Sneha Shah, Staff Attorney
Lekha Shupeck, Statewide Advocacy and Campaigns Manager
Jessica Turner, Field Manager
Ann C. Webb, Policy Analyst

ACLU-NC & ACLU-NCLF BOARDS OF DIRECTORS

Jennifer Watson Marsh, President
Leah Hamilton, Union Vice President
Bruce Elmore, Vice President (Foundation)
Taiyyaba Qureshi, Union Secretary
Anne Gordon, Foundation Secretary
Ann K. McDowell, Treasurer
Jon Sasser, Legal Committee Chair (Foundation)
Patti Digh, Equity Officer
Anne-Maria B. Makhulu, Equity Officer
Marisol Barr
Joseph Blocher
Wilhelmina Bratton
Jillian Brevorka
Jim Cavener (Union)
Seth Cohen, General Counsel (Foundation)
Jimmy Creech
Olivia Ensign
Faisal Khan
Beth Klein
Carlos Mahoney, National ACLU Board Representative (Union)
Elaine Martin (Foundation)
Lori Messinger
Mitchell Price
Manju Rajendran
J. Wayne Riggins
Teuta Shabani Towler
Adam Stein
Kenneth Wade (Foundation)

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



Dear friend,

We are living in extraordinary times. America's institutions are being tested at every level. Our very democratic principles constantly challenged by those at the highest levels of government.

But, in year two of the Trump administration, I am more proud than ever to be a part of our great American institution — the ACLU.

Whether fighting to protect the right to vote, or fighting to reunite families cruelly separated at the border, the ACLU has been on the front lines in the struggle against this administration's worst assaults on the rights and liberties that we all hold dear.

In North Carolina we continue to push for change on the local level, fending off attacks and gaining ground on protecting the rights of everyone in our state. In court, we are fighting for the rights of people across North Carolina, from farmworkers, to public school students, to LGBTQ people, to people who are incarcerated.

Beyond the courthouse, we are working in the General Assembly and in communities across the state to advance a robust policy agenda.

This election, we worked to educate voters about key civil liberties issues on the ballot, from six dangerous constitutional amendments to the civil rights positions of candidates for county sheriff. Following our efforts, voters rejected two power-grabbing amendments that would have weakened our separation of powers, and they elected new sheriffs in Wake and Mecklenburg counties who pledged to stop working with Trump's federal deportation force. On Election Day, our staff deployed across the state to ensure that voters had access to the polls.

We have embarked on a North Carolina Campaign for Smart Justice (cover) to overhaul our broken criminal justice system and implement a new vision for justice, working to end the unjust use of cash bail in order to make sure that a person's freedom is never determined by the color of their skin or the size of their bank account.

Our values compel us to take bold action at this moment in history. No matter what happens in the days, months, and years ahead, I can promise you that the ACLU will never stop fighting for the rights and liberties of everyone, and for our vision of a more perfect union.

Thank you for fighting with us,

Karen M. Anderson
Executive Director

Major Victory for Farmworkers' Right to Organize



Jeremy M. Lange

Victoria Hernandez Jose, a member of North Carolina's sole farmworkers' union, the Farm Labor Organizing Committee, with her children (left to right) Emmanuel, Teresita, and Clara.

In October, thanks to a lawsuit filed by the ACLU and others, North Carolina's farmworkers won an important victory in federal court that vindicated their right to fight for safe working conditions and fair pay. More than 90 percent of these workers are Latino. Many are migrants working seasonally under temporary visas, and they are among the lowest paid and most vulnerable workers in the state.

Along with the Southern Poverty Law Center and North Carolina Justice Center, we challenged the North Carolina Farm Act of 2017, which made it all but impossible for the state's only farmworkers' union, the Farm Labor Organizing Committee, to collect dues from members and make collective bargaining agreements on their behalf. The court blocked the law from being enforced as our challenge proceeds,

finding that it likely violated the equal protection rights of the union and its members guaranteed by the 14th Amendment.

This important ruling reinforces the simple tenet that workers have a constitutional right to join and form unions and that politicians cannot single out and attack certain groups simply because they disagree with them. ■



Honoring Champions of Liberty

The ACLU of North Carolina honored groups and individuals who have made extraordinary contributions to the fight for civil liberties at our 2018 Liberty Awards Dinner in Chapel Hill on Oct. 6. Thank you to Replacements, Ltd., for once again being our Title Sponsor!

At left: Members of Muslim Women For, recipient of a 2018 Champion of Liberty Award, with ACLU-NC board member Taiyyaba Qureshi.

Poverty Should Never Be a **Crime**



As part of the ACLU's work to transform our criminal justice system, we are challenging laws and systems that punish the more than 15 percent of North Carolina residents who struggle with poverty. This summer, we filed two separate lawsuits seeking to overturn these harmful and discriminatory practices.

Unpaid Traffic Fines

The North Carolina Division of Motor Vehicles has revoked the licenses of hundreds of thousands of people simply because they cannot afford to pay traffic fines and court costs, often trapping them in a cycle of poverty.

Losing a driver's license can strip people of their ability to support themselves and their families, making it harder, if not impossible, to find and keep a job, drive

Seti Johnson, a plaintiff in the ACLU's lawsuit challenging North Carolina's automatic revocation of driver's licenses for unpaid fines, was forced to choose between paying \$700 in traffic tickets and supporting his three children. "I'd previously fallen behind on my rent and sacrificed the needs of my children just to keep my license," he said. "I cannot afford to do that again. This has to stop."

their children to school or the doctor's office, or secure other basic needs.

When the North Carolina DMV receives notice that a person has not paid a traffic fine or court cost in a certain amount of time, it automatically revokes that person's license. The state does not explain that if they are unable to pay, they have the right to ask for a hearing in order to keep their license. Instead, they're sent a notice saying the only way to get their license back is to pay all outstanding traffic fines and court costs in full.

Along with the Southern Poverty Law Center and the Southern Coalition for

Social Justice, we are suing to end this discriminatory practice, which funnels low-income people further into poverty, in violation of their due process and equal protection rights.

Our federal lawsuit challenges the DMV's automatic revocation of driver's licenses without providing proper notice and hearings to ensure that people who cannot afford fines and costs will not lose their license.

North Carolina is denying a basic necessity — having a driver's license — to hundreds of thousands of residents simply because of their economic standing.

Our lawsuit asks the court to declare that North Carolina's law and the DMV's practice of revoking driver's licenses are unconstitutional. No one should ever have to worry about losing their driver's license simply because they are poor.

Panhandling Restrictions

Earlier this year the City of Greensboro passed an ordinance that made it a crime for people to ask for money or contributions in public places, a measure aimed at targeting "aggressive panhandling." Not only is asking people for money in public spaces protected by the First Amendment, but taking a punitive approach to poverty does nothing to address the root causes of why people in Greensboro would resort to asking strangers for help providing for their basic needs.

After officials refused to rescind the ordinance on their own, we worked with the National Law Center on Homelessness & Poverty and Legal Aid of North Carolina to file a federal lawsuit on behalf of three people who have experienced homelessness in order to block the unconstitutional ordinance.

"I ask for donations only because I need the money," said Terry Lindsay, a plaintiff in the lawsuit, who is legally blind and regularly panhandles in downtown Greensboro. "This law will only make it more likely that I will become homeless again. I need help keeping my housing and providing for myself, not more obstacles that will keep me from having a better life and being able to have clothes, food, and a place to live."

Just six days after we filed our lawsuit, the Greensboro City Council voted to rescind its unconstitutional ordinance. ■

Trans People Can Use N.C. Facilities that Match Who They Are



Pictured left to right after federal court arguments in Winston-Salem: Actress Sara Ramirez, ACLU-NC Legal Director Chris Brook, ACLU Staff Attorney Chase Strangio, plaintiff Joaquin Carcaño, Raafe Purnsley, and James Esseks, director of the ACLU's LGBT & HIV Project. Ramirez, who is known for her work on *Grey's Anatomy* and *Madame Secretary*, attended the hearing to show her support for the plaintiffs and more broadly for the LGBTQ+ community in North Carolina.

North Carolina law does not prevent transgender people from using public restrooms and other facilities that match their gender identity, a federal court ruled this October in our ongoing legal battle over the measure that replaced House Bill 2, North Carolina's notorious 2016 law that barred transgender people from using facilities that matched who they are.

However, the replacement law continues to discriminate against LGBTQ people across the state because it prevents local governments from passing policies that would make anti-LGBTQ discrimination illegal on the job; in housing; when shopping or getting services at restaurants, hotels, and other public places; and when accessing government programs and services. In his October ruling, Judge Thomas Shroeder said the ACLU lawsuit challenging that ban could go forward.

The bottom line is that LGBTQ North Carolinians deserve to feel secure in knowing that when they go about their daily lives and interact with businesses open to the public, any discrimination they encounter is unacceptable.

The ACLU and Lambda Legal are representing six LGBTQ North Carolinians in the ongoing case, *Carcaño et al. v. Cooper et al.* ■

North Carolina is Denying Lifesaving Treatment to People in Prisons. **We're Suing.**

Hepatitis C is the most deadly infectious disease in the U.S., killing more Americans than the next 60 infectious diseases combined. Incarcerated people, in particular, suffer at extremely high rates, with as many as one in three carrying the disease, according to the Centers for Disease Control and Prevention.

Despite this, North Carolina's Department of Public Safety refuses to provide universal testing or treatment for Hepatitis C to people in prisons. If left untreated, Hepatitis C can lead to liver cancer, portal hypertension, painful symptoms, and death. Thanks to new direct-acting antiviral drugs, Hepatitis C is now curable in more than 90 percent of cases, and leading medical organizations and experts recommend treating all people from the time they are diagnosed.

Since the vast majority of people incarcerated will one day return to their communities, North Carolina's refusal to provide testing and treatment is not only cruel — it has also created a public health crisis that puts everyone at risk.

This summer, the ACLU of North Carolina and N.C. Prisoner Legal Services filed a federal class-action lawsuit on behalf of three incarcerated men who are suffering from the curable

disease, asking a court to order North Carolina to implement a testing and treatment policy that meets current medical standards to test everyone and treat everyone who tests positive.

A magistrate judge began hearing arguments in our case on Oct. 29 in federal court in Durham.

Dr. Andrew Muir, a Hepatologist who treats Hepatitis C patients as Chief of the Duke Division of Gastroenterology, testified about current medical standards of care. He explained that the cost of treatment has declined dramatically in recent years, and that treating all patients, including those in prison, is a necessary step toward eradicating the nationwide Hepatitis C epidemic.

“From a public health perspective, it makes sense for the state of North Carolina to want to treat these patients,” he explained, adding that, without testing and treatment, many people may leave prison without knowing they are carrying the contagious and deadly disease.

Our case argues that North Carolina's denial of medical service violates the Americans with Disabilities Act and the U.S. Constitution's ban on cruel and unusual punishment. These inhumane conditions, fueled by policies of mass incarceration that wrongly place too many people in prison and then refuse to adequately fund those overcrowded prisons, can no longer be ignored. ■

North Carolina's refusal to provide testing and treatment for Hepatitis C to people who are incarcerated is not only cruel — it has created a public health crisis that puts everyone at risk.

A Blueprint for Ending Mass Incarceration

How can we transform North Carolina's criminal justice system and end mass incarceration in our state? In a recent report, we outlined exactly how North Carolina could cut the number of people in jail and prison by half, reduce racial disparities, and save more than \$1 billion in the process.

Our recommendations include diverting more people to treatment programs, ending cash bail, eliminating mandatory minimums for drug sentences, and expanding access to compassionate release for the state's rapidly aging prison population. Nearly one in five people incarcerated in North Carolina is over the age of 50.

As part of the ACLU's Smart Justice 50-State Blueprints project, we analyzed what drives people into the system, who is being sent to jail and prison and the racial disparities that are present, how

long people spend behind bars, and why people are imprisoned for so long.

North Carolina's prison population has more than doubled between 1980 and 2016, and it is projected to exceed capacity by 2025.

Who is incarcerated in North Carolina?

- Nearly 1 in 3 people in NC prisons is serving time for a drug or property offense
- 1 in 40 Black men in NC is incarcerated — 4.5 times the rate of incarceration for white men
- 71 percent reported having a substance use disorder requiring intermediate or long-term treatment

Read the report: 50stateblueprint.aclu.org

Meanwhile, nearly 90 percent of people in county jails have not been convicted of a crime, many waiting in jail for their day in court because they are unable to pay bail.

Our proposals would reduce the number of people incarcerated by half by 2025, saving over \$1 billion that could be invested in schools, services, and other resources that would strengthen communities. ■

People, Not Prisons

continued from page 1

activities to support my habit, which ultimately put me in jail. When I became pregnant with my twin daughters, I spent part of my second and third trimesters in jail. I received no prenatal care and was forced to walk into court with both my hands and feet shackled together.

Like the tens of thousands of people kept in North Carolina's prisons and jails every day, I was stripped of my humanity. I was reduced to a number and a list of criminal charges.

But then one person changed my life. During one of my court appearances, a police officer who had previously arrested me told the judge that I needed treatment, not more time in jail. His recommendation allowed me to enter a 10-month program that included substance abuse treatment, life skills training, and trauma-focused care along with parenting classes to help me with my newborn twins.

Having survived domestic violence, drug addiction, and incarceration as a young woman of color, I decided to go to school and get the education I needed to help others in similar circumstances. I earned my master's degree in Human Services Counseling: Addiction and Recovery Counseling. I wanted to use my life experiences to convey a message of strength and hope in my community, as well as a message of recovery, restoration, and redemption. Because I know my story is rare. Most people don't get the help they need to rebuild their lives and instead remain locked up.

So I started organizing in my hometown. I started All of Us or None Charlotte, a grassroots organization fighting for the rights of formerly and currently incarcerated people, and have been working for years to advocate for all marginalized and disenfranchised people.

For me, the ACLU's Campaign for Smart Justice is a continuation of that work.

In North Carolina, we are now working to end our unjust system of cash bail so that no one is jailed simply because they cannot afford to pay for their freedom.

A central pillar of the campaign is the belief that true, effective change is not possible without the leadership of formerly incarcerated people — those who have experienced the system up close and whose lives have been most affected by the plague of mass incarceration.

As I like to say, we are the closest to the problem, and we are the closest to the solution.

Learn how you can be a part of that solution and join our campaign by visiting endcashbailnc.org. ■



P.O. Box 28004
Raleigh, NC 27611

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

SUPPORT THE ACLU

TOGETHER, WE CAN PROTECT PEOPLE'S RIGHTS

The ACLU's vigorous defense of our fundamental freedoms depends on active support from people like you. Please stand with us as we work to protect the rights of all who call North Carolina home. Visit acluofnc.org/donate to pledge your support.

GIVE THE GIFT OF LIBERTY

You can support the ACLU through your will, trust, charitable gift annuity, or other gift arrangement. Visit aclu.org/legacy to learn more.

CONNECT WITH US
ONLINE



Facebook.com/ACLUNC



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



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

acluofnc.org