

LIBERTY

Fall 2017

ACLU of North Carolina Newsletter



#DareToDissent mural (p. 6)

A Victory for North Carolina's Youth

After more than ten years of fierce advocacy by the ACLU-NC and our allies, North Carolina has finally “raised the age” of juvenile jurisdiction so that most 16- and 17-year-olds charged with crimes in our state will no longer be treated as adults in the criminal justice system. The General Assembly voted in June to raise the age of juvenile jurisdiction to 18 for teenagers charged with misdemeanors and some low-level felonies. This significant change means that now most 16- and 17-year-old offenders charged with a crime will be directed to the juvenile justice system, rather than adult jails, and will receive more effective services and rehabilitative

support in a safer environment among their peers.

The bipartisan vote ended a harmful and outdated 100-year-old policy that put our state’s young people at a greater risk of suicide, sexual assault, and future criminal activity. No longer will a young person who makes one bad decision and is charged with even the most minor offense—like stealing a candy bar—be housed in an adult jail or saddled with the consequences of a lifelong criminal record.

This was a hard-fought battle. North Carolina was the last state in the country to “raise the age.” For more than a decade, the ACLU of North Carolina, our supporters, partner organizations, officials, and community members built

momentum to achieve this victory. We reached across the corners of our state and the ends of the political spectrum. We endured many setbacks and pushed through roadblock after roadblock. But our strength together and unwavering commitment to our cause brought us to this moment—the moment when we finally did the right thing for North Carolina children and their families. Thousands of our members and supporters took action and helped make this happen. Through the haze of our state’s polarizing and often paralyzing politics, this victory shines bright. ■

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The Promise of People Power

It has been truly awe-inspiring to witness ACLU members and supporters respond to the turbulent times we are in with tenacious hope and courageous action.

From the halls in Congress to the streets of our nation, “We the People” are standing up for the civil rights and civil liberties that we value—and we are making our voices heard.

Here in North Carolina, our membership has tripled to more than 33,000 supporters—making the ACLU of North Carolina stronger and better equipped than ever to fight in the courts, in the legislature, and in our communities.

While the majority of the state General Assembly remains hostile to so many of the freedoms that we cherish, public pressure is playing a crucial role to rein in bad legislation (p. 3) and ensure the passage of vital reforms (cover story). When lawmakers introduced a dangerous bill to increase penalties for protestors exercising their First Amendment rights and label them as “economic terrorists,” more than 1,800 ACLU supporters contacted legislators in just 24 hours, and we were able to defeat the measure by a single vote.

From the residents who objected to their county commissioners’ unconstitutional proselytizing to the LGBTQ North Carolinians who refuse to be treated as second-class citizens, our court victories are also made possible by brave people who take a stand for what is right (p. 4–5).

But as ACLU founder Roger Baldwin once said, even when we win, “no fight for civil liberties ever stays won.” We may have defeated one voter suppression law (p. 5), but lawmakers have vowed to pursue another.

So please continue to stand with us in the fights ahead. Keep calling and emailing your representatives. Keep attending rallies and other events. And keep speaking up for your rights and the rights of others.

Together, “We the People” can realize the promise of liberty and justice for all.

Thank you as always for your support. ■■

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Karen Anderson
Executive Director

Win for free speech, setback for LGBTQ equality, and everything in between at the General Assembly

This year at the General Assembly, the ACLU of North Carolina worked on more than 160 bills concerning civil rights and civil liberties. Here is a high-level look at what we and our partners were able to accomplish this session to protect and advance the rights of all North Carolinians.

LGBTQ Equality: In response to the passing of a fake repeal of House Bill 2, the ACLU and Lambda Legal have expanded our legal challenge to include its replacement, H.B. 142, as LGBT people continue to be treated as second-class citizens in our state. (More on page 4)

Immigrants' Rights: The ACLU-NC and our coalition partners helped block several proposals that attacked immigrants living and working in our communities. Thanks to the hard work of Latinx community activists, ACLU-NC policy staff, and our partners, no anti-immigration bills became law.

Reproductive Freedom: For the first time since 2011, no new abortion restrictions became law. However, the final budget includes more than \$1.4 million for anti-abortion “crisis pregnancy centers” that have been found to provide medically inaccurate information to patients. We also worked with a group of lawmakers to introduce the Whole Woman’s Health Act, which would enshrine the fundamental right to obtain an abortion into state law and repeal state restrictions that impede access to abortion. Unfortunately, this bill did not advance, but we will continue to build support for the Whole

Woman’s Health Act in the years to come.

Criminal Justice Reform: Beginning in December 2019, North Carolina will now “raise the age” of juvenile jurisdiction. We are proud of this big win and the countless people who helped make it happen. (See cover story)

Unfortunately, the criminal justice news was not all good this session. The budget included an extremely harmful provision that we expect will result in more North Carolinians being kept in jail simply because they are poor. Under a new rule, judges will no longer be able to waive fees for poor defendants without first providing 15 days’ notice for a hearing at which “all government entities affected” would have an opportunity to be heard. This new requirement will clog up the court system and make it very difficult for judges to provide relief for poor people, sending them to jail for offenses as minor as an unpaid parking ticket, just because they cannot afford to pay hundreds, or even thousands, of dollars in court costs.

Free Speech: Among our most substantial wins this session, we successfully defeated H.B. 249, a bill that would have chilled First Amendment rights by labeling some peaceful protesters “economic terrorists.” More than 1,800 ACLU-NC members contacted committee members in the 24-hours before the bill was heard, and the bill was defeated by a single vote. ■■

ACLU-NC Policy Counsel Susanna Birdsong speaks about the introduction of the Whole Woman’s Health Act at the General Assembly.



New legal action in our fight for LGBTQ equality



“My community is suffering but we are resilient and we will fight back every step of the way.” – Lead plaintiff Joaquin Carcaño at a press conference to announce our challenge to H.B. 142.

When North Carolina lawmakers in March replaced House Bill 2, the state’s sweeping anti-LGBTQ law, with another anti-LGBTQ law, we promised we would continue our fight for the rights and dignity of all LGBTQ people.

Along with our partners at Lambda Legal, the ACLU and ACLU of North Carolina this summer filed a new court challenge to House Bill 142, a law that—like its predecessor, the infamous H.B. 2—was designed to treat LGBTQ people as second-class citizens, particularly targeting transgender people.

H.B. 142 is a hateful law that seeks to allow discrimination. It prevents cities and counties from being able to protect anyone—LGBTQ people or others—from discrimination until December 2020 and creates uncertainty about

whether transgender people will be treated as criminals for using restrooms that match their gender.

Many of the lawmakers who voted for H.B. 142 have said its passage ensured that transgender people can be criminally prosecuted for using restrooms in public buildings that match their gender identity.

H.B. 142 is a wolf in sheep’s clothing. It has a new look but still keeps discrimination intact. That’s why the ACLU and Lambda Legal are challenging this law—just as we challenged H.B. 2 in court last year—on behalf of a brave group of LGBTQ North Carolinians.

One of the new plaintiffs in our lawsuit is Maddy Goss, a transgender woman who lives in Raleigh. Under H.B. 142, Maddy worries about her safety and feels unsure about her right to access women’s restrooms in public buildings.

H.B. 142 is a wolf in sheep’s clothing. It has a new look but still keeps discrimination intact. That’s why the ACLU and Lambda Legal are challenging this law.

North Carolina’s law encourages arbitrary and discriminatory enforcement against transgender North Carolinians like Maddy, making them even more vulnerable to harassment, discrimination, and violence in so many areas of life.

It is time to make it clear to anti-LGBTQ legislators: You haven’t pulled the wool over our eyes. We must finally end state-sanctioned discrimination in North Carolina. Now more than ever, LGBTQ North Carolinians deserve affirmative and proactive protections. 



Maddy Goss is one of two new plaintiffs in our lawsuit challenging North Carolina’s anti-LGBTQ law. As a transgender woman, she worries about her safety under H.B. 142.

Full Appeals Court Agrees Rowan Prayer Practice was Unconstitutional

In a major victory for religious liberty, this July the full U.S. Court of Appeals for the Fourth Circuit ruled with a decisive majority that Rowan County’s commissioners violated the Constitution when they opened public meetings by coercing participation in prayers that overwhelmingly advanced beliefs specific to one religion. The decision upheld a lower court ruling in a case the ACLU-NC filed in 2013 on behalf of three Rowan County residents. ACLU of North Carolina Legal Director Chris Brook argued the case in front of all 15 judges on the Fourth Circuit in March.

Between 2007 and 2013, more than 97 percent of the prayers delivered by Rowan County commissioners before public meetings were specific to one religion, Christianity. The commissioners had instructed those present to stand and join in the prayer, leading many residents to feel coerced and pressured into doing so.

As Nan Lund, the lead client in our case, said: “All we’ve ever wanted is for Rowan County to be a welcoming place for everyone, no matter their religious beliefs, and I am so glad that the court agrees that the Constitution is on our side.”

Rowan County has not announced whether it will appeal the ruling to the U.S. Supreme Court. 



Rowan County residents Bob Voelker, Nan Lund, and Liesa Montag-Siegel outside a federal courthouse in Richmond, Virginia, after arguments in March.

Discrimination Has No Place at the Polls

North Carolina’s 2013 voter suppression law—described by many as the most restrictive voting law in the country—was defeated for good this May after the U.S. Supreme Court declined to review a federal appeals court decision that found the law intentionally discriminated against African Americans.

The ACLU, Southern Coalition for Social Justice, and others had challenged the law, which imposed a voter ID requirement, cut a week of early voting, and eliminated same-day registration, out-of-precinct voting and preregistration for 16- and 17-year-olds.

The U.S. Court of Appeals for the Fourth Circuit had blocked the restrictions in time for the 2016 election, finding that the measures were



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

The fight for voting rights in North Carolina is far from over, as some legislative leaders have pledged to pursue more voting restrictions.

implemented with “discriminatory intent” and targeted Black voters “with almost surgical precision.” However, the fight for voting rights in North Carolina is far from over, as some legislative leaders have pledged to pursue more voting restrictions. The ACLU and our members will fight any such proposal and together send an unequivocal message to those who would limit voting rights: Not on our watch. 



Do You #DareToDissent?

Would you still go to a protest if it meant you might be beaten, shot, attacked by dogs, pepper sprayed, or even killed? Would you still choose to speak out for what you believe?

This summer, the ACLU of North Carolina partnered with the Raleigh Murals Project and commissioned award-winning artist Dare Coulter to create a mural in downtown Raleigh that pays tribute to the First Amendment and the courage of those who have exercised their right to protest throughout history, often in the face of violence.

The #DareToDissent mural at 210 S. Salisbury Street features images from some of the most famous protests in history, including the Civil Rights Movement, the 1968 Olympics Black Power salute, the Stonewall uprising, and the 1989 Tiananmen Square protests, as well as more recent demonstrations including Black Lives Matter, the January 2017 Women's March, and the Dakota Access pipeline protests. The space was donated by ACLU supporter Dean Debnam.

"When people walk by this mural, we want them to appreciate how important to our democracy their rights to dissent and peacefully protest are," said Jessica Turner, the ACLU of North Carolina's Faith and Community Engagement Coordinator. "Throughout history, change has often been possible only because people dared to dissent from the status quo in order to stand up for the rights of others." 



ACLU-NC 2017 Annual Meeting

Thanks to all of our members and supporters who joined us for our annual membership meeting and open house in Raleigh. View more photos on our Facebook page: facebook.com/ACLUNC

Dare Coulter is an award-winning artist, sculptor, and muralist who graduated from the College of Design at North Carolina State University. "The right to protest and dissent is so important, and it's such an honor to be able to use my art to highlight examples of people who took risks and demonstrated bravery to exercise those rights," she said.



The ACLU-NC's 2017 Liberty Awards Dinner

Join Us As We Honor these Champions of Liberty

Saturday, October 14, 2017
 Sheraton Raleigh Hotel

To purchase tickets, become a sponsor, and learn more about our honorees, please visit www.acluofnc.org/LibertyAwards



Keynote Speaker: Yusef Salaam

As a teenager in 1989, Yusef was wrongfully convicted in the notorious “Central Park Five” case and served more than five years in prison for a crime he did not commit. He now shares his story to speak out against injustice.



LGBTQ Plaintiffs



UNC Center for Civil Rights



Religious Liberty Plaintiffs

Honorees

James E. Williams Jr.

Criminal Justice Reform Advocate and Former Public Defender for Orange and Chatham Counties



James E. Williams Jr.

Joaquin Carcaño, Payton McGarry, Angela Gilmore, Hunter Schafer, Maddy Goss, and Quinton Harper

LGBTQ North Carolinians challenging H.B. 2 and H.B. 142 in court

Nan Lund, Bob Voelker, Liesa Montag-Siegel

Rowan County residents who took a stand for religious liberty



Elaine Gordon

UNC Center for Civil Rights

Legal organization that secures justice for vulnerable communities

Elaine Gordon

Capital Defender working to end the death penalty



Davion M. Washington Jr.

Davion M. Washington Jr.

Young activist and trailblazer in Charlotte



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The ACLU-NC Presents The 2017 Liberty Awards Dinner: *Justice For All*

October 14, 2017, Sheraton Raleigh Hotel, Raleigh, NC

Featuring Keynote Speaker, Yusef Salaam, who was wrongfully convicted in the notorious "Central Park Five" case and served more than five years in prison for a crime he did not commit. He now shares his story to speak out against injustice.

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