



Citlaly Mora

Martha, Griselda, and Yolanda are North Carolinians who have spent the past decade fighting to end the partnerships between local police and ICE that separate families and terrorize communities.

## “We Deserve To Live Without Fear.”

“It’s one thing to know that people are being detained and separated every day. It’s another to experience that pain and suffering for yourself,” explains Yolanda Zavala, a mother of five who immigrated to North Carolina from southern Mexico more than two decades ago.

In 2008, Yolanda’s 18-year-old son was arrested in Wake County for driving without a license on his way back from a soccer game. What should’ve been a simple citation turned into one of the

most painful moments of Yolanda’s life. Her son spent six months in detention centers and eventually became one of the first people in Wake County to be deported under 287(g), a federal program that deputizes local law enforcement to help Immigration and Customs Enforcement (ICE) target, jail, and deport community members who are undocumented.

Yolanda channeled the pain of her son’s experience by becoming an advocate for her community. For the last ten years,

Yolanda has been fighting a widespread anti-immigrant narrative that painted her son as a criminal and has impacted multiple members of her family.

“We live knowing that any day ICE can deport you,” she said. “I’ve stayed up so many nights thinking about my other children being arrested and waiting for that call. Every time we leave the house we are never confident that we will return home.” Yolanda’s son-in-law was also ensnared in ICE’s deportation machine. She watched her

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## From the Executive Director



Dear friend,

People in power have worked hard to spread fear throughout our communities. Fear of being separated from our families. Fear of becoming ensnared in an unjust criminal legal system. Fear of harassment, discrimination, and violence because of who we are.

And our fears intensify as they become reality, as children continue to be taken from their parents by ICE, states attempt to ban abortion outright, the federal government pushes to take away protections for people who are transgender, and lawmakers implement new restrictions on the right to vote. Behind every headline and policy change, real people are affected. Lives are at stake.

But the ACLU has been hard at work, too. After more than three years of working to stop the hateful House Bill 2 and its discriminatory replacement, House Bill 142, people who are transgender finally have some clarity and relief (p. 4). We went to court on behalf of our client M.E. to expose how domestic violence laws in North Carolina discriminate against people in same-sex relationships (p. 5). And Kanautica Zayre-Brown, a woman who is transgender, was finally moved to a women's facility after being incarcerated with men for almost two years (p. 3).

I know it can feel daunting to keep up with every new development. I know it is exhausting to fight on so many fronts. And I know our vision for freedom and justice does not always prevail. But every battle makes us stronger.

And with thousands of people across North Carolina who support our work, the ACLU continues to be a strong advocate for voting rights, reproductive freedom, LGBTQ equality, immigrants' rights, and a new vision for our criminal legal system.

We need you to stay with us. We need you to keep paying attention, to keep calling your elected officials, to keep showing up at the polls to vote like your rights depend on it.

We the People have power, and we must wield it every day to fight for what's right.

Thank you for standing with us.

Karen M. Anderson  
Executive Director

## New ACLU-NC Political Director Has Deep Roots in N.C.

**R**obert T. Stephens joined the ACLU of North Carolina this August as our Director of Political Strategy and Advocacy. In this role, he manages our legislative and public policy divisions, criminal justice reform portfolio, our emerging immigrants' rights work, and a broad range of civil rights issues.



Robert T. Stephens

Originally from Raeford, North Carolina, Robert previously served as the Director of Government Relations for the National Center for Learning Disabilities. Before that,

he cut his teeth in the legislative shop of Congressman John Lewis and as a teacher in Charlotte. His passion for electoral politics inspired him to work on President Obama's 2012 presidential campaign and run for Durham City Council in 2015.

Robert graduated with a B.A. from Winston-Salem State University and an M.P.P. from George Mason University. Robert traces his activism back to his parents and to his time spent in the classroom teaching.

"I fervently believe that when something is wrong, you do something about it," Robert says. "You don't sit and wait for others to do it, you jump in. And I hope to inspire others to do the same." ■

# She Was Incarcerated in a Men's Prison. Now Her Struggle Could Help Others.

**K**anautica Zayre-Brown, a woman who is transgender, spent one year, 10 months, and 16 days incarcerated in North Carolina men's prisons. Despite Kanautica's repeated pleas to be transferred to a facility for women, the N.C. Department of Public Safety (DPS) continued to hold her in men's facilities in violation of well-established federal law and at serious risk to her safety.

Earlier this year, the ACLU took Kanautica's case. Together with local community advocates, we demanded that DPS transfer her to a women's facility. Finally, after months of negotiation and pressure from the public, prison officials in August moved her to a women's facility and adopted a new policy of housing people in facilities that match their gender.

Kanautica's transfer was an important victory not only for Kanautica and her family but for the community that rallied behind her.

"I am just so happy and feel so much better," Kanautica said on the day of her transfer. "I don't feel like I'm in a monstrous cage anymore. I feel safe. I want to thank my community for their support and DPS for coming through with their promise."

For nearly two years, Kanautica's identity as a woman was ignored



Kanautica Zayre-Brown

by prison officials and staff as she was forced to shower and sleep in

a dormitory with men and was subjected to intrusive searches by male officers.

We know that Kanautica's story is not unique. Thousands of transgender women across the country—particularly Black trans women—continue to be disproportionately funneled into the criminal legal system where they are often placed in men's facilities. People who are incarcerated endure traumatizing and dangerous conditions, and these risks only increase for women who are transgender as they face even higher rates of abuse, violence, and harsh conditions of confinement.

Kanautica has said she will keep fighting for the rights of people who are transgender, and we will continue to fight alongside her and other advocates across the state. As Kanautica says: "Change starts today, tomorrow, and forever!" ■

# Trans People Led the Fight Against H.B. 2. And We're Winning.



By Joaquín Carcaño, lead plaintiff in *Carcaño et al. v. Cooper et al.*

It's been more than three years since North Carolina lawmakers passed House Bill 2, the hateful North Carolina law that compromised the ability of transgender people like me to safely navigate our daily lives.

As the lead plaintiff in the lawsuit the ACLU and Lambda Legal filed to stop this measure, I've spent the last three years fighting alongside LGBTQ North Carolinians and others to mitigate the harm caused by H.B. 2 and its discriminatory replacement law, H.B. 142.

This summer, we secured an important victory: a federal court ordered that neither of these laws can be used to bar transgender people from North Carolina restrooms that match who we are.

This victory belongs to the trans and non-binary people who continue to lead the fight for justice in North Carolina and beyond.

We reached this settlement, known as a consent decree, with Governor Roy Cooper, who officially agrees with us that trans people in North Carolina have the right to use the correct public

restrooms for their gender. But the leaders of the General Assembly, who passed H.B. 2 and H.B. 142, refused to sign on.

After years of managing the anxiety of H.B. 2 and fighting so hard, I am relieved that we finally have a court order to protect transgender people from being punished under these laws.

Being able to use facilities that match our gender is a basic necessity for participating in public life and being treated as full members of society. It is not a luxury.

Being able to use facilities that match our gender is a basic necessity for participating in public life and being treated as full members of society. It is not a luxury.

The nationwide outcry that followed these discriminatory laws sent a message that we still have to amplify now: Trans and non-binary people belong in public spaces. We belong in North Carolina. We belong everywhere. This order provides some clarity and relief for those of us who have been suffering under H.B. 2 and H.B. 142 for years. It is an important victory but not a complete one. Local protections for LGBTQ people are still banned under state law, and so many members of our community—particularly Black and Brown trans and non-binary people—continue to face violence, harassment,

and discrimination simply because of who we are.

This fall, the Supreme Court heard arguments in the case of Aimee Stephens, who was fired for being trans. The Trump administration has attempted to roll back the rights of trans people at every turn. At least 21 transgender people have been murdered already this year, almost all of whom were Black trans women. My community faces violence every day.

While a part of this court fight in North Carolina may be ending, our fight for full justice continues. ¡Adelante! ■

## N.C. Domestic Violence Laws Discriminate Against LGBTQ People. We're Challenging Them in Court.



ACLU-NC Staff Attorneys Emily Seawell and Irena Como and attorney Amily McCool stand outside the N.C. Court of Appeals in Raleigh.

**N**orth Carolina is the only remaining state in the nation whose laws that provide protections to survivors of domestic violence do not apply

equally to those in same-sex relationships.

The ACLU of North Carolina and attorney Amily McCool of the Scharff Law Firm are challenging that

unequal policy in court on behalf of a woman who is a survivor of domestic violence. Our client was denied a protective order simply because the person who made violent threats against her is also a woman. Irena Como, Interim Legal Director for the ACLU of North Carolina, argued the case in the N.C. Court of Appeals in September.

A domestic violence protective order is only available to North Carolinians who are defined as having a “personal relationship” under state law. For people who are dating but do not live together, the protections only apply when dating “persons of the opposite sex.” That means that a threat from an opposite-sex partner qualifies a person for protection under the domestic violence statute, but a threat against the same person from a same-sex partner would not qualify. As we argued in this case, that is discrimination on the basis of sex, plain and simple.

Intimate partner violence does not discriminate, and neither should state laws protecting people from that violence. ■

## “We Deserve to Live Without Fear.”

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grandchildren sit by the front door and wait for their dad to come home for days, unable to explain that he wasn't coming back. Tens of thousands of community members have been deported from North Carolina under the 287(g) program.

Despite the fear-mongering of anti-immigrant politicians, there is no evidence that mass deportations or local cooperation with ICE make communities safer. If anything, these agreements harm public safety for all residents. Studies from the University of Illinois and the Center for American Progress have shown that when local authorities partner with federal immigration officers, people who are victims or witnesses of crime—regardless of their immigration status—are far less likely to contact law enforcement out of fear that they would investigate the immigration status of friends or relatives. A 2018 study from the libertarian Cato Institute found no evidence that partnerships with ICE reduce crime rates. And another study from the University of North Carolina showed that more than 86 percent of people placed in deportation proceedings through 287(g) agreements in North Carolina were arrested for misdemeanors, 32 percent for traffic violations.

Communities across our state are resisting ICE, and the movement to dismantle the deportation pipeline in North Carolina achieved historic victories in the last year. Community organizing helped end the 287(g) programs in Wake and Mecklenburg counties, the two biggest in the state, and elect new sheriffs in those counties and others who campaigned on pro-immigrant platforms, including Buncombe, Durham, Forsyth, and Guilford. When anti-immigrant legislators partnered with ICE to pass



Yolanda Zavala with her youngest granddaughters.

House Bill 370, which threatened to remove democratically elected sheriffs from office if they refused to spend local resources to cooperate with ICE, immigrants' rights groups, the ACLU, and others banded together to fight the bill, which was ultimately vetoed by Governor Roy Cooper.

But the campaign for a North Carolina free from ICE raids and deportations is far from over. Four counties—Cabarrus, Gaston, Henderson, and Nash—remain in the 287(g) program, and most others continue to detain people when ICE asks without due process.

When someone is taken into custody by ICE and deported, it has a ripple effect that touches and disrupts the daily lives of their entire community: children, spouses, co-workers, neighbors, and more.

Griselda Alonso knows what it's like to live with the constant worry that ICE can detain a member of your family at any time, including her own. “The mental health of our children has been gravely impacted, given that day to day we become closer to having someone around us be deported, and without us even wanting to, our fear is reflected in the eyes of a mother as she drives and a police car pulls behind her,” she says. “That same fear has been transferred to our children's schools, as many of our children's education is impacted by them knowing that the day before a neighbor, a friend, or a family member has been deported.” For her, a North Carolina free from ICE would mean that her teenage daughter would no longer need to brace herself for the worst every time her mother drives and risks being pulled over.

“Many of our family members, including our children, are U.S. citizens,” Griselda says. “We work, we pay taxes, and we deserve to live without fear.”

Martha Hernandez migrated from Mexico City at 17 looking for stability and freedom from persecution, which she has found in North Carolina with her two children. Still, every morning before she goes to work, like many people in her community, she checks for suspicious cars. “We’re moms who work hard every day but still make time to meet every week to figure out how to protect our families and improve our community.”

said Martha. “Each and every one of our triumphs is something that we all worked for.”

Thanks to their organizing, and the support of North Carolinians across the state, these three women hope we are inching closer to the community they are trying to build. Yolanda’s 18-year-old granddaughter described to her the bittersweet feeling of being able to cast her first vote for a sheriff who vowed to eliminate the program that had deported her dad when she was a child.

“We just want to live in peace, dignity, and no more fear,” says Martha. “Getting ICE out of North



Citiloby Mora

Martha Hernandez

Martha, Yolanda, and Griselda all work full-time jobs, organize cultural events, and have been leading the movement to end the collaboration between North Carolina local law enforcement and ICE since the inception of the 287(g) program in Wake County. “This movement is not just about us, it also includes the faces of those who go straight from work to protest, who bring their kids along to meetings, and those who show up to lobby despite their fear,”

Carolina would mean not living with the emotional anxiety and uncertainty about what will happen every time you step out of your house. I want to have the tranquility of not having to worry about what is going to happen to me on my way home to my children. Only then will I breathe a sigh of relief and be able to say that I am truly free.” ■

## Solitary Confinement Is Cruel and Unnecessary. We’re Suing.

**R**ight now in North Carolina, thousands of people are incarcerated in solitary confinement — held in prison cells no bigger than a parking spot and denied human contact, sunlight, and fresh air for 22 to 24 hours a day. Some have been there for months or years, often for breaking minor rules. This is cruel, unnecessary, and does not lead to safer prison conditions.

We filed a lawsuit with N.C. Prisoner Legal Services in October to challenge these unconstitutional practices on behalf of people who are suffering while being unjustly held in solitary.

We are representing four people who have been held in solitary confinement for more than a decade, who suffer from a series of mental and physical health problems, and have even attempted suicide to escape their near-constant psychological pain.

Approximately 3,000 people were being held in some form of solitary confinement in North Carolina as of July 2019.

There is a clear medical consensus that solitary confinement is virtually guaranteed to inflict serious physical and psychological pain. People come out sick, angry, socially withdrawn, and even more likely to end up back in prison.

Solitary confinement destroys people’s mental health, degrades their human dignity, and makes prison conditions all the more dangerous. These practices must end. ■

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Deputy Communications Director Molly Rivera.

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