



Emily Baxter

North Carolina Is **Jailing People for Being Poor**

In 2003, Steven Edwards (pictured above with his daughter) got into a car accident that turned his world upside down, claiming his left leg and the life of his brother. A lifelong resident of Edgecombe County, where more than a quarter of people live below the poverty line, a devastated Edwards struggled to find work, fell on hard times, and eventually found himself entangled in the criminal justice system, convicted on drug charges, and incarcerated.

When Edwards came home in 2014, his financial woes were made substantially worse by the state of North Carolina,

which slapped him with a bill: \$1,354.50 in court-ordered fines and fees, plus an additional \$40 a month for the cost of his probation.

Without a leg, and with a young daughter at home and a criminal conviction on his record, Edwards struggled to find work, relying on his \$725 disability check to cover rent, utilities, and other family expenses. One year after leaving prison, Edwards was sent back to jail for 90 days simply because he could not afford to pay his court debt.

The concept of “debtors’ prisons” may seem outdated; indeed, the U.S.

Supreme Court has ruled that it is unconstitutional to jail someone who cannot pay court debt. But today in North Carolina, judges send at least hundreds and likely thousands of people to jail every year because they cannot afford to pay off the fines and fees that people are ordered to pay when they are convicted of any offense, even as minor as a speeding ticket.

Edwards is one of the North Carolinians profiled in a new report we released this spring, *At All Costs: The Consequences of Rising Court Fines and Fees in North Carolina*. The report’s primary author,

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From the Executive Director



Dear friend,

At just 10 years old, I immigrated to the United States from Jamaica. My family moved to New York to a majority Black neighborhood. Even from a young age, I remember being struck by racial tensions in my community.

As more and more inequities and injustices came into focus, I tried to reconcile my vision of what I thought my life would be like in the U.S. and what was actually happening around me.

I also began to ask questions: Why is the world this way? And does it have to be?

In year three of the Trump administration, families have been cruelly separated at the border and federal immigration officers have escalated their operations in North Carolina, detaining hundreds of people during a retaliatory raid this year (p. 4). Lawmakers continue to try to chip away at protections for LGBTQ people, the right to have an abortion, and access to the ballot.

But this is not Trump's America. This is our America. And we have to keep fighting for the country we want to live in – a country that lives up to the promises of freedom and justice for all.

Already this year we've won some important victories, including striking down North Carolina's unconstitutional abortion ban (p. 7) and a discriminatory school dress code that required girls to wear skirts (p. 3). We've added more staff members to strengthen our efforts, and for the first time have full-time employees based in Raleigh, Charlotte, and Wilmington.

The promise of a more just future for ourselves, our children, and generations to come speaks to me, particularly as an immigrant to this country and an American by choice. And I believe we will win this fight in the end, so long as we have people like you taking a stand for what's right.

Thank you for fighting for a more perfect union.

Karen M. Anderson
Executive Director

They Fought For Their Right to Wear Pants. And Won.

Three years ago, an eighth-grade student named Keely Burks created a petition at Charter Day School in Leland, North Carolina. That petition asked for a simple change: that girls be allowed to wear pants and not be punished. That's because, at Keely's K-8 public charter school, girls were required to wear skirts in order to uphold what officials considered "traditional values" that promoted "chivalry." When her petition was taken away by a teacher, Keely and two other students, along with their parents, turned to the ACLU-NC for help.

"In 2019, girls should have the choice to wear pants. We're happy the court agrees."

When school officials refused to change their outdated and illegal policy, we filed a lawsuit on the students' behalf, arguing that the requirement for all girls to wear skirts violates the Constitution.

This March, in a victory for our clients and for gender equality, a federal court struck down the school's dress code, finding that "the skirts requirement causes the girls to suffer a burden the boys do not, simply because they are female."

"All I wanted was for my daughter and every other girl at school to have the option to wear pants so she could play



One of our clients, I.B., wears shorts to school after our successful challenge to her school's sexist dress code.

outside, sit comfortably, and stay warm in the winter," said Bonnie Peltier, the mother of one of the three students represented by the ACLU-NC. "In 2019, girls should have the choice to wear pants. We're happy the court agrees." Charter Day School's dress code was both outdated and discriminatory.

Thanks to our brave clients, this ruling will be a warning to other schools who continue to subject their students to dress codes that unfairly target girls. In this day and age, treating girls different than boys isn't "chivalrous"—it's sexism, plain and simple. ■

Keeping Families Together

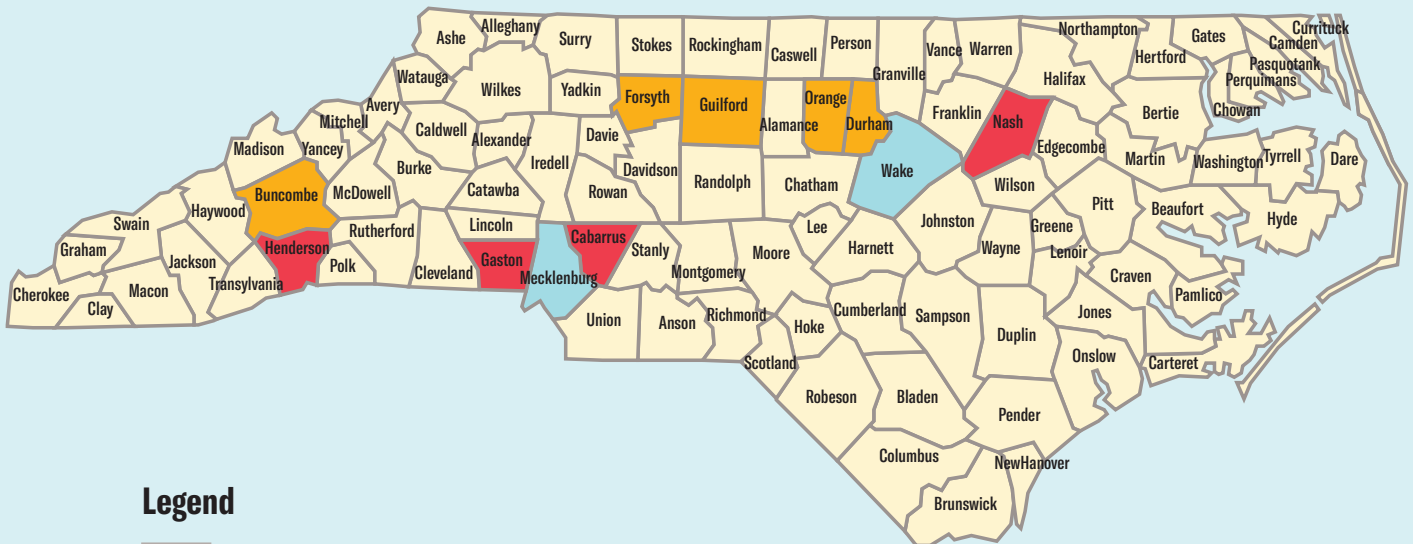
Our Campaign Against ICE in N.C.

For years, many North Carolina county sheriffs have cooperated with federal immigration officers who seek to detain – and often deport – members of their community. This voluntary collaboration has spread fear across the state, tearing apart families and separating parents from their children, while also encouraging racial profiling and civil rights abuses. In one notorious example, the Alamance County Sheriff’s Office was charged by the U.S. Department of Justice in 2012

with systematically and unlawfully targeting Latinx residents while receiving funds through the federal 287(g) program, which grants local law enforcement the ability to enforce federal immigration law. These partnerships with ICE – U.S. Immigration and Customs Enforcement – allow the Trump administration to deputize local law enforcement for its nationwide deportation machine. But in 2018, voters in some of North Carolina’s largest counties rejected

Trump’s anti-immigrant agenda and voted for change, electing new sheriffs who pledged to stop working with ICE because doing so harmed public safety by diverting resources and making people less likely to trust law enforcement. The ACLU and our members have been on the front lines of the fight against the Trump administration’s vicious war on immigrants. And we know that the policies of our local, county, and state governments are more important than ever. That’s why in the 2018 elections,

Does Your County Sheriff Work with ICE?



Legend

- Light blue box: Sheriffs who have ended 287(g) agreements with ICE
- Orange box: Sheriffs who refuse to hold people in jail for ICE when they are otherwise eligible for release
- Red box: Sheriffs still participating in ICE’s 287(g) program

we engaged for the first time ever in canvassing and ad campaigns to educate voters about the crucial civil rights issues on the ballot in the election for sheriff in North Carolina's two largest counties, Mecklenburg and Wake, which each participated in the 287(g) program.

ICE and anti-immigrant lawmakers are desperate to roll back our progress. But we can't let their scare tactics succeed.

In Mecklenburg County alone, more than 15,000 people were deported under 287(g). Many were put into deportation proceedings after being detained for minor offenses like traffic violations and even, in one instance, catching undersized fish.

On Election Day, voters in Wake and Mecklenburg soundly rejected the incumbent candidates who supported 287(g). The newly elected sheriffs ended their county's agreements with ICE immediately upon taking office.

But rather than respect the will of voters and democratically elected sheriffs, ICE retaliated. In February, ICE officers descended on communities, schools, and workplaces across North Carolina in a series of haphazard raids that detained more than 200 people, many of whom were not targets for immigration enforcement. The raids targeted counties that refused to do ICE's bidding, and ICE officials pledged that such raids would be the "new normal," seeking to achieve, by force, the anti-immigrant agenda that voters rejected.

The retribution has even extended to the General Assembly, where ICE lobbied state lawmakers to pass anti-immigrant legislation like House Bill 370, a measure that would force every North Carolina sheriff to help ICE detain and deport community members or face fines of up to \$25,000 a day.

It's clear that ICE and anti-immigrant lawmakers are desperate to roll back our progress. But we can't let their scare tactics succeed.

Four counties remain in the 287(g) program, and ICE continues to work with local law enforcement agencies to spread fear across communities.

We are now organizing a broad coalition of partners across the state to keep up the momentum in our work to protect all who call North Carolina home and stop local law enforcement agencies from helping ICE terrorize and break up more families in our state. ■

Expanding Our Team



Stefania Arteaga (left) and Alissa Ellis (right) are leading the ACLU-NC's campaign against ICE

At the ACLU of North Carolina, our campaign against ICE is being led by two new staff members who recently joined our team: Alissa Ellis, our new Regional Immigrants' Rights Strategist, is working with ACLU affiliates across the southeast to organize against Trump's deportation pipeline. Alissa has served in a leadership capacity at groups such as the Southern Vision Alliance and the Marian Cheek Jackson Center.

Stefania Arteaga, our new Statewide Immigrants' Rights Organizer based in Charlotte, is working with Latinx advocates and ACLU supporters to end 287(g) agreements and other collaboration with ICE. An immigrant from El Salvador, Stefania is the co-founder of Comunidad Colectiva, a grassroots organization that advocates for immigrant rights in Mecklenburg County and was a partner in the ACLU's voter education work in the 2018 sheriff's race. ■

North Carolina Is Jailing People for Being Poor

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ACLU-NC Staff Attorney Cristina Becker, spent two years investigating how North Carolina's unjust use of court fines and fees criminalizes poverty, violates people's rights, and preys on many of our state's most vulnerable residents.

The report documents how legislative actions and inconsistent courtroom practices have turned judges into debt collectors and sought, unsuccessfully, to fund state programs off the backs of the poor, systematically increasing the amount of money people must pay, while making it harder for them to escape the burden of that debt when they can't.

While this problem harms people across the state, people of color are jailed for court debt at much higher rates. More than 54 percent of those arrested in the 11 counties that responded to our public records requests were Black, even though Black people compose less than

The collateral consequences of unpaid court debt, even for those not jailed, can be devastating.

12 percent of the population of those counties.

The collateral consequences of unpaid court debt, even for those not jailed, can be devastating. People can lose their driver's license, right to vote, eligibility for anti-poverty programs, and more.

Brandon Sutton, an 18-year-old resident of Avery County, is another North

Carolinian whose life was upended when his family could not afford to pay his court fines and fees.

Brandon was convicted of possession of less than half an ounce of marijuana in 2017. He was placed on supervised probation and ordered to perform community service, take a substance abuse class, and pay court costs.

According to his mother, Sherry, Brandon has cognitive disabilities and suffers from severe social anxiety. He dropped out of school after the 8th grade and has no source of income.

After the bill came in for his court-appointed attorney, Brandon owed more than \$1,311.50 in court fines and fees, or almost twice the amount of his father's monthly disability check.

Fearing that Brandon would otherwise be sent to jail, his family was forced to tap into their winter kerosene savings and take out a small loan to cover the cost.

The ACLU-NC was later able to represent Brandon in court, and the remainder of his fees were waived. But the Suttons' experience is all too common for North Carolina families trapped in the cycle of debt created by court fines and fees. Our report recommends ways that state lawmakers, judges, and other officials can begin to roll back this unjust system. ■

Read more at acluofnc.org/atallcosts



Emily Baxter

Brandon Sutton

A Victory for Reproductive Freedom

ACLU & Partners Overturn N.C. Abortion Ban

This March a federal court overturned North Carolina's dangerous and unconstitutional law that bans abortion after 20 weeks, thanks to a lawsuit filed by the ACLU, Planned Parenthood, and the Center for Reproductive Rights.

The law granted only limited exceptions for medical emergencies and was restricted further by lawmakers in 2016, ignoring the unique circumstances, challenges, and potential complications that pregnant people face. We know that important medical decisions throughout different points of a woman's pregnancy, including whether to have an abortion, must be left to the woman and her doctor — not politicians. North Carolina's ban prevented doctors from providing needed care to patients, denied women the ability to make decisions about their own bodies, and prevented some women with fewer resources from accessing treatment at all.

The March ruling from Judge William Osteen Jr. struck down the longstanding law and affirmed that people have a constitutional right to make their own decisions about their pregnancy.

But we know this fight is not over. Extremist lawmakers have continued to attack our constitutional right to abortion. Your support of the ACLU allows us to keep fighting these harmful and unnecessary restrictions on people's personal medical decisions. ■

Smart Justice in Eastern North Carolina

By Caroline Morin-Gage, Regional Field Organizer

I was thrilled by the opportunity to join the ACLU-NC this past December as the first-ever staff member based in Wilmington. As part of my work as Regional Field Organizer for the Campaign for Smart Justice, I'm focused on combating mass incarceration and eliminating the use of cash bail in eastern North Carolina.

In New Hanover County, 75% to 85% of people in jail on any given day are being held there before they go to court just because they do not have enough money to pay the bail that would allow them to go free. This system disproportionately impacts people of color and low-income people, locking them in cages without having been convicted of a crime. While locked up, people can lose their homes, jobs, and even their children.

I am drawn to this campaign because it is a critical opportunity to fight oppression and dismantle white supremacy. I'm working to build relationships with local community members, especially those impacted by mass incarceration and the prison industrial complex. It is vital to my work to listen to those who are most oppressed and take my cue from them.

I am the local coordinator for our court-watching program, which allows us to collect critical data and helps participants learn more about the injustices in the criminal legal system. If you'd like to



Caroline Morin-Gage

become a court-watching volunteer or get involved in other ways in southeastern North Carolina, send me an email at cmoringage@acluofnc.org. And if you live in the area, we hope you can join us in Wilmington on June 29 for our annual membership meeting. (See back page for details.)

To challenge the prison industrial complex, we must dismantle the pieces and reconstruct a just and fair future for ourselves. We the people must build our power, grow collectively, and strive for liberation together. ■

Learn more about our campaign at endcashbailnc.org

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YOU'RE INVITED

ANNUAL MEMBERSHIP MEETING JUNE 29

Join us at this year's annual meeting in Wilmington on Saturday, June 29, at 10:00 a.m.

This year's event will feature a dynamic community conversation about the intersection of immigrants' rights and criminal justice reform, focusing on the history of racial violence in Wilmington and the ACLU's current work to combat the destructive policies of mass incarceration and family separation.

Learn more and RSVP at acluofnc.org/events.

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