



The Right to Our Bodies— NC in the Post Dobbs Era

In our last newsletter, we warned about the threats embedded in the Dobbs decision. We encouraged you to brace for imminent attacks on reproductive healthcare and LGBTQIA rights. Sadly, what we were bracing for has come to fruition or is still a looming threat. We are strategizing against repressive and harmful legislation either currently working its way through the legislature

or that has already become law. We cannot overstate the urgency of your engagement, resistance, and belief that if we work hard to mobilize, we can turn North Carolina around. We need your help to protect those who are most vulnerable to harmful, exclusionary, and white supremacist legislation. Most pressingly, we are thinking through the best way to address alarming threats in the form of what

we are calling a “monster” abortion ban, SB20 or “The Care for Women, Children, and Families Act,” that bans most surgical abortions after 12 weeks, and medication abortions after 10 weeks.

While SB20 provides exceptions in cases of rape and incest through 20 weeks, or through 24 weeks in the event of a “life limited anomaly,” the bill radically restricts our state’s already extreme abortion provisions. Under the bill, the procedure could be performed by a physician if a doctor determines an abortion is necessary to avert death—but doesn’t include “psychological or emotional conditions.” We have already seen elsewhere that these exceptions seldom work. The bill

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From the Executive Director

Imagination, Resistance, and the Long Road Ahead



It's easy to give way to despair in the face of the tremendous challenges facing all North Carolinians this year. We've seen devastating shifts in the composition of our legislature, undemocratic NC Supreme Court decisions, and efforts of lawmakers to implement legislation that threatens our freedoms. We are witnessing the actualization of commitments outlined in the U.S. Supreme Court decision to overturn *Roe v. Wade*.

As I write this, we face threats to our rights and to our bodies in the form of monstrous anti-abortion law and restrictive and cruel anti-transgender legislation. Because of the NC Supreme Court sanctioning of gerrymandered maps and restrictions to voting access both through the implementation of more strict ID laws and through targeted exclusion of those who have experienced the brutality of our criminal legal system, we are also facing a weighted uphill battle to make our votes count and empower you and all North Carolinians to vote for the future we want.

We deserve better than what our representatives are doing to us. We, especially those most vulnerable to the repressive efforts of the state—Black, Indigenous, Latine, low-income, immigrant, members of LGBTQIA communities, especially trans folks—deserve a more perfect union that shelters, welcomes, and protects.

But we also deserve more than the stagnation and tacit complacency of despair. As I listen and learn with and from the ACLU team members during these unduly trying times, I am anchored by wisdom from organizer adrienne maree brown, who writes that “all organizing is science fiction—that we are shaping the future we long for and have not yet experienced.” We strive for racial justice, bodily autonomy, inclusive voting, and universal dignity, all the while acknowledging that these ideals were not central to our nation's foundation.

We know that we are imagining a world that has not yet existed. We know that freedom fighters have fought to make the values put forth in our constitution true, even in some cases against the original intentions of those who drafted it. I call on you to reject despair, and to cultivate imagination and be invigorated in what is possible when we come together, support each other, and give what we can on behalf of those who stand to lose the most and face the most harm in this present moment of repression, restriction, and cruelty. I call on you to work with us and build a more perfect future.

Towards Justice,

A handwritten signature in blue ink, appearing to read 'Chantal Stevens'.

Chantal Stevens
Executive Director
ACLU of North Carolina

Black Lives Matter, House Bill 40 & The Right to Protest

Our affiliate has highlighted how recent legislation is a backlash to the Black Lives Matter uprising of 2020. In response to the state-sanctioned murders of Breonna Taylor, George Floyd, and the exposure of health disparities for Black people during the COVID-19 pandemic, we witnessed an inspiring surge in civic engagement.

Notably, in North Carolina as in other states across the nation, reactive anti-BLM legislation targeted our rights to protest—here, this first took the form of HB805 which worked its way through the legislature in 2021 before ultimately being vetoed by Governor Cooper. Lawmakers reintroduced nearly identical legislation during the 2023 session, this time securing enough votes to override a veto. It became law without a gubernatorial signature on March 21, 2023.

HB40 significantly increases criminal penalties for protesting. It makes protesters liable for substantial civil damages to individuals harmed and property destroyed during a protest. The bill also enables prosecution when a protestor only verbally encourages vague acts that the law now defines as “rioting”—to be clear, it would impose charges even if the person accused of encouraging “rioting” did not harm anyone or damage anything.

In fulfilment of our integrated advocacy approach, which pulls on all available resources to defend civil liberties in the streets and in the legislature and courts, our legal department has filed a federal lawsuit challenging multiple



provisions of the legislation. We contend that this legislation will dissuade North Carolinians from engaging in their constitutionally protected right to protest. After filing suit, we petitioned the court to halt the enforcement of the clearly unconstitutional portions of the bill as it is reviewed. By all means at our disposal, we will continue to defend the right to protest in North Carolina—stay tuned for updates on this lawsuit. ■

Defending Indigenous Traditions

In a reflection of the authoritarian desire to control what people can do with their bodies, two young Indigenous students have been told by their school that their long hair, a practice and tradition of their cultures, must be cut. Mia Chavis (a member of the Lumbee Tribe) and Ashley Lomboy (a member of the Waccamaw Siouan Tribe) are challenging Classical Charter Schools

of America for describing their sons’ hair length as “faddish” and policing their traditions. We have sent a letter to the school, explaining that the policy violates First Amendment rights, Title IX, and infringes on personal liberties. The school subsequently suspended the policy’s enforcement through the end of this school year but made no promise to respect the cultural identities of

MY HAIR
MY HERITAGE
MY HUMAN RIGHTS

Native American boys attending the school next year. We’ll keep an eye on Classical Charter—hair length has no bearing on learning, and we maintain our commitment to Indigenous justice in North Carolina. ■

Hands & Bans off Our Bodies

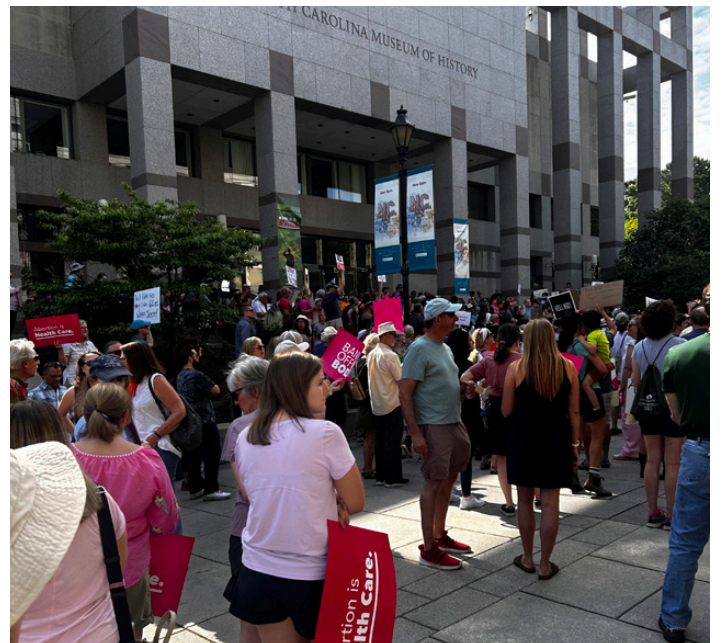
In response to SB20's introduction, passage, veto, and eventual veto override, leaders and community members took to the streets to protest this monster abortion ban. At his veto rally, Governor Cooper told us all to get ready to fight to defend our right to our bodies—we're ready, and we're glad you're with us!



Above: Antonio McBroom from Primo Partners at the #BusinessNotBans press conference at Trophy Brewing & Pizza in Raleigh.



Below and photos at right: Community members gather in Downtown Raleigh to support the Governor's veto of SB20.



Protecting Trans Youth & LGBTQIA Rights in North Carolina

In the wake of the Dobbs decision, it is important to recognize anti-abortion legislation and its threat to our overall community's health and welfare. However, if we view anti-abortion legislation alongside harmful legislation that targets transgender people's (especially children's) rights to access the lifesaving and affirming care they need, we can see that the joint efforts to coerce reproduction and restrictively define and enforce gender represent a concerted push to control what people do with their bodies.

2023 is now a record year for anti-trans legislation—our organization is currently tracking nearly 500 anti-LGBTQIA laws across the nation. These laws can be grouped into several categories, including the restriction of educational content that represents LGBTQIA experiences, access to medical care, public accommodations, participation in gender-segregated sports teams, and freedom of expression.

North Carolina is no exception. Relying on outdated conceptions of gender, North Carolina legislators are demonstrating a virulent will to lessen the health outcomes for transgender people. By supporting legislation that targets transgender people, especially youth, representatives are almost guaranteeing increases in mental illness, suicidal ideation, and suicide attempts for trans people of all ages, but especially folks under the age of 18. For the fifth consecutive year, research conducted by the Trevor Project has underscored that anti-LGBTQ victimization contributes immensely to suicide risk.

The Trevor Project's research has also found that nearly 2 in 3 LGBTQ young people said that hearing about potential state or local laws banning people from discussing LGBTQ people at school made their mental health a lot worse. If young transgender people in North Carolina were to hear about HB43, legislation that details in callous anatomical detail the restrictions to potential life-saving and gender affirming care, or HB574, the "Fairness in Women's Sports Act" which bars trans girls and trans women from participating in sports on teams that align with their gender identity, they would likely be devastated and feel like they are not welcome and supported. The latter bill, policing trans girls and women's participation in sports, has also been introduced in the Senate as SB631. HB574 and SB631 have each passed in one chamber.



Young trans people are being targeted by additional legislation like HB808, which would ban teens from receiving gender-affirming surgery, even with a parent's consent. The bill would also block the use of state funds for any gender transition-related medical care. More broadly, LGBTQIA affirming spaces are vulnerable to legislative attacks - while HB673 does not specifically use the word "drag," it targets "adult live entertainment" that includes or features "male or female impersonators" from performing in public, or in private if a member of the audience is younger than 18 years old.

While much of this legislation relies on a guise of protecting children, it would almost guarantee insurmountable challenges for trans youth and other LGBTQIA community members. As research has shown the potential detriments of this legislation, it also points us towards solutions that would benefit our communities overall—we know that we can support LGBTQIA young people by buttressing protective factors, like creating affirming spaces (the kind that HB673 and SB631 are attempting to outlaw), learning and respecting pronouns, and integrating well-researched content into educational curricula to affirm LGBTQIA youth. We know that there is no one way to have a body, and we all deserve to live in a state, and a country, that respects our rights to our bodies. ■

Rights to Drive, Rights to Live: Immigrant Rights in NC

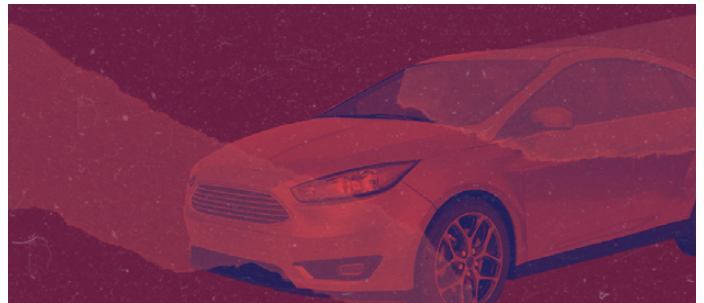
Imagine trying to get to work, school, a doctor's appointment, or the grocery store, without a driver's license. For about 90% of North Carolinians, this is hard to do—the majority of North Carolinians rely on cars to go to work and the ability to drive is an essential part of being able to navigate daily life; some of us have the privilege to take this right for granted.

Before April of this year, the Department of Motor Vehicles had been wrongfully denying driver's licenses and/or providing limited-term driver's licenses to noncitizen North Carolinians with permanent or indefinite lawful status. Unlawful denials of driver's licenses from immigrants who are otherwise eligible to drive also created a very real possibility that noncitizen drivers would be funneled into the criminal legal system.

The North Carolina Justice Center and ACLU of North Carolina filed a petition regarding the DMV's inconsistent and discriminatory practices and the DMV issued a declaratory ruling that established that immigrants of permanent and indefinite status are entitled to full term driver's licenses. The DMV's reversal of this policy is a step in the right direction. We are prioritizing informing community members of their rights to full term driver's licenses (please scan the QR code here to see the DMV information site and share widely!) and ensuring that the DMV enforces this new policy uniformly throughout the state's local DMV offices.



The DMV's discriminatory practices are part of a widespread pattern of harming immigrant communities. As we prepare this newsletter, HB10 awaits deliberation in the Senate. HB10 would require sheriffs to hold people with



an unknown immigration status for at least 48 hours while federal immigration officials are contacted.

Local collaboration with federal immigration enforcement creates intense fear and distrust among immigrant community members and makes our communities less safe. HB10 would make people scared to seek help from local officials, perhaps especially those who are victims of domestic violence and need access to critical public services.

Unfortunately, we don't need to look to the future to understand the impacts of HB10. In Alamance County, where the sheriff's office has a 287(g) agreement to collaborate with ICE, investigations have revealed disturbing accounts of racial profiling, targeted traffic stops, and discriminatory behavior from police that especially targets Latin community members.

We've recently submitted a letter requesting that the Department of Homeland Security's Office for Civil Rights and Liberties investigate Alamance County law enforcement's practices. We will continue our defense of immigrant communities and a welcoming North Carolina for all. Keep track of HB10 and the 287(g) agreement on our website and social media accounts. ■

Justice for the Unhoused

The ACLU of North Carolina Legal Foundation has filed a complaint against the City of Asheville, contending that park bans issued (and the policy that enabled these bans) against community members are unconstitutional. The 14 plaintiffs in this case are individuals who

regularly volunteered their time and efforts to provide food, supplies, and vital support to unhoused people in Asheville. They were banned from parks after they were charged with felony littering while protesting the City's treatment of unhoused people. The gatherings involved demonstrations where Plaintiffs and other community members came

together to distribute mutual aid, create art, and to demand that the City provide resources and shelter for unhoused people. The lawsuit alleges that the Park Ban Policy and the bans issued to Plaintiffs violate their due process and First Amendment rights by taking away their access to public parks and their ability to conduct their job responsibilities without meaningful notice or hearing. ■

NC in the Post Dobbs Era

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also introduces reams of burdensome recordkeeping, reporting, and regulatory requirements calculated to place extreme burdens on medical professionals who provide abortion care. Although Governor Cooper vetoed the bill, the veto was overridden on May 16, 2023.

SB20 joins other legislation during this legislative session that threatens our fundamental right to bodily autonomy. Bills like SB 631/HB 574 and SB 636 would exclude transgender students from school sports under the alleged premise of “fairness.” In reality, this legislation stigmatizes trans youth, especially transgender girls, and relies on outdated and inaccurate conceptions of gender identity and sex. Bills like HB 808, SB 639, SB 560 & SB641 and HB819 would restrict access to gender-affirming care for transgender youth or grant medical providers the “license to discriminate.”

Boundless research has shown that gender affirming care, including but not limited to life-saving medical treatment, is about supporting and validating people, including young children, in their identities. The Trevor Project reported in 2022 that 45% of LGBTQIA youth seriously considered suicide in the past year. The same report noted that fewer than 1 in 3 transgender and nonbinary youth found their home to be gender-affirming. We also know that if LGBTQIA youth find their schools and communities to be affirming and accepting, they are significantly less likely to report suicidal ideation and attempts.

North Carolina legislators’ concerted efforts to draft, sponsor, and implement anti-abortion and anti-transgender legislation would have a clear detrimental impact on our communities. It will make our schools, doctor’s offices, and overall communities less able to support, affirm, and care for members of our community. This legislation would also have a detrimental economic impact on our state, decreasing the likelihood that businesses and organizations will choose North Carolina as a destination for events.

These laws share a dangerous goal of interfering with personal decisions on what we can do with our bodies. They perpetuate stigmas that alienate and endanger members of our communities. Most of them inject political will into deeply personal and challenging decisions that should be between us and our medical providers.

The concerted threats to bodily autonomy are unfortunately not the only alarming trends this legislative session. Lawmakers are pushing through legislation that contradicts the values we defend across our issue areas, including legislation that restricts our right to protest (see article page 3) and targets immigrant communities (see article on page 6).

We would be remiss not to mention the additional challenge of defending civil liberties given the recent establishment of a supermajority in the North Carolina House. Given the partisan composition of both chambers, Governor Cooper’s veto power cannot stop harmful legislation—we’ve relied heavily on the gubernatorial veto in the past, especially to stop anti-abortion, anti-immigrant, and anti-LGBTQIA legislation.

We face an additional hurdle in recent North Carolina Supreme Court decisions that sanction gerrymandered

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district maps, restrictive voter ID laws, and deny voting rights for people who have been previously convicted of a felony. In short, these recent decisions impact how we vote, who can vote, whose vote counts, and create an infrastructure that all but guarantees future attacks on our civil liberties.

We face several imminent threats to civil liberties in North Carolina and beyond as legislators rely on old tricks to usher in suppressive and life-threatening laws. As we continue to draw on our integrated advocacy approach and fight in the General Assembly, in the courts, and in the streets, we need your support, presence, and diligence more than ever. At stake in our fight is our rights to our bodies, our right to belong, and our right to a healthy and more equitable future. As abolitionist activist, organizer, and educator Mariame Kaba reminds us: “hope is a discipline.” We remain steadfastly hopeful and are ready to continue the fight. ■



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The ACLU of North Carolina uses an integrated advocacy approach to defend and advance civil rights and civil liberties in our state. Our team of litigation, lobbying, organizing, communications, and administrative professionals work across teams and with community partners to earn victories on some of today's most vital issues.

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