



The North Carolina State Capitol Building.

Money Moves: The North Carolina Budget

The North Carolina budget was a major source of contention during this legislative session, exacerbated by the recent establishment of a supermajority in both the House and the Senate. The ACLU of North Carolina often works on and shares information about updates and developments that touch on our issue areas and a state's budget is a clear reflection in

investments (and divestments) in social welfare, including civil liberties. We therefore think it's important for North Carolinians to understand how budgets are passed and what civil liberties issues were addressed in and created by our 2023 state budget.

North Carolina operates on a biennial budget—so whatever budget is drafted and implemented covers two fiscal years. Our fiscal year begins

on July 1 and ends on June 30th of the following calendar year. The makeup of the General Assembly has rendered Governor Cooper's veto power moot, but notably there were in-party disagreements that contributed to the significant delay in passing and implementing the new budget. In fact, it was so delayed that the new budget only went into effect on October 3rd, 2023.

The North Carolina state budget is supposed to be passed by July 1st, but it's unfortunately rare that the state meets this deadline. Even though these delays have become the norm we

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From the Executive Director



When I last wrote to you, I encouraged you, and all those with a vision toward justice, to resist the temptation to despair. I asked that we all use our sadness, rage, and devastation not to incapacitate us, but instead to galvanize us to work together for justice and a more perfect union. Our circumstances in North Carolina, across the nation, and even around the world continue to demand resistance, resilience, and rest, so that we might rise again to fight another day.

With the supermajority in North Carolina's House and Senate, the ability to compromise, debate, and collaborate toward a stronger and more equitable future is severely inhibited. This was most clearly evidenced in the debates, stakes, and delay in the passage of our state budget, not to mention its content, which will have long-term impacts on all North Carolinians. Even the way the budget was passed shows the maldistribution of power and polarization of our political parties – the budget was made public and passed within less than 48 hours, inhibiting engagement and modification from lawmakers and community members.

The maldistribution of power in our legislature has a cataclysmic impact on our democracy and ultimately enables lawmakers to fast-track harmful legislation. Unfortunately, we have already seen the consequences of the supermajority in the implementation of stark abortion bans, evidenced in Senate Bill 20. Governor Cooper initially vetoed the bill, but his veto was overridden by the General Assembly. We have seen the consequences in the passage of anti-trans legislation that will make North Carolina less safe for transgender children. We have seen the consequences in the preponderance of legislative efforts to restrict what we teach in the classroom and the books we remove from our library shelves.

It's here and now that the ACLU's integrated advocacy model continues to give me hope—we can and are drawing on all available resources to defend the rights and liberties of all North Carolinians, including and beyond reproductive justice. Now, as ever, we continue to strive for a more perfect union, starting in our own backyards.

Towards Justice,

A handwritten signature in blue ink, which appears to be "Chantal Stevens". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Chantal Stevens
Executive Director
ACLU of North Carolina



Community members gather in support of the Governor's veto of SB20.

Redefining the Win: Fighting for Reproductive Justice in a Hostile State

This year has presented some formidable challenges to reproductive justice in North Carolina. In May, the General Assembly voted to override Governor Cooper's veto of Senate Bill 20, a bill that bans abortion after 12 weeks of pregnancy with narrow exceptions and implements harsh new restrictions on abortion even before 12 weeks.

Devastatingly, the passage of SB20 has had a quick and monumental effect on abortion access in North Carolina. According to an October report from the Guttmacher Institute, the number of abortions performed in North Carolina decreased by 1,310 between June and July 2023, a 31% drop. Researchers had previously noted a 55% increase in abortion rates in North Carolina due to an influx of patients coming from surrounding states where abortion was further restricted. Now, these patients will have to travel even farther to access care or be forced to remain pregnant and give birth.

Before the bill went into effect on July 1, the ACLU of North Carolina and Planned Parenthood South Atlantic filed a lawsuit against several unconstitutional parts of the ban. In response to the lawsuit, the General Assembly passed House Bill 190, which removed some of these vague or contradictory provisions. Two of the remaining provisions challenged in the lawsuit, which would have limited access to care for rape victims and people seeking medication abortions in the earliest stages of pregnancy—have been enjoined by the

courts, meaning they will not go into effect while the case moves through the judicial process. While SB20 still severely limits access to abortion in North Carolina, we are proud to have achieved these victories in mitigating some of the harm perpetrated by the bill.

To address these attacks on reproductive freedom—as well as the numerous attacks on transgender rights—ACLU-NC asked local business leaders to sign onto a Don't Ban Equality letter asserting that abortion bans and bills targeting trans rights are bad for business in North Carolina. A few of these business leaders hosted a press conference before the veto override vote on SB20 to express their opposition to the bill.

After the vote, ACLU-NC hired Samantha Salkin, MSW as a Reproductive Freedom Advocacy Consultant. Her role is to steward the business leaders who have signed on to the letter and recruit additional signatories. In August, she helped to organize a Reproductive Freedom Day of Action with Wake County small business owners and Representatives Deborah Ross and Wiley Nickel. The event allowed small business owners to discuss the impact of abortion bans on the business community with key champions in the General Assembly.

We expect more attacks on our fundamental freedoms in the coming months, but we are using all our strategies and resources to weather the storm. ■

End of an Era: Affirmative Action

On June 29th, 2023, the U.S. Supreme Court ruled that admissions programs used by the University of North Carolina and Harvard College violate the equal protection clause of the Constitution and Title VI of the Civil Rights Act of 1964. The 6-3 decision has generally ended the practice of affirmative action in higher education admissions processes. In the majority opinion, Chief Justice John Roberts outlined that admissions programs can only consider race if an applicant outlines how race (or more aptly, racism) influenced their character in a way that would have a concrete effect on the university. Roberts noted that a student “must be treated based on his or her experiences as an individual—not on the basis of race.” Given the decision’s timing after most admissions seasons, fall 2024 (and a study of rising first year students of the 2028 graduating class) will be particularly revelatory of the outcomes of this decision.

Though we need more information about the class of 2028 across educational institutions, if we examine empirical evidence from states that had already banned considerations of race in college admissions, like Texas and California, we see a significant drop off in Black, Latine, and Indigenous enrollment in higher education institutions. In California, ending race-conscious admissions programs led to about a 30-40% drop in Black and Latine enrollment. There’s no doubt for us that this decision will have monumental impacts on education moving forward. For now, we maintain that the onus to curate diverse, representative classes falls on the colleges and universities without the federal protection of affirmative action. We hope that admissions departments will find creative ways that circumvent the provisions of the SCOTUS ruling in curating racially, ethnically, socioeconomically, and regionally representative learning environments. ■

Banned Books

In a vibrant celebration of intellectual freedom, the ACLU of North Carolina recently organized a series of events that spotlighted the importance of diverse narratives and the right to access them. These events were held in Asheville and Raleigh during National Banned Book Week (Oct 1-7). These events brought together a diverse panel of experts and community advocates who discussed the significance of preserving open access to banned books. These events underscored the importance of fostering an environment where everyone has the freedom to read, learn, and grow through diverse literature. They encouraged attendees to take actionable steps within their own communities to combat book challenges and bans, championing the right to intellectual freedom for all.



Community members gather to discuss intellectual freedom and book censorship.

Accompanying these events, ACLU of NC staff joined singer and North Carolina native Clay Aiken in producing videos emphasizing intellectual freedom and exposing the hypocrisy of book banning in the name of child protection. To watch the videos, scan the QR code at right. ■



The Attack on Trans Youth

According to analysis conducted by the Washington Post (in part relying on the ACLU’s policy tracker) first published in April 2023, anti-trans legislation has doubled since 2022. The authors of this report note that 400 anti-trans bills they had been tracking at that point comprised “more than the number introduced in the previous four years combined.” The legislation runs the gamut, but many place restrictions on participation based on one’s gender assigned at birth and others restrict or outright ban gender-affirming care for minors regardless of parental consent.

Gender affirming care is life-saving care, especially amidst a litany of data that confirms higher rates of suicide and suicidal ideation among trans youth who are not receiving the care and affirmation they need. The American Academy of Pediatrics considers gender affirming care safe and medically necessary for the health and welfare of trans children. While trans minors very rarely receive surgical interventions (challenging widespread claims that children are making irreversible changes to their bodies before they are adults), they are commonly prescribed medications that facilitate their gender affirmation. Despite data that outlines the imperative for gender-affirming care, respect of pronouns, and self-determination in one’s gender identity, the above statistics are clear: lawmakers are targeting transgender people, and specifically transgender children through this legislative push.

Unfortunately, legislators in North Carolina are no exception. Initially passed in the early days of summer, the Republican-majority House and Senate voted to curb

trans rights through three critical pieces of legislation: HB 808, HB 574, and SB 49, which has been referred to in shorthand as “Parents’ Bill of Rights.” HB 808, or “An Act to Prohibit Gender Transition Procedures for Minors,” outlines a ban on gender-affirming care (including hormone therapy, puberty-blocking drugs, and surgery) for minors regardless of parental consent. Though the legislation has some exceptions, the bill radically restricts life-saving care for transgender children. HB 574 excludes trans girls and women from competing on teams that do not align with their gender assigned at birth at the middle school, high school, and collegiate level. Put simply, trans girls and women would have to compete on men’s teams or not participate in sports at all.

Finally, SB49 implements a ban on teachers’ discussions of gender identity and sexual orientation from kindergarten to the 4th grade. It further requires that teachers of students of all ages within K-12 environments report to parents a change in their students’ pronouns. Teachers would then have to get written consent from teachers to refer to students by pronouns of their choice. Notably, the provisions of SB49 do not apply to private and charter schools – state representative Laura Budd (Mecklenburg County) has called this “yet another unfunded mandate for public schools.”

Governor Cooper vetoed each bill, but because of the supermajority in both chambers, the House and Senate voted to override the gubernatorial veto. The laws went into effect on August 16, 2023, and constitute a grave threat to the health and welfare of North Carolinian children. As of October 2023, the ACLU is tracking 501 anti-trans bills. ■

Police Confrontations with Unhoused People

The ACLU of NC has been responding to an alarming trend of escalating violence against unhoused people. We have sent letters to both Greensboro and Robbinsville officials condemning their respective practices that are infringing on civil liberties. The actions of city officials include threats to take away property

from unhoused people and legal restrictions to sleeping or “loitering” in public spaces. These actions reflect a callous disregard for the welfare of people who are unhoused. Unfortunately, this is a statewide trend—in 2021, fifteen community members were arrested and charged with felony littering following a protest

in Aston Park challenging the city’s treatment of unhoused people; the fifteen protesters were banned from Asheville parks for three years. These interventions do not address the housing crisis, and instead further stigmatize unhoused people—we’ll continue to advocate for humane treatment of all North Carolinians. ■

Gerrymandering Threatens Democratic Representation in North Carolina

North Carolina Republicans recently approved a gerrymandered congressional map, consolidating their power and potentially shifting the delegation from an even split to 10 Republicans and three Democrats, with just one competitive district. This move has raised concerns about erasing Democratic representation and potential challenges under the Voting Rights Act. The situation is exacerbated by a recent shift in North Carolina's state Supreme Court towards a Republican majority, which could set a troubling precedent

for other Republican-controlled states looking to consolidate power without judicial scrutiny. Gerrymandering in North Carolina disproportionately silences and disenfranchises voters of color by strategically manipulating electoral district boundaries to dilute their political influence and limit their ability to elect representatives who truly reflect their interests and concerns. We remain committed to standing against gerrymandering efforts and safeguarding fair representation in the face of these concerning developments. ■



Community members protest gerrymandered maps that will impact election outcomes for years to come.

The North Carolina Budget

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cannot underestimate the impact. In North Carolina, the state legislature tied Medicaid expansion to passing the budget, which means that while the budget was delayed, hundreds of thousands of people did not have Medicaid coverage. Beyond the dire consequences of stalling Medicaid expansion, the reality of a delayed budget is stark for us all: North Carolinians are consistently paying taxes. The money from those taxes is then divvied up to provide the services, programs, and infrastructure necessary for our state to run; delays in the allocation of our resources are a disservice to us as taxpayers. Unlike in some other states, we can breathe a little easier knowing that delays in budget enactment in North Carolina will never result in a shutdown; NC lawmakers changed a law several years ago and it now stipulates that if a new budget is not passed, or is delayed in its passage, the state will continue to fund its programs based on the allocations approved the previous year.

This year, Republican legislators unveiled the final budget agreement in September and passed it quickly—less than 48 hours after it was presented. Governor Cooper said he had various concerns about the budget but allowed it to go into law without his signature to avoid further delays in Medicaid expansion. The quick turnaround is especially striking when you factor in that the budget, like most others, is a behemoth—clocking in at 625 pages. Having less than 48 hours to review the bill after it was released

“Make no mistake, overall this is a bad budget that seriously shortchanges our schools, prioritizes power grabs, keeps shady backroom deals secret and blatantly violates the constitution, and many of its provisions will face legal action.”

Governor Roy Cooper

to the public limits the opportunity for engagement, review, and final additions/negotiations, even from other legislators. With a budget that allocates \$30 billion in taxpayer money, it’s imperative that the legislative process allows ample time for review and engagement.

Here are some highlights from the budget that we think all North Carolinians should be aware:

- The budget expands the powers of the Joint Legislative Commission on Governmental Operations, or Gov Ops. The committee is comprised of lawmakers from the majority party, “study the efficiency, economy, and effectiveness of any State agency, public authority, unit of local government, or non-State entity receiving public funds.” The law also allows committee members access to all state and local governmental agency buildings in the course of their investigations. Those who fail to cooperate can be subjected to a criminal penalty.
- The budget stipulates that the personal income tax rate will decrease incrementally during this

biennium. It is currently at 4.75% and will decrease to 3.99% in 2026. This has for a long time been a goal of the NC Republican Party, but Democrat Representative Deb Butler has said that these tax cuts “aren’t necessary” and that we should expect that they are “going to create shortfalls for us in the very near future.”

- The budget allocates millions of dollars for anti-abortion centers, organizations that counsel people not to get an abortion, often using coercive and deceptive tactics. Given the increasingly restricted access to abortion with the passage of SB20, the investment in these centers proves a threat to reproductive justice and bodily autonomy across the state.
- The budget includes a 4% raise for most state employees, including teachers, this year and a 3% raise next year. However, given the delays in the budget passage, state employees will receive the raise retroactively as a lump sum, which can push them into a higher tax bracket, negating the gains of the raise.

Despite some positive inclusions, namely the expansion of Medicaid, Governor Cooper said of the hastily passed legislation: “Make no mistake, overall this is a bad budget that seriously shortchanges our schools, prioritizes power grabs, keeps shady backroom deals secret and blatantly violates the constitution, and many of its provisions will face legal action.”

As Cooper has outlined, there are avenues for redressing the budget and its consequences. The ACLU of NC is committed to advocating for our communal needs and for the equitable and just allocation of our resources—we’re glad you’re with us. ■



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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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