



North Carolina Needs **Smart Justice**

The United States has the shameful distinction of being the world's leading jailer, keeping more people behind bars than any other nation on earth.

In North Carolina and across the country, this epidemic of mass incarceration has exacted a devastating toll: ruining lives, dividing families, targeting people of color, wasting taxpayer dollars, and doing nothing to make our communities safer.

To combat these injustices, the ACLU of North Carolina is joining ACLU affiliates across the country in an unprecedented, nationwide effort to overhaul our broken criminal justice system and implement a new vision for

justice in America. Our Campaign for Smart Justice aims to cut the U.S. jail and prison population in half and ensure that people are not treated differently based on the color of their skin or the size of their bank account.

In North Carolina, the reality is that too many people are in jail, for too long, for one simple reason: because they are poor. The ACLU is working to combat the criminalization of poverty by ending two major injustices in our state's criminal justice system.

The For-Profit Bail System

Thousands of North Carolinians – a disproportionate number of them black and brown people – are being kept in

jail before they have even been convicted of a crime because they can't afford to pay the bail that would allow them to go home while waiting for their day in court.

The theory is that paying bail makes it more likely that you will show up for court. The reality is that bail is a multi-billion dollar industry, with for-profit companies and the criminal justice system squeezing money out of people who are disproportionately poor and working class.

People who can't afford money bail are held in jail. Those who can are sent home.

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From the Executive Director

Resistance is Not Enough



Karen Anderson

Dear friend,

As assaults on our rights continue in 2018, resistance will not be enough. We must rise to meet this moment and take bold, proactive actions to defend our freedom.

The ACLU's Campaign for Smart Justice is an unprecedented, multiyear effort to reduce the U.S. jail and prison population by 50% and combat racial disparities in the criminal justice system. (Cover story: "North Carolina Needs Smart Justice").

We have a long fight ahead to make our vision of Smart Justice a reality.

In North Carolina, we are working to build a coalition of partners across the state so that together we can organize, make our voices heard, and push for change. We will deploy all of our tools – from litigation and advocacy, to public education and mass communication – to ensure that we no longer have two justice systems: one for the rich, and one for the rest of us.

To help us meet these challenges, I am thrilled to announce new expansions to our team: Lekha Shupeck, our statewide advocacy and campaigns manager, and Sneha Shah and Emily Seawell, our two new staff attorneys. You can read more about them and their roles on acluofnc.org

With greater resources, we will continue to protect the rights of immigrants and refugees, advance equality for LGBTQ people, and ensure people have access to abortion and reproductive freedom.

Our most important partner in this work will be you, our members and supporters. Thanks to your generous support and passionate advocacy, our power to protect justice for all will only grow.

Thank you for standing with us,

Karen M. Anderson
Executive Director
ACLU of North Carolina



ACLU members and supporters from across the state rallied for civil rights and civil liberties at the annual HKonJ People's Assembly Moral March in Raleigh on February 10.

Five Months of My Life, For What?



Cash bail harms countless lives. Here's one North Carolinian's story.

North Carolina's unjust system of cash bail keeps thousands of people in jail not because they have been found guilty of a crime, but because they cannot afford to pay for their freedom before their trial. Many are released only after they turn to for-profit bail bonds companies that can trap people in years of debt.

Domeniyce Harris (pictured above) knows this injustice all too well. Harris, 28, is a resident of Spring Hope, North Carolina, who served in the Army Reserve and studied business management and accounting at a local college. In 2017, he spent the months of August, September, October, November, and December locked up in jail while being held on bail for a crime he says he did not commit.

In August 2017, Domeniyce says he was walking into a Wal-Mart when he was approached by a person who asked for his help. They wanted to recycle a cell phone

at one of the store's kiosks that gives cash in return for old devices. But the machines required an ID, and they forgot theirs. Domeniyce says he agreed to help out, and scanned his ID into the machine. Two weeks later, he got a call from a police detective, who asked to meet. The next day, seated next to his father, Domeniyce was told that the phone was stolen. He was arrested immediately and charged with attempting to obtain property by false pretense.

Domeniyce was brought to the Wake County Detention Center. His bail was originally set at \$10,000, the maximum for that charge. When he asked a judge if it could be lowered, the judge instead raised his bail to \$25,000, citing an incident years earlier when Domeniyce pled guilty to a misdemeanor.

Domeniyce spent the next five months incarcerated, without a conviction or trial. Kept away from his friends, family, and community, Domeniyce missed

Thanksgiving, Christmas, birthdays, and the death of family members. He was unable to work or continue his education.

At a January 4 hearing, his bond was finally lowered to \$17,000, and his father was able to co-sign an agreement with a bail bonds company to pay for his freedom.

"It's not a bond, it's a ransom," Domeniyce said. "Basically what [the court] says to parents is, how much do you love your kids?"

Now Domeniyce is working at two different fast food restaurants to make his payments to the bail bond company — \$100 every two weeks, plus interest.

He is still waiting for his trial date but believes that he will be found not guilty, or that his charges will be dropped. "Even if I win [in court], I still lose," he said. "That's time I can't get back. I gave five months of my life, for what?" ■

Lawmakers Want to Destroy the State's Only Farmworkers Union. We're Suing.

Farmworkers have long been excluded from federal and state labor laws. As a result, they face high risks to their health and safety, substandard living conditions, and abuse and exploitation by their employers.

More than 100,000 farmworkers provide labor to North Carolina farms, helping to generate more than \$12 billion for the state economy and put food on the tables of people across the state. More than 90 percent of the state's agricultural workers are Latinx and the vast majority work seasonally, many under temporary H2A visas.

Working tirelessly to protect and advocate for these workers is the Farm Labor Organizing Committee (FLOC), the only farmworkers union in North Carolina.

Last year, the state legislature directly targeted FLOC by passing Senate Bill 615, the North Carolina Farm Act of 2017, which makes it all but impossible for the union to operate effectively. (The law was sponsored by state Sen.

Brent Jackson, the owner of Jackson Farming Company, which was recently sued by Latinx farmworkers with FLOC's assistance.)

In response, the ACLU, along with the Southern Poverty Law Center and North Carolina Justice Center, are representing FLOC in a federal lawsuit that argues that the law impedes farmworkers' First Amendment right to participate in unions and discriminates against FLOC's overwhelmingly Latinx membership.

The law bars farmworker unions from entering into agreements with employers to have union dues transferred from paychecks — even if the union members

The law bars farmworker unions from entering into agreements with employers to have union dues transferred from paychecks — even if the union members want it, and even if the employer agrees.

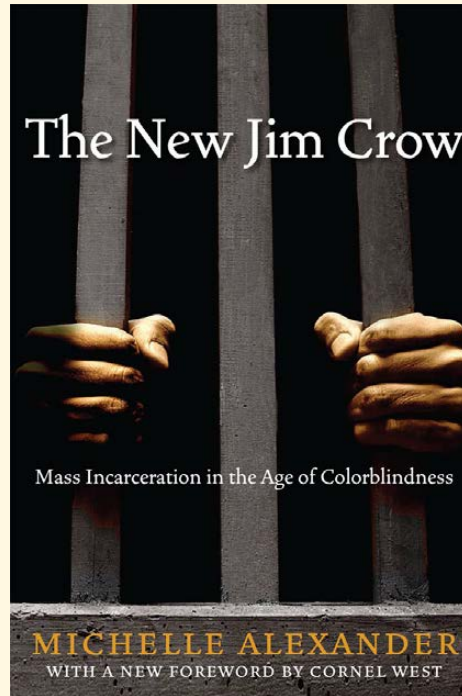
even if the employer agrees. It also prohibits agricultural producers from signing any agreement with a union relating to a lawsuit. Together, these two restrictions severely limit FLOC's ability to advocate for better working conditions such as higher wages and an end to exploitative recruitment fees and blacklisting.

Whatever North Carolina legislators might think, the Constitution does not give them the authority to suppress labor movements. We're fighting to make sure that FLOC and its members can continue to advocate, loudly and proudly, for farmworkers' interests. ■



Arturo Hernandez has worked as a farmworker in Sampson County for seven years on an H2A visa. Last year he fractured his leg on the job while picking watermelon in the field and had to be on crutches for two months. "I believe the union [FLOC] is good because it can help people who are injured," he said.

North Carolina Did Not Want People in Prisons to Read this Book



In the preface to “The New Jim Crow: Mass Incarceration in the Age of Colorblindness,” her award-winning book

that examines how racial injustice fuels mass incarceration, Michelle Alexander writes, “I am writing this book for all those trapped within America’s latest caste system.”

But in North Carolina, those trapped in that system were not allowed to read what Alexander wrote

for them – until the ACLU of North Carolina intervened.

When we learned that “The New Jim Crow” was on a list of publications that are banned in state prisons, we contacted officials to demand that the ban be lifted.

Our letter explained that banning “The New Jim Crow” not only violates the First Amendment rights of prisoners,

but is “cruelly ironic,” given its subject matter: an explanation of how the criminal justice system is a “well-disguised system of racialized social control that functions in a manner strikingly similar to Jim Crow.”

In North Carolina, Black people are less than a quarter of the state’s population yet represent more than 52 percent of the state’s prison population. For a state with such

stark racial disparities in its criminal justice system to keep a book about racial injustice away from those incarcerated is shameful, wrong, and unconstitutional.

Less than 36 hours after our letter, officials agreed to allow “The New Jim Crow” in prison libraries and review the entire list of books banned in prisons. ■

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Smart Justice

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Mandatory Court Fines and Fees

Thousands more are in jail or trapped in a cycle of debt because they cannot afford to pay the series of court fines and fees that people are ordered to pay when they are convicted of any crime, even a speeding ticket. These costs start around \$200 but can snowball to more than \$10,000. You can be required to pay fees for court, jail, probation, electronic monitoring, drug testing – even community service.

If you can’t afford the bill, the court slaps on another fine, increasing your debt. This cycle keeps people in jail, away from their family, jobs, and community. Coercive debt collection forces poor people to forgo the basic necessities of life in order to avoid arrest and jailing. It also wastes resources by jailing people who may never be able to pay their debts.

In this racially-skewed, two-tiered system of justice, the poor receive harsher, longer punishments for committing the same crimes as the rich, simply because they are poor.

We can’t end mass incarceration without ending the criminalization of poverty through these dual systems. The North Carolina Campaign for Smart Justice will be a statewide, multiyear effort to make sure that a person’s freedom does not depend on their ability to pay. ■

Join our campaign and learn more by coming to our Annual Membership Meeting on May 20 at the McKimmon Conference Center at N.C. State University in Raleigh. See back page for details or visit acluofnc.org/SmartJustice.

ACLU-North Carolina Board Elections

Meet the Candidates

Marisol Barr

Washington, NC
Foreign Language Interpreter

I was born in Concepcion, Chile. I can provide insight about being an immigrant and how you can achieve your dreams listening to each other and working in unity and understanding for the benefit of all. I worked as a Court Advocate and Hispanic Outreach Coordinator for a nonprofit in Hyde, Tyrrell, Washington, Martin and Beaufort counties. I also worked as a Public Relations Specialist for Martin Community Action where much of my work was as a liaison to the Latino community. I am a former member for Habitat for Humanity at Beaufort County and former member of the City of Washington Human Relations Council. I have served on the Domestic Violence Commission as a representative of Linguistic Minorities and as a Chair of the Governor's Advisory Council on the Hispanic/Latino Affairs. I would like to put all my skills and talents serving North Carolinians.

Wilhelmina Bratton

Asheville, NC
Former City Council member

I am a life-long permanent resident of Asheville and graduate of UNC-Asheville with nearly 40 years of professional policy-making and comprehensive knowledge of NC. I served on the Asheville City Council for approximately ten years,

two of which as Vice Mayor (the first Black American Vice Mayor of Asheville); Acting Director/Business Manager, State of NC, ARC, Black Mountain, NC; and Member of the NC Crime Commission. Professional and communities services include (but not limited to) American Foresters' Leadership Academy; Senior Leadership Program (FS); fellow for the Society of American Foresters; Chapter member, Delta Sigma Theta Sorority; Rotary Club member (Chairperson, Board of Directors, Foundation Board), Washington, DC; Agriculture Federal Credit Union (Chairperson, Board of Directors). My wealth of experience and qualifications can be an asset to the ACLU, and I respectfully ask the membership to support my candidacy.

Olivia Ensign

Durham, NC
Attorney

I'm an attorney at the National ACLU's Capital Punishment Project, where I provide direct representation for indigent defendants on death row throughout the South. During law school I interned at the NAACP Legal Defense and Educational Fund, the ACLU Racial Justice Program, and a public interest law firm focused on civil rights. I was previously a Program Assistant at the Quaker United Nations Office in New York, where my work contributed to peacebuilding efforts in fragile and conflict affected countries. North

Carolina is my adopted home and I care deeply about the issues affecting marginalized groups in this state, such as disenfranchisement, racially-biased policing, the criminalization of poverty, and discrimination against LGBTQIA folks. My motivation to join the board stems from my desire to contribute to and to be a resource in these efforts.

Faisal Khan

Carrboro, NC
Human rights activist and community organizer

I founded the Carolina Peace Center, a grassroots nonprofit organization that works to develop and organize a strong collaboration between all communities. Our mission is to promote tolerance and peaceful activism while advocating for at-risk and marginalized communities. Through CPC, I have organized refugee events with interfaith groups to garner support for incoming refugee families and increase cultural awareness. I seek to unite secular and faith communities to work in partnership with political and community leaders to produce non-biased policies and laws that protect all people. I am also an outspoken proponent for immigrants including DACA recipients. As an editor for international newspapers in the Caucasus region, I worked with the U.N. and NGOs on healthcare and social programs for women and orphans. My valuable

domestic and international experience, my work with diverse communities, and my awareness of political and social challenges can be very beneficial to the ACLU.

Elaine Martin

Chapel Hill, NC
HR Consultant

I've lived in North Carolina for the last 20 years and have worked in banking, aviation and consulting. I have an MBA in Finance, a BA in Psychology, and a Commercial Pilot Certificate. I'm at a stage in my life where I devote full time to nonprofit work and my consultancy. For the last 20 years, I have been heavily involved in nonprofits focused on LGBT advocacy but have also served on boards as diverse as musical theater and a living history museum. Most recently, I spent over six years on the board of Equality North Carolina (ENC), concluding as chair, and held a leadership role in all aspects of nonprofit governance including fundraising, two Executive Director searches, conflict resolution, treasury, and strategic planning. I serve on the boards of the Raleigh Business Professional Network and North Carolina AIDS Action Network as Treasurer.

Gregory Parks

Winston-Salem, NC
Law professor

I'm a lawyer and PhD psychologist. As a law professor at Wake Forest University, my research focuses on race and law

issues. I have authored or edited nearly ten scholarly books, and specifically focus on what implicit (automatic/unconscious) attitudes and biases portend for the law, as well as black fraternal networks and their relation to the law. I serve on the board of the local chapter of the Urban League and nationally on the executive committee of the National Bar Association of civil rights division. I am generally interested in social justice and civil rights issues. I am also interested in organizational governance.

Taiyyaba Qureshi

Apex, NC
Attorney

I have served on the ACLU-NC's board since 2017 and on its Legal Committee since 2014. As a Muslim woman with local community advocacy and civil rights lawyering experience, I hope that my voice continues to add necessary perspective and diversity to the board. My family are immigrants from Pakistan. I grew up in Raleigh and was always active in the local Muslim and Asian immigrant community. After graduating from UNC School of Law, I worked at the UNC Center for Civil Rights and then the Legal Aid Fair Housing Unit. Now a mother to two boys, I spend my time enjoying their childhood and my community. This is a trying time for our nation and for communities of color and special need in particular. I admire the ACLU's

multi-faceted approach to advancing civil rights and civil liberties. I want to continue to be part of the ACLU's essential work.

Wayne Riggins*

Fayetteville, NC
Ophthalmologist

As a retired Army officer and gay man, I understand defense of liberties in a three-dimensional way. As the grandson of sharecroppers with grade school educations and parents with G.E.D.'s, I understand that public education should be an equal access priority. As a physician, I understand that healthcare is not a luxury. These experiences inform my public service. As a citizen soldier, I know the fight for rights occurs on battlefields abroad and in precincts, on Boards, Task Forces, Commissions, Caucuses, and in the media at home; so I have served in different capacities at Fayetteville State University, on Equality NC's board, as a Delegate to the Democratic National Convention (2008, 2012), as a NCDP Executive Committee member, and as 2nd Congressional district LGBT caucus chair.

**Running for reelection*

Adam Stein

Chapel Hill, NC
Civil rights lawyer

I've been a civil rights lawyer for more than 50 years, working on cases involving voting, school desegregation, employment discrimination, criminal law, and the death penalty. In 1967 I joined Julius Chambers to form the South's first integrated civil rights law firm. I previously served the ACLU-NC as a cooperating attorney, board member, and chair

of the legal committee. I also received the Frank Porter Graham Award, the ACLU-NC's highest honor. I established North Carolina's Office of, and served as the first, Appellate Defender. I've served in various roles with the Indigent Defense Services Commission, the Orange County Bar, the NC Academy of Trial Lawyers, the Association of Trial Lawyers of America, and the Center for Death Penalty Litigation. For over 50 years I've been a member and strong supporter of the ACLU. As a nearly retired lawyer, I have the time and interest to participate in its important work.

Teuta Shabani Towler

Kill Devil Hills, NC
Online marketer, business owner

I'm a Kosovo-American immigrant who has experienced communism, socialism, the war, and now capitalism. I've seen discrimination in every system, which is why I've been a human rights activist all my life, and I want to serve on the ACLU-NC board. As a founder of the nonprofit, Woman's Life, I raised over \$1.5M in grants and private donations. Currently, I serve on boards with the Dare County League of Women Voters, Outer Banks Hotline, and SCORE Outer Banks. I'm a collaborative problem solver who believes there's always a solution and I don't stop until I find it. It's how I survived communism, the war, adapting in the U.S., raising two children, and now growing my business. My skills include strategic planning, online marketing, and financial management. I will bring these strengths and my dedication to the board of the ACLU-NC.

Kenneth Wade

Charlotte, NC
Small Business Owner

I had an extensive career in nonprofit organizations including the YMCA, a community center and an anti-poverty agency in Boston, where I lived most of my life until 2003, when I moved to Washington, D.C., to work for Neighborworks America, a community development and housing organization where I worked for 21 years, the last six as CEO. I also worked for five years as the National Community Affairs Executive at Bank of America, and currently co-own a home based business with my wife. I have also lived in Virginia and South Carolina. I have participated in a wide variety of social issues including, anti-police brutality work, black political empowerment and Southern Africa support work. I am a certified nonprofit trainer with Board Source and have experience with public education and interacting with public officials. I reside in Charlotte and have been married to Juanita Wade for 47 years. We have 3 children and 2 grandchildren.



ACLU-NC Board of Directors

Ballot

Please vote by marking one square next to each candidate you support. Each member may vote for up to seven (7) candidates on this ballot. Two members at the same address who share a joint membership should use both squares.

INDIVIDUAL	JOINT	
<input type="checkbox"/>	<input type="checkbox"/>	Marisol Barr
<input type="checkbox"/>	<input type="checkbox"/>	Wilhelmina Bratton
<input type="checkbox"/>	<input type="checkbox"/>	Olivia Ensign
<input type="checkbox"/>	<input type="checkbox"/>	Faisal Khan
<input type="checkbox"/>	<input type="checkbox"/>	Elaine Martin
<input type="checkbox"/>	<input type="checkbox"/>	Gregory Parks
<input type="checkbox"/>	<input type="checkbox"/>	Taiyyaba Qureshi
<input type="checkbox"/>	<input type="checkbox"/>	Wayne Riggins <i>Running for reelection</i>
<input type="checkbox"/>	<input type="checkbox"/>	Adam Stein
<input type="checkbox"/>	<input type="checkbox"/>	Teuta Shabani Towler
<input type="checkbox"/>	<input type="checkbox"/>	Kenneth Wade

Please clip and send along with your name(s) and return address to:
**ACLU-NC Board Elections,
PO Box 28004
Raleigh, NC 27611-8004**

Who Can Vote: Under the bylaws of the ACLU of North Carolina, only current dues-paying members can vote in board elections.

Instructions for Voting: The candidates are listed in alphabetical order. We have 11 candidates running to fill 7 open seats on our Board of Directors. Each ACLU member may vote for up to 7 candidates. A member cannot vote for the same candidate twice. Voting for more than 7 candidates will disqualify your ballot. For individual memberships, vote for a maximum of 7 candidates. For joint memberships (two members with the same mailing address), each member may vote for a maximum of 7 candidates, with one member voting for up to 7 candidates under the column marked "individual" and the second member voting for a maximum of 7 candidates under the column marked "joint." You can return your ballot using the enclosed envelope. Please include your name and return address so we can verify your membership status.

Voting Deadline: In order for your ballot to be counted, we must receive it at P.O. Box 28004, Raleigh, NC 27611-8004 by Friday, May 18, or you may cast your vote in person at the ACLU-NC's Annual Membership Meeting on Sunday, May 20, in Raleigh. See back page for details.

ACLU

North Carolina

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YOU'RE INVITED

ANNUAL MEMBERSHIP MEETING **MAY 20**

Join us at this year's annual meeting on Sunday, May 20, at 2 p.m. at the McKimmon Conference & Training Center in Raleigh! It will feature an expert panel on our state's shameful system of cash bail and how it has created a two-tiered system of justice in North Carolina. Attendees will learn how to get involved with our new Campaign for Smart Justice to end mass incarceration and combat racial disparities in the criminal justice system and also vote for members of our board of directors.

Learn more and RSVP at acluofnc.org.

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