

Liberty

ACLU OF NORTH CAROLINA NEWSLETTER WINTER 2020

WE THE
PEOPLE
DARE
TO CREATE
A MORE
PERFECT
UNION



Steve Remick

Rev. Gregory Drumwright leads a march to the polls on Election Day in Graham, N.C.

Defending Voting Rights in a Tumultuous Election

After a tumultuous campaign season, Joe Biden is the President-Elect, and Kamala Harris will soon be the first woman and first woman of color to hold the office of Vice-President. That should be the end of the story, but it's not.

The undemocratic behavior demonstrated by President Trump and other elected officials over the past four years in office continues. As this newsletter goes to print, Donald Trump refuses to concede the election and has removed top security and defense officials from their posts, replacing them

with loyalists. Unless something has changed before you read this, it appears that President Trump is taking brazen steps to retain power.

This is yet another attack on our fundamental democratic values from this administration. There have been so many civil rights and civil liberties violations over the past four years, that our national organization and affiliates across the county have filed over 400 lawsuits against the Trump administration.

Our preparations for the 2020 election started in October 2019 when we filed a

public records request seeking disclosure of documents related to law enforcement preparations for the 2020 Republican National Convention (RNC) in Charlotte. Anticipating protests around the event, we sought information about the equipment or weapons the Charlotte-Mecklenburg Police Department (CMPD) obtained that could be used against peaceful protesters expressing dissent. When the CMPD refused to release the public records, we sued.

In June, we saw CMPD use violence and chemical weapons against people peacefully protesting police killings

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North Carolina

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From the **Executive Director**



It's fair to say that things will never be the same after 2020. They can't be.

After four years where norms were challenged, our democratic institutions were put to the test, and space was given for white supremacy to thrive in ways I never would've imagined, we can't simply go back to the way things were before 2016.

The notion that our democratic institutions are strong enough to prevent fascism from ever taking root has been shattered. We now know, without a doubt, that our democracy is fragile and must be strongly defended. That's what the ACLU has been doing for the last 100 years, and that's what we will continue to do.

While we have never wavered in our fight for justice and civil liberties, it's clear that we must return to our roots and the work that brought our state ACLU affiliate into existence—the fight against white supremacy.

Like many ACLU affiliates in the South, the ACLU of North Carolina was born out of the racial violence of the 1960s. Jim Crow policies and lynchings were the markers of injustice at that time. Today, the markers come in the form of mass incarceration, police violence inflicted upon communities of color, inadequate healthcare, underfunding of education and housing, and the propagation of the school-to-prison pipeline. Our southern roots are still holding up the tree that once provided the branches for lynchings, and the tree's leaves have provided shade and comfort to white supremacy for far too long.

Your staff at the ACLU of North Carolina continues to meet these challenges. We are proud to recommit our organization to dismantling white supremacy and the patriarchy and ensuring that civil liberties and freedoms are extended to all North Carolinians.

We are thankful for your support as we continue this fight for justice.

Chantal Stevens

Executive Director of the ACLU of North Carolina

We Won't Go Back:

The fight for reproductive justice and body autonomy continues.

Civil rights victories are never permanent and must be constantly defended. Each generation inherits the responsibility of preserving the progress gained by our predecessors in the unfinished challenge of securing justice and liberty for all. In the decades since *Roe v. Wade*, it has been a constant struggle to defend reproductive freedoms, a task made more challenging by the recent passing of Justice Ruth Bader Ginsburg. There is considerable doubt as to whether or not safe access to reproductive care can withstand relentless attacks in federal courts without Justice Ginsburg on the Supreme Court. In North Carolina, safe access to abortion has been besieged for years. Even with *Roe* in place, state

lawmakers have imposed unnecessary burdens and barriers that have pushed access to care out of reach for many North Carolinians. As you would expect, we sued.

Along with the national ACLU, Planned Parenthood, and the Center for Reproductive Rights, the ACLU of North Carolina brought a state court case challenging five specific restrictions, including:

- The ban on qualified advanced practice clinicians from providing abortions;
- A medically unnecessary licensing scheme that arbitrarily singles out abortion providers;
- The ban on the use of telehealth for medication abortion;
- A requirement that providers deliver state-mandated biased counseling with no medical benefit to their patients; and,
- A mandatory 72-hour delay for patients seeking an abortion.

SisterSong, an organization dedicated to improving institutional policies and systems that impact the reproductive lives of marginalized communities, is a plaintiff in the case. Their leadership as plaintiffs helps ensure that the interests of Black, Brown, and indigenous people are firmly centered in this pursuit of justice.

It must be noted that litigation is not the only avenue through which we are fighting to protect access to abortion care. Earlier this year, we partnered with the Carolina Abortion Fund to launch a text-based service

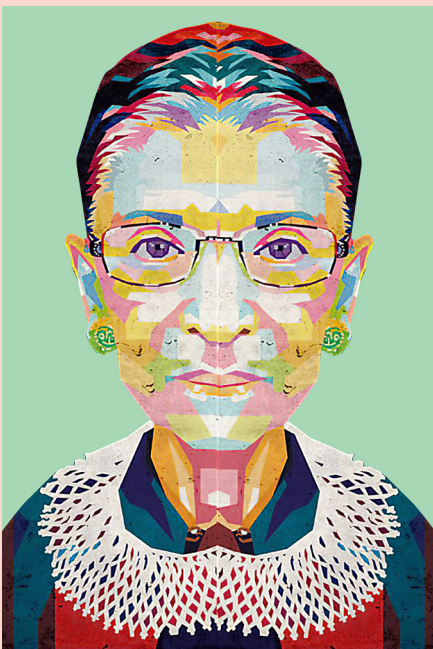
to help minors navigate the process for obtaining judicial waivers to obtain abortion care without parental consent.

Judicial waivers are essential because parental consent isn't an option for some people. While the majority of young people consult a parent or trusted adult before seeking an abortion regardless of whether the law requires it, young people should not be denied their constitutional right to abortion if they do not have a family member with whom they can openly speak about their reproductive decision-making.

So far, TextAbby has helped more than 40 people obtain waivers. Additionally, we have recruited and trained over 40 attorneys across North Carolina to represent young people at judicial waiver hearings, many through a continuing legal education (CLE) program developed by our reproductive freedom fellow Liz Barber.

Teens needing information about navigating the judicial waiver process can text 844-997-2229 to reach Text Abby support staff or visit carolinaabortionfund.org/teens-abortion.

As our reproductive freedom work moves forward, we remain inspired by the life and work of Ruth Bader Ginsburg who co-founded the Women's Right Project at the ACLU. This work is part of her legacy, and we know just how high the stakes are. ■



Justice Ruth Bader Ginsburg (1933-2020)

1920

ACLU is founded

1925

Defended academic freedom and science

1943

ACLU stands alone in fighting against Japanese internment

19

Joined NAACP to fight segregation in public schools



1973

ACLU advocates for balance of powers during Nixon administration

2001

ACLU protects civil liberties and fights discrimination in 9/11 aftermath

2014

ACLU-NC helped win freedom to marry in North Carolina

20

ACLU-NC challenged NC's sweeping LGBTQ law, leading to its repeal

ACLU

1954

Challenge racial segregation in public schools

1965

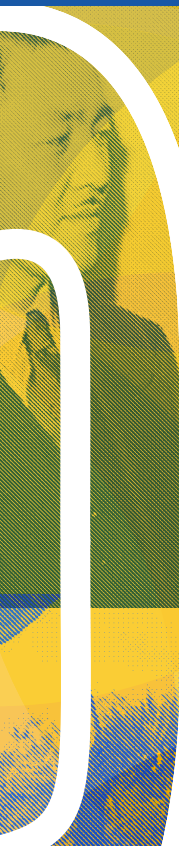
ACLU of North Carolina founded in Greensboro

1967

Loving v. Virginia: ACLU defeats racist marriage bans

1971

ACLU Women's Rights Project established by Ruth Bader Ginsburg



OLIVER BROWN, MRS. RICHARD LAWTON,
MRS. SADIE EMMANUEL, et al.,
Appellants,
vs.
BOARD OF EDUCATION OF TOPEKA, SHAWNEE
COUNTY, KANSAS, et al.,
Appellees.

BRIEF ON BEHALF OF
AMERICAN CIVIL LIBERTIES UNION
AMERICAN SOCIETY OF JEWRY
AND OTHERS IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS

Timeline



Challenged anti-immigrant anti-H.B. 2

Successfully blocked the Trump administration's Muslim ban

Fought family separation at the border

ACLU-NC sued to stop spread of COVID-19 in prisons

2016

2017

2018

2020

Defending Voting Rights in a Tumultuous Election

continued from page 1



Steve Remick

Alamance County Protests

of Black people. Joining forces with Charlotte area attorneys, we sued to stop the use of the dangerous tactics being employed by CMPD to quell dissent. The dangers of an over-militarized CMPD were clear and the consequences were severe. We continue to litigate both cases: first, to stop the use of tear gas and other weapons against peaceful protestors, and second, to ensure that the public is aware of the equipment and munitions CMPD obtained for the RNC and may employ against North Carolinians exercising their First Amendment rights of protest, speech, and assembly in the future.

Our Charlotte public records case was not the only election-related litigation undertaken by the ACLU of North Carolina this year. In July, we filed a lawsuit challenging absentee ballot witness requirements that

needlessly put North Carolinians at risk of exposure to COVID-19. Recognizing that Black and Latinx communities, the elderly, and people with underlying health conditions have been disproportionately hard hit by the pandemic, it was important to try to remove barriers and risks people could face when voting. While the case was unsuccessful and the witness signature requirement remained, we implemented additional strategies to safely engage and inform voters while protecting the fundamental right to vote.

Our engagement work was multifaceted, and would not have been possible without our broad team of organizers, attorneys, communicators, and administrative staff. We implemented strategies to combat voter suppression efforts that disproportionately disenfranchise Black and Brown voters,

young voters, and voters who were formerly incarcerated.

We helped people who were recently released from the criminal legal system register to vote. We released candidate scorecards for select races in Wake and Mecklenburg Counties to inform the public where the candidates stand on important issues that affect our everyday lives and that you care about, including over-policing, justice reforms, and ending the school-to-prison pipeline. With coalition partners, we held a candidate forum, socially distanced get-out-the-vote parties, served as vote protectors at specific precincts, and were heavily engaged in the state's Election Protection Coalition.

While many concerns about potential violence and voter intimidation never came to pass, that was not the case in Alamance County, where police attacked peaceful participants in a march to the polls on the last day of early voting. Riot gear clad police used pepper spray to disperse demonstrators, many of whom were Black. Children, the elderly, and people with disabilities struggled from the effects of law enforcement's indiscriminate use of chemical weapons. The incident garnered international attention. We immediately filed a federal lawsuit to protect the rights of protesters and voters.

To meet the demands of this election, we used every tool in our toolbox to protect and defend North Carolinians' fundamental right to vote. This work would not have been possible without our skilled staff and proud ACLU members like yourself. We know that there is always more to do. With you by our side, we are confident that we can meet the challenges that lie ahead. ■

Upholding Your Right to Protest

While it is a fundamental right protected by the First Amendment, engaging in acts of protest is never without risk, especially for people of color. This year, we have repeatedly defended the right of people to exercise free speech, assemble in protest, and petition the government for a redress of grievances.

After the murders of Ahmaud Arbery, Breonna Taylor, and George Floyd, people took to the streets demanding justice in cities throughout the country, including North Carolina. Unfortunately, calls for justice were often met with police violence.

That was the case in June when the Charlotte-Mecklenburg Police Department (CMPD) trapped peaceful protesters, including our own Kristie Puckett-Williams, Campaign for Smart Justice Manager, within a city block and tear gassed them in a planned and coordinated attack. In the decades since *Roe v. Wade*, it has been a constant struggle to defend reproductive freedoms, a task made more challenging. Since then, CMPD has changed many of its policies on the use of tear gas and dispersal orders, and we will push for even more protections as the case moves forward.

In addition to the legal challenge, Kristie-Puckett-Williams, manager of the Campaign for Smart Justice, worked with community members and activists to establish a jail support program to provide services and resources to people coming out of jail. The jail support station was forcefully removed from by the Mecklenburg County Sheriff's Office in September, an injustice we continue to fight.

Police violence during the summer uprisings for racial justice also sparked controversy in Alamance County. We jumped into action when protesters were denied access to public spaces on the grounds of the historic Alamance County courthouse in Graham, NC. Outside of the courthouse stands a Confederate monument, an idol to white supremacy that towers over the community. The monument sends a stark message to people of color entering the courthouse seeking equal justice and treatment under the law. Community members have every right to gather on the courthouse grounds to demand the removal of the racist monument, and we secured a preliminary injunction from a federal court to protect that right.

Community voices are instrumental in bringing about progress and cultural change. It is often the voice of the marginalized, criminalized, and those failed by our systems and institutions that alert us to the path for justice. As we all endeavor to make our country a more perfect union, we must ardently defend the right to speech, protest, and assemble for all seeking to advance justice. ■

A Shot at Redemption



Ongoing vigil outside the Governor's Mansion in Raleigh

Many of us are fortunate enough to spend time with family and friends over the holidays. Unfortunately, that is not possible for the more than 30,000 people who are currently incarcerated in North Carolina's prisons.

We know that racial disparities exist within the criminal legal system. We also know that the consequences of those disparities compound generations of inequity and injustice for communities and families of color.

Black North Carolinians make up 22% of North Carolina's population but account for more than half of the people incarcerated in the state. And while the state's prison data fails to report how many Latinx people are incarcerated, national statistics show that Latinx community members are incarcerated at a rate about 2 times higher than non-Latinx whites. We must recognize that incarceration is a form of violence and put an end to the racially disparate practice of locking up Black and Brown North Carolinians.

That is why we are calling upon Governor Cooper to use his executive authority to decarcerate North Carolina. Without action before inauguration day, Cooper would be the state's only Governor in the last 40 years—and potentially more than 200 years—to refuse to grant a single commutation or pardon. For weeks now, we have been part of an ongoing vigil outside of the Governor's Mansion in Raleigh. The vigil serves as a constant reminder that Governor Cooper can take immediate action to address racial violence by exercising his clemency powers.

We will build upon this work in the coming year, amplifying our efforts to end mass incarceration in North Carolina once and for all. ■



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100 YEARS

FIGHTING FOR JUSTICE

As we celebrate our centennial anniversary and wrap up 2020, we want to thank you for fighting alongside us to protect the rights of all of us. We couldn't have done this without you.

Visit acluofnc.org/donate
to stay in the fight in North Carolina.

Save the Date

**ACLU Annual Membership Meeting
via Zoom**

Saturday, February 27, 2021

10:00 a.m. - 12:00 p.m.

Virtual meeting details and
registration will soon be available
on our website.

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Steve Remick