

Liberty

ACLU OF NORTH CAROLINA NEWSLETTER SUMMER 2024

WE THE
PEOPLE
DARE
TO CREATE
A MORE
PERFECT
UNION



First Amendment Crises at NC's Universities and Beyond

We have no doubt that our readers have followed campus protests across the nation demanding a ceasefire in Gaza, an end to the mass killings of Palestinian civilians, and divestment in Israeli military forces.

Our backyard of North Carolina has been no exception to college and university campus protests, nor have we been exempt from the disproportionate

and shameful response to students, professors, community leaders, and activists who are asking critical questions about our nation's allocation of its tremendous resources. The ACLU of North Carolina and other ACLU affiliates across the country are monitoring these institutional responses to student protests. Our universities have taken several actions that have had a chilling effect on first amendment rights, including threatening campus

community members engaged in protest with discipline or termination, fencing off the central campus quad at our state's flagship institution, UNC (University of North Carolina) Chapel Hill, and increasing militarized police presence and arrests of students and community members. We have sent a letter to UNC's representatives, flagging that the administration has taken discriminatory, unconstitutional action against students espousing political speech in support of Palestinian lives and freedom—speech at the heart of the First Amendment's protections. As detailed in our letter, these actions violate the First and Fourteenth Amendments and Title VI of the Civil

continued on page 7

IN THIS ISSUE

Message from the Executive Director Page 2

In Defense of the Unhoused: Norris v. Asheville Page 3

Faces of North Carolina Page 4

Delays in Mental Health Evaluations and Services Page 5

Rally for Abortion Justice Page 5

ACLU
North Carolina

Liberty

VOLUME 58 ISSUE 1 SUMMER 2024

STAFF

Chantal Stevens, Executive Director
Nicole Mance-Foster, Assistant to the ED & Board Administrator
Nassim Moshiree, Chief Program Officer
Kay Randol, Executive Assistant, Programs
Atisha Menendez, Director of People & Culture
Anna Koltchagova, Chief Finance Officer
Murray Bognovitz, Operations Manager
Grace Peter, Chief Development Officer
Mika Payden-Travers, Major Gifts Officer
Alicia Lee, Development Manager
Liz Barber, Director of Policy & Advocacy
Reighlah Collins, Policy Counsel
Samantha Salkin, Policy Analyst
Artie Hartsell, Organizing Director
Keisha Williams, Communications Director
Olivia Neal, Senior Communications Strategist
Genna Marshall, Senior Communications Strategist, Multimedia
Acacia Cadogan, Communications Strategist
Kalvin Benfield, Communications Strategist
Tatiana McInnis, Staff Writer
Kristi Graunke, Legal Director
Daniel Siegel, Deputy Legal Director
Jaclyn Maffetore, Senior Staff Attorney
Michele Delgado, Staff Attorney
Muneeba Talukder, Staff Attorney
Ivy Johnson, Staff Attorney
Amika Singh, Legal Fellow
Lauren Robbins, Paralegal
Mary Brady, Paralegal

ACLU-NC & ACLU-NCLF

BOARDS OF DIRECTORS

Abraham Rubert-Schewel, Foundation Secretary (B)
Albaro Raul-Reyes Martinez
Alissa Lopez, (Foundation)
Allyson Cobb
Anne Gordon, National Representative (U)
Anne-Maria Makhulu
Anthony Forbes Nigro
Clarissa Goodlett, Vice President for the Foundation
& co - Equity Chair (B)
Emily Grace
Jabrina Robinson, Union Vice President (B)
Jaelyn Miller, Nominating Committee Chair & co-Equity Chair (B)
Jefferson Parker, Treasurer (B)
Jenna Beckham, President (B)
Jesse Bloom
Kat Lewis
L. Shannon Swimmer, WNC Representative, Union
Lela Ali
Madeera Kathpal
Marcus Gadson, (Foundation)
Scott Taylor, Legal Chair (B)
Tucker Idol, Governance Chair (B)
Valda Valbrun
Wyatt Orsbon, Union Secretary (B)

Unless otherwise noted, board members listed above serve on both the ACLU of North Carolina and the ACLU of North Carolina Legal Foundation boards.

From the Executive Director



I hope you'll join me in taking a deep, grounding breath. I hope that breath sustains you while you read about the widespread injustices and abuses of power that are taking place across our state. As you learn about harsh and punitive responses to protests led by students on our university campuses, discrimination against

people with mental health disabilities, and callous disregard for those who are unhoused, I challenge you to fight against cynicism or despair and think of ways you can take action to help protect and defend the rights of all North Carolinians. If the values of a society are reflected in how we treat the most vulnerable, then ours are overdue for a realignment with actions that center justice, equity, and equality. Every day, I witness these actions from our staff and board, our members, and the larger ACLU community. I see it in how students and faculty stand up for each other during student protests, I see it in the buses full of volunteers who take time out of their week to travel to our nation's capital and rally to defend abortion access, I see it in our clients who speak up about injustice, and I see it in the collaboration of our partners and community members who bravely share their stories to help effect change.

To our supporters, we are so thankful to have you as our coconspirators in dreaming of a society that respects and upholds the rights of all people, and for responding to the injustices around us with resolve, hope, and most importantly, action. To learn more about ways you can get involved with our work, please scan the QR code below.

Towards Justice,

A handwritten signature in blue ink, which appears to be "Chantal Stevens". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Chantal Stevens
Executive Director
ACLU of North Carolina





In Defense of the Unhoused: *Norris v. Asheville*

The ACLU of North Carolina celebrates a recent victory in the *Norris v. Asheville* case! In late March, a District Court judge granted a request for a preliminary injunction, an order dictating that a defendant must cease allegedly harmful actions as the case proceeds. In this case, it means that Asheville’s decision to ban the plaintiffs from city parks cannot be enforced as the case proceeds because the plaintiffs are likely to succeed in their claims that these bans violate due process.

You may recall from past newsletters and other ACLU of NC mediums the jarring events of December 2021, when community members and activists led a Christmas-time protest in defense of the unhoused who were taking up residence at Aston Park, a public park in downtown Asheville. The city had planned to evict people, and so the plaintiffs were publicly advocating for the rights of unhoused people to take up space in public. Their protest activities included the distribution of mutual aid and the creation of art to uplift the message of communal care and affordable and just housing for all. During confrontations with police, several people were arrested, and the plaintiffs were charged

with felony littering and were banned from the park for a period of three years.

Of course, there are several issues with Asheville’s harsh, and wildly disproportionate response to protesters. Our lawsuit alleged that the ban violates due process by eliminating access to public parks without requiring notice and a meaningful hearing. The park bans policy in place in Asheville, we argued, was also unconstitutionally vague, allowing a wide range of officials to ban people from parks based on “observed” violations, without enumerating those prospective violations, nor requiring that the city notify people of the ban. This means you could be breaking the law without even knowing it.

At stake in this case is the right to protest and assemble, the right to exist as a person who is unhoused, and the imperative to advocate for better treatment for all—we are grateful for this good news and Asheville has subsequently agreed to favorable settlement terms negotiated by plaintiffs. Even as this case successfully wraps up, we will continue advocating in defense of their rights to gather, protest, care, and demand justice. ■

Faces of North Carolina: Immigrant Rights and Stories



Through storytelling and advocacy, we aim to empower and educate, leading to a more inclusive society for all. These stories can be viewed on our YouTube page.

When you think of a North Carolinian, who comes to mind? Why? You know, just as we know from our varied work, that North Carolina is comprised of a diverse range of communities —Black, Asian, Latine, white folks born in NC, transplants from across the world—and these folks take on a variety of roles within our communities. Let us all take this moment to reimagine how we think about the faces of North Carolina. Let us think about a student at UNC whose mom has lived here for 22 years as a farm worker. When she is away from home, focusing on her studies and extracurriculars, she actively fears for her mother’s safety. Did she make it home okay? Was she stopped by law enforcement or even ICE (Immigration and Customs Enforcement)? This experience should not be considered normal, but it is for many of us North Carolinians. When one of us is not safe, none of us should feel safe. Pending legislation like HB10, which mandates cooperation between local law enforcement and ICE, and the 287(g) program, which deputizes local law enforcement to enforce federal immigration laws, pose significant threats to immigrant communities, rendering this mother and countless other people unsafe, vulnerable, and perpetually on edge in their own neighborhoods. Additionally, identical bills in the Senate and House, SB630 and HB1074 (which has passed and will now be on the ballot), would change the language in the state constitution from “Every person born in the United States and every person who has been naturalized, 18 years

of age... shall be entitled to vote...” to “Only a citizen of the United States who is 18 years of age...shall be entitled to vote.” As Federal law already requires U.S. Citizenship to vote in federal elections, these bills are simply messaging bills backed by anti-immigrant conspiracy theorists.

We, along with Just Futures Law, Student Action with Farm Workers, and Carolina Migrant Network have curated a narrative campaign called “The Faces of North Carolina,” which captures stories like the one above to help counter the harmful anti-immigrant rhetoric that plagues our airwaves, legislatures, and communities. We seek to transform and expand perspectives, foster empathy, and build stronger communities that are welcoming of immigrants. Through storytelling and advocacy, we aim to empower and educate, leading to a more inclusive society for all. These stories can be viewed on our YouTube page.

The fundamental constitutional protections of due process and equal protection, embodied in our Constitution and Bill of Rights, apply to every person, regardless of immigration status. As we move forward in the 2024 legislative session, it is crucial to reshape public opinion in North Carolina to defeat anti-immigrant proposals. “The Faces of North Carolina” campaign is more than just a counter-response; it is a movement to ensure that every North Carolinian, regardless of their background, can feel safe, seen, and valued in our shared home. ■

Compounding Crises: Delays in Mental Health Evaluations and Services

Often, people with mental health disabilities, especially those who are poor and/or are members of marginalized groups (Black, Indigenous, and Latine people, especially), are met by gun-wielding law enforcement rather than trained mental health professionals when they experience a mental health crisis. Instead of being directed to the clinical and therapeutic care that might help, too many people with mental health disabilities therefore end up within our criminal legal system, where jails and prisons have in many cases replaced other social infrastructure to support community members. If you or someone you

love experiences this kind of crisis, and are detained by authorities in North Carolina, you might have to wait over 68 days to be evaluated and deemed either competent to proceed through trial, or incapable of proceeding (in North Carolina, we call this ITP, or incapable to proceed). Once an individual is determined to be ITP, on average they wait an additional 145 days for a bed at a state-operated psychiatric hospital where clinicians can provide treatment necessary to “restore” that person’s capacity to stand trial. In total, this results in a potentially 213-day delay (a little over 7 months). This seven-month delay has at times exceeded the person’s

continued on page 6

Rally for Abortion Justice

On March 26th, over 50 volunteers with the ACLU of North Carolina and Planned Parenthood South Atlantic traveled to Washington D.C. to rally outside the U.S. Supreme Court during oral arguments in a case brought by anti-abortion extremists challenging the FDA’s approval of the medication mifepristone which is used in medical abortions and miscarriage management. The North Carolina volunteers joined over 1,000 abortion supporters from across the country to make their voices heard. On June 13, the Court unanimously dismissed the case, ruling that the parties who brought the lawsuit lacked standing.

While the Court’s decision preserves access to mifepristone for now, other challenges may be forthcoming.

The incredible turnout at the rally highlighted what we know to be true: most people across the United States want access to safe, legal abortion, and they are ready to fight for it.

We continue to wage this fight here in North Carolina, where we recently obtained a court order preliminarily restraining state officials from enforcing two provisions of SB 20, the law passed last year by the General Assembly that severely restricts abortion access in NC. ■



Pictured left to right ACLU Staff members: Alicia Lee, Michele Delgado, and Samantha Salkin

Delays in Mental Health Evaluations and Services

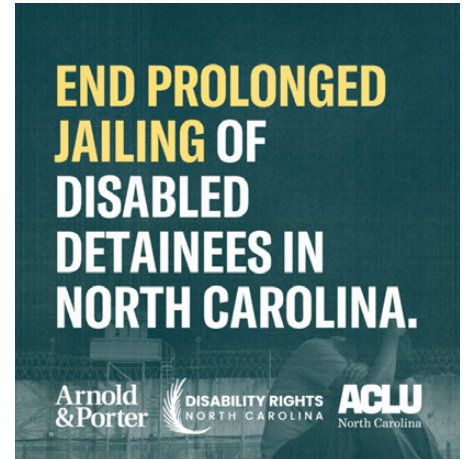
continued from page 5

actual criminal exposure, meaning that they would have been incarcerated for less time if they were competent and convicted of their pending charge. This is the harsh reality faced by many in North Carolina.

People with severe mental health disabilities languish for months in NC jails awaiting evaluation to determine if they can stand trial on their charges—charges for which they are presumed innocent under the law. Meanwhile, those who are detained prior to trial do not receive adequate treatment in jail, and many do not receive any treatment at all. As a result, their conditions worsen while they wait, increasing their risk of self-harm, harm inflicted by others, and harm inflicted on others. Given that vulnerable communities are disproportionately targeted by law

enforcement and enter the criminal legal system, the severe slowdowns and extended detention within the system is a crisis that touches on a variety of our issue areas, especially racial justice.

The ACLU of North Carolina Legal Foundation (ACLU-NC), Disability Rights North Carolina (DRNC), and the law firm Arnold & Porter have taken legal action by filing a federal lawsuit against the North Carolina Department of Health and Human Services (NCDHHS). We argue that the legal and human rights of pre-trial detainees with disabilities are being violated. In addition to the 68 days it takes on average to get an assessment done for trial capability, those who are deemed unfit may end up waiting over five months to be placed in one of three state-operated psychiatric hospitals where



they can receive the necessary treatment to regain their capacity. The shortage of beds in hospitals contributes to issues we are observing in jails, and points to broader, long-term consequences of inadequate funding and focus on mental health care.

We, along with our partners, have filed a motion for a preliminary injunction requiring NCDHHS to administer evaluations within at least 14 days after a court order. It would also require that the detainee start their restoration treatment or begin involuntary commitment treatment within 14 days of a court's directive.

The ongoing lawsuit against NCDHHS is a small step toward addressing systemic flaws that keep people behind bars and away from the care and support they need. As we continue to grapple with the complexities of mental health, social support, and communal safety and accountability, this suit is a reminder of the brutal consequences of neglect and inadequate social welfare investments. ■



First Amendment Crises

continued from page 1

Rights Act. Universities and schools are forums of intellectual discourse and idea exchange; they have always been the epicenters of protest and social movements of the day. It is critical that they continue to be a place where students, faculty, and staff can exercise their first amendment rights freely.

Recent developments beyond the university system reveal a multi-pronged threat to first amendment rights. New legislation before the North Carolina General Assembly seeks to limit and chill free speech even further. One such bill that has now been signed into law, the SHALOM Act, conflates antisemitism with any criticism of the government of Israel. We are concerned that this law will censor free speech and discourage ongoing protests against a foreign government while doing nothing to protect the rights of Jewish North Carolinians. Another piece of legislation

that has become law, HB237, limits the use of masks in public spaces, increases the penalty for crimes committed while wearing a mask, and increases the punishment for impeding traffic when done as part of a political demonstration. While a medical exception to the ban was included, the intent of the law is clear: to target protesters and stigmatize the wearing of masks, especially for those who are already disproportionately targeted by police. The timing of this legislation corresponds with the rise of campus protests. Criminalizing mask-wearing during protests will not only lead to unjustified arrests during protest but will also place protesters exercising their first amendment rights at higher risk of government interference and harassment by private individuals who oppose the protestors' messages.

Finally, the proposed state budget passed by the House in June includes language intended to further chill first amendment speech by significantly limiting how and whether prosecutors can dismiss charges resulting from arrests during protests; it would do this by placing additional burdens on prosecutors who wish to dismiss these types of charges as an effort to discourage them from doing so.

The proposed state budget passed by the House in June includes language intended to further chill first amendment speech by significantly limiting how and whether prosecutors can dismiss charges resulting from arrests during protests.

Viewed together, the recent crackdowns on protest by both our lawmakers and our state institutions constitute a serious threat to the exercise of our constitutional rights and have already had a chilling effect on those seeking to engage with and improve our democratic processes through protest and organizing. We will continue to monitor and intervene in these violations of our rights and liberties and encourage you to follow our various social media accounts for up-to-date developments and opportunities to support our work and protect North Carolinians. ■

Reflections on Independence Day

Independence Day celebrates when our country became the determiner of its own fate and when some Americans recognized a limited freedom that still excluded many people. Still today, we have much more work to do until we can achieve the promise of liberty and equality that this holiday represents. With reproductive rights and the

first amendment under active threat, attacks on the autonomy of transgender people, and ongoing discrimination and sanctioned state violence against people of color, it is more pressing than ever to keep up the fight for justice and freedom. Let us use this month to reflect on how we can confront the anti-civil liberties and civil rights forces that

threaten our liberty. One action we can take is to exercise our right to vote this November. Make sure you are registered to vote and know where the candidates stand on the civil rights issues that matter to you. ■



P.O. Box 28004
Raleigh, NC 27611

Non-Profit Org.
U.S. Postage
PAID
Raleigh, NC
Permit No. 2394

BUILDING THE WORLD WE WANT TO SEE

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.

Learn more and support our work at acluofnc.org/donate.

CONNECT WITH US ONLINE



Facebook.com/ACLUNC



[aclu_nc](https://www.instagram.com/aclu_nc)



[@ACLU_NC](https://twitter.com/ACLU_NC)

acluofnc.org

