

## Eternal Vigilance for Civil Liberties

"The fight for civil liberties never stays won," said the ACLU's founder Roger Baldwin. This legislative and political season has proven his statement as legislators tried to undo recent gains in LGBT equality. That's why it's so important that we stand together, ever vigilant, to protect freedom and equal rights for all.

Seemingly as backlash to the Supreme Court's ruling in favor of marriage equality, legislators across the country – and in our state of South Carolina – have attacked the LGBT community with bills that foster discrimination, hate, and denial of basic human rights that are afforded to all other Americans.

### Two Steps Forward, One Step Back

As gay and lesbian couples legally headed to the altar, some legislators turned their bigotry toward the most vulnerable in the LGBT community: transgender men, women and youth. Our country had taken two steps forward toward LGBT equality, followed by a step backward with the introduction of "bathroom bills."

These bills are aimed at transgender males and females of all ages, requiring a person to use the bathroom corresponding to the gender that they were assigned at birth, as shown on a birth certificate. It gives a whole new meaning to the phrase, "show me your papers." Not only that, the bills prohibit smaller municipalities from circumventing that bathroom mandate with local ordinances allowing the use of facilities in accordance with gender identity.

### Weak Arguments Expose Discrimination

The arguments for these bills are astoundingly insidious. Sup-

porters say they are concerned about women's safety because men, dressed as women, could use the women's bathroom, exposing women and young girls to alleged violence and somehow expose children to naked genitalia. The assumption is that predatory males will now be lawfully allowed to use the women's restroom so long as they are dressed as women. It is already illegal to enter a bathroom or locker room for the purpose of harming someone or invading someone's privacy – no matter what they are wearing or which gender they identify

with. Anyone who enters a woman's restroom with the intent to harm women and children will be subject to arrest and prosecution. This bill adds nothing to protect people from harm; instead it creates significant burdens and impairment for the transgender community.

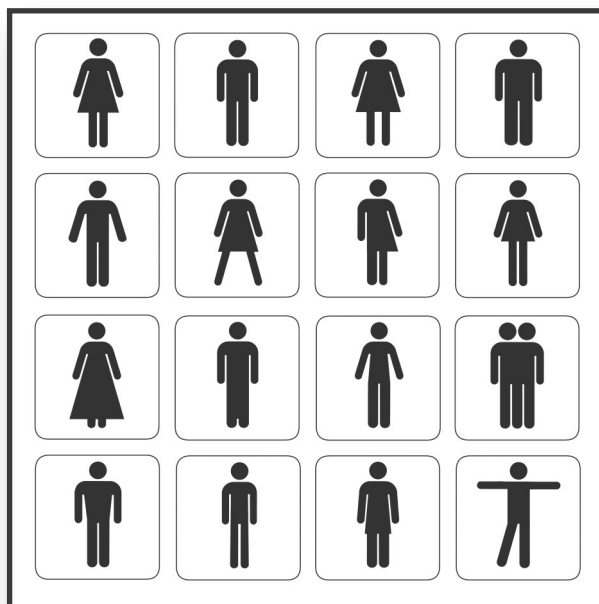
Supporters' reasoning is fatally flawed in yet another way: there hasn't been a parallel argument made regarding men's restrooms and transgender men (i.e., females who have transitioned to male) using bathrooms to harm men and young

boys. Ostensibly, to do so exposes the true purpose of these bills: to disenfranchise and discriminate against the transgender community.

### Targeting Youth

The most alarming aspect of this bill is the fact that it specifically targets transgender youth, a group of young people who already face staggeringly high rates of bullying, assault, and suicide. Forcing a student to use facilities separate from their peers because they are transgender subjects already vulnerable students to further isolation and harm. Transgender students pose no risk to other students

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## MESSAGE FROM THE EXECUTIVE DIRECTOR

SHAUNDRA YOUNG SCOTT, ESQ.

This has been a year of change for the ACLU of South Carolina affiliate. Our wonderful, long-time executive director, Victoria Middleton, has retired. Her work and dedication strengthened the foundation of our affiliate and formed long-lasting partnerships throughout South Carolina. It was an honor to be chosen as her successor.

Since becoming the executive director, I have hit the ground running, working to protect the fundamental rights of South Carolinians. I have joined forces with our local and national staff to fight bills that have been introduced, such as the Personhood Bill, the 20-week abortion ban bill, the Anti-Transgender "Bathroom Bill" and the Anti-Refugee bill.

In addition to keeping abreast of legislative activity, the ACLU of SC has also worked with community partners to bring awareness to racial disparities within the criminal justice system. Partnered with the NAACP Legal Defense Fund, we held a Town Hall Meeting to address police practices in North Charleston, investigated and submitted an op-ed which addressed issues with the Department of Juvenile Justice, and partnered with other non-profits to uncover the lack of legal representation for low-income South Carolinians in summary courts.

The ACLU of SC will also be working to create more awareness of our organization within local communities and for residents to know who we are and what our organization does in the event they are faced with a civil rights issue. We are also increasing our social media presence by more frequent postings on Facebook, Twitter, and Instagram. Through the use of these platforms, we can quickly disseminate information to the public and reach even more individuals that share the interests of the ACLU.

There are many civil rights issues that the ACLU has and will continue to be involved with. My goal is to develop a vision for the ACLU of SC that focuses on improving race relations and eradicating discrimination against any and all individuals. The climate in South Carolina is ripe for these changes. The community is ready to act and is hungry for difference. There are many young people that I have met that are eager to fight the good fight for the rights and protections for all.

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## MESSAGE FROM THE BOARD PRESIDENT

ROBIN GARRELL, M.D.

The ACLU of South Carolina welcomed its new executive director, Shaundra Young Scott, in February 2016. Since that time she, along with the ACLU of SC staff and board members, has continued to fight for civil liberties for all South Carolinians.



The affiliate continues to be at the forefront of youth justice and indigent defense, and plans to increase efforts to address women's reproductive rights, LGBT rights and the reform of police practices aimed at racial profiling and ending mass incarceration. We also hope to increase awareness of our presence in the state through social media, task forces, expanded legal efforts and by providing testimony at the Statehouse to support legislative measures that expand civil liberties and oppose bills that threaten freedom.

The ACLU of South Carolina would not be able to succeed without your financial and moral support. **Thank you, for all that you have done, and all you can do, to preserve civil liberties in our state.** ♦

### ACLU of South Carolina Board of Directors 2016

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in our schools. Schools across the country have adopted policies that allow transgender students access to restrooms and locker rooms that match their gender identity with no incidents of harassment or inappropriate behavior.

### **A Violation of Dignity—and the Law**

All these bills will do is target transgender people for discrimination, raising serious legal questions and subjecting school districts and boards to costly federal investigations and litigation. The federal government was and has been unequivocal in its position that laws and policies that force transgender students to use bathrooms that do not match their gender identity violate Title IX, and that schools, districts, and states that engage in such violations of federal law run the risk of enforcement proceedings and the loss of all federal funding. Any bill enacted in South Carolina risks significant federal funding to the state and could further harm South Carolina's revenue by causing businesses to refuse to come to South Carolina, halting development and preventing South Carolina citizens from obtaining jobs.

Though it can be hard to understand what it's like to be transgender if you have never met a transgender person, the reality is that transgender people are already living and working in South Carolina. They are members of our schools, workplaces, churches and communities and they should be treated with dignity and respect. All of us, including transgender people, care about safety and privacy in bathrooms and locker rooms. And transgender people, just like everyone else, need to be able to safely access these facilities. ♦

#### **#IllGoWithYou**

Help protect the safety of transgender individuals in public spaces by joining the movement at [www.illgowithyou.org](http://www.illgowithyou.org). Together, we can overcome hate & misunderstanding.



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#### *Continued from Page 2, E.D. Message*

It is time for the antiquated ways of doing things to end and an ushering in of a new era of tolerance, acceptance, and unity. The ACLU of SC will be at the helm of this new movement, and we welcome you to join us. ♦

## **NEW FACES**

Shaundra Young Scott is the Executive Director of the ACLU of South Carolina and the ACLU of South Carolina Foundation. She assumed the position in February 2016. In her previous position, she was employed by South Carolina Legal Services as a Supervising Attorney of the Migrant Division. In this capacity, she represented migrant and seasonal farmworkers in State and Federal Court with complex legal issues. Proficient in oral and written Spanish, Ms. Scott received additional language training at the Universidad del Sagrado Corazon in Puerto Rico and at the Fenix Language Institute in Mexico. Shaundra is a graduate of the University of South Carolina and John Marshall Law School in Atlanta.



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Mallary Scheer joined the ACLU of South Carolina through a grant to serve as the Youth Policy Advocate. She holds Bachelor's & Master's degrees from the University of Georgia, and earned her *Juris Doctor* from the Charleston School of Law.



She interned in the U.S. District Court of South Carolina with the Honorable Richard M. Gergel and with Youth Represent, a New York City nonprofit dedicated to helping youth overcome legal barriers to community reentry. Mallary served as a Staff Attorney, then as the Deputy Director of Charleston Pro Bono Legal Services, before opening her own law practice. ♦

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Legal Director, Susan Dunn, participated in a panel discussing alternatives to imprisonment, indigent defense & harsh sentences. The panel was part of an on-going series by the Charleston County Public Library to start dialogue about racial justice. ACLU of SC staff members have also helped organize several events.



Executive Director, Shaundra Scott, with S.C. State Supreme Court Chief Justice (Ret.) Jean Toal at the General Assembly Women's Caucus Luncheon.



As part of the ongoing racial justice series organized by CCPL, in coordination with ACLU of SC staff, renowned attorney and advocate Bryan Stevenson delivered an impassioned speech to a crowd of over 750 people.



Ezekiel Edwards, Director of ACLU's Criminal Law Reform Project, engaged the audience in a conversation about the current criminal justice climate in South Carolina and around the nation. (Annual General Membership meeting, January 23)

Executive Director, Shaundra Scott, joining the protest against "bathroom bills" at the South Carolina Statehouse.



Legal Director, Susan Dunn, participated in a panel discussion about North Charleston policing practices.

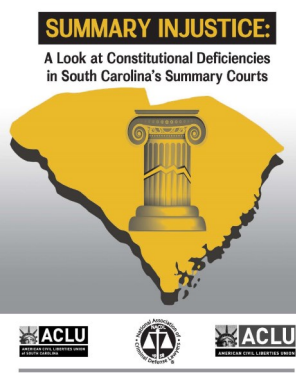


## SNAPSHOTS FROM THE LEGAL DOCKET

SUSAN DUNN, LEGAL DIRECTOR

### Summary Injustice

There is a widely held belief that the Sixth Amendment right to counsel guarantees that all accused persons in the United States never stand alone when the state seeks to deprive them of their liberty. And indeed that should be the case. But in reality, the right to counsel remains elusive, shrouded in the shadow of systemic deficiency. In his classic poem, *The Hollow Men*, T.S. Eliot famously observed, “[b]etween the idea and the reality falls the shadow.” And so it is with the right to counsel in this country. In practice there is a gaping chasm between this fundamental right and its realization. Our study of the municipal and magistrate courts of South Carolina documents the existence of that chasm, an abyss into which countless poor people fall as a matter of course in the Palmetto State.



On April 4, 2016, our office, along with the National ACLU and the National Association of Criminal Defense Attorneys, published an initial report documenting those inadequacies. *Summary Injustice: A Look at Constitutional Deficiencies in South Carolina's Summary Courts* can be found on our website under the “Publications” menu.

### 16,429

That’s the number of youth who were referred to family court, according to the most recent figures from the Department of Juvenile Justice. Of those, 1,282 were referred for serious or violent offenses. Many of these referrals are directly from schools under the “Disturbing Schools” statute. The statute, originally meant to keep children safe from outside forces, has been turned to use against students as a disciplinary measure. We’re seeing the results of this change, and they are, indeed, “disturbing.” Police are called to address situations—talking back, or throwing a soda can— that traditionally were addressed by school officials and parents, and instead of in-school suspension or detention, a student



might be put in hand-cuffs. That is damaging to anyone, but especially young people who are still maturing and forming who they are and who they will be as adults.

A bill amending the Disturbing Schools statute was introduced this legislative session in both houses. In April, a sub-committee hearing was filled with supporters. We are working to locate appropri-

ate plaintiffs to challenge the constitutionality of the statute in court should those amendment efforts fail.

### Alone

Despite President Barack Obama’s ban on solitary confinement for juveniles in federal prisons, we are seeing more and more youth being kept in solitary confinement in state prisons, often for weeks, and even months, at a time. We know the psychological effect solitary confinement has on people of all ages; young people are the most vulnerable to negative psychological and even physiological effects. Since August 2015, there have been at least four major destructive incidents at the long term secure facilities run by the Department of Juvenile Justice. We have helped to alert national experts to the problems here, and we are in close contact with the Department of Justice and with Protection & Advocacy. ♦

### INVEST IN LIBERTY

Your tax-deductible gift to the ACLU of South Carolina Foundation ensures our ability to fight for individual freedoms and rights. We will continue to be good stewards as we do all that is possible to defend the Constitution and Bill of Rights.

If you are interested in helping us make an impact, please make a donation using the envelope provided or online at:

[www.aclusc.org](http://www.aclusc.org)

### LEAVE A LEGACY FOR THE FUTURE

The civil liberties landscape can change in unexpected ways, and the ACLU will be there to protect our freedoms. Your bequest or other gift through your estate plans will allow us to continue to secure civil liberties for generations to come.

If you are interested in leaving a legacy, please call toll-free: 877-867-1025 or visit online at:

[www.aclu.org/legacy](http://www.aclu.org/legacy)



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Exercise your First Amendment Rights!



Keep up to date on civil liberties in South Carolina by visiting our website at [www.aclusc.org](http://www.aclusc.org).

Along with a growing number of ACLU affiliates, we have adopted ACLU Nationwide's platform and layout. We hope the changes will make it easier for us to post news quickly and help you find what you are looking for—whether on our site, ACLU Nationwide, or another affiliate's.

We're continuing to make updates, so if you come across a broken link please let us know by emailing [info@aclusc.org](mailto:info@aclusc.org). ♦