

DEFENDING RIGHTS ON THE CUTTING EDGE

Preserving civil rights and civil liberties for all requires us not only to break down old barriers and keep pushing for progress, but to anticipate the ways emerging tools and technologies can be used to advance—or restrict—our freedoms.

Here's what we're working on in the areas of immigrants' rights, trans rights and racial and economic justice:



Promoting “baby bonds,” countering biased artificial intelligence (AI):

Achieving systemic equality requires proactive strategies. One such tool the ACLU supports is “baby bonds”—investment accounts created by federal, state, or local governments to help ensure that children have a secure economic future. California, Connecticut, and D.C. have passed baby bonds legislation, and 13 states are considering or have proposed such legislation.

The ACLU is also working with data scientists, researchers and policymakers to promote a more equitable approach to AI policy and stop “Algorithmic injustice”—the use of biased, discriminatory hiring and lending technologies that perpetuate discrimination in employment, housing and credit assessments.



Fighting discriminatory anti-immigrant laws:

We're countering harmful anti-immigration policies, like the recently passed Senate Bill 4 in Texas that allows state and local law enforcement to arrest and jail people for up to 20 years over suspicions on immigration status. The bill would authorize judges to order people deported without due process and opens the door to racial profiling, harassment, and unlawful discrimination.



Protecting transgender health care:

Our national policy team and affiliates continue to advocate aggressively against a surge of laws blocking access to medical care for transgender people, while our legal team battles them in court. In Ohio, we successfully blocked an extreme law that would have prevented children and adults from receiving gender-affirming medical care. We're also calling on the Supreme Court to block a Tennessee law banning gender-affirming medical care for trans people under the age of 18, and to reject a case in Indiana concerning a transgender student's access to school restroom facilities that correspond with their gender identity.

ACLU

IMPACT REPORT SPRING 2024

DEFENDING DEMOCRACY, STATE BY STATE

As the 2024 general election gets underway, the ACLU is readying for new challenges as well as opportunities at the ballot box—for reproductive freedom, voting rights and the many constitutional freedoms we work so hard to protect. We are also intensifying our legal and advocacy efforts, building on historic wins in 2023 and aggressively litigating 17 separate redistricting cases to ensure a fair outcome at the polls.

In this high-stakes election year, anti-democratic forces show no signs of letting up. State politicians across the country continue to tamper with the electoral process in attempts to stifle voters from making critical civil liberties decisions, while the Supreme Court is weighing decisions that will determine whether rights around the country are diminished or expanded.

In this Impact Report, we delve into the key legal and advocacy wins that undergird our strategies for 2024 and preview the cases and issues to look out for in the coming months.

At the center of our plans to defend democracy is our state-level work. We're making investments in our affiliate network that look beyond election cycles and build power in key geographies.

Through our Supreme Court Initiative, for example, we're expanding our capacity to fight for our rights in state supreme courts, seeking protections above and beyond what federal courts provide. In the battleground states of Arizona, Georgia, Michigan, Nevada, Pennsylvania, and Wisconsin, we're

focused on protecting voting integrity and strengthening the right to vote throughout the 2024 election cycle. And in the South—ground zero for attacks on abortion rights, voting rights, and LGBTQ+ rights—we're pouring resources into the 12 states that comprise our Southern Collective.

With these plans solidly in place—sustained by your steadfast partnership—as we head into the fray, the ACLU stands ready to defend all of our civil liberties—just as we have for the last 104 years.

Photo: Kenny Karpov/ACLU

PUTTING FAIRNESS ON THE MAP

The ACLU is here to ensure every voter can cast a ballot and protect the right to vote now, through November and beyond. We will be challenging racially motivated voter-suppression laws, advancing proactive reforms, and equipping our affiliates with the resources they need to ensure voter access.

The Supreme Court's welcome 2023 ruling in the ACLU case *Allen v. Milligan* confirmed that the disenfranchisement of Black voters in Alabama by unfair, racially gerrymandered maps undermines our democracy. Crucially, the court also affirmed that race can be used in the redistricting process to ensure

voters of color are not being silenced. Armed with this historic decision, the ACLU is now laser-focused on applying the ruling to six of our other redistricting cases. We're also advocating for the implementation of fair and lawful maps in most of our redistricting cases in time for the 2024 election cycle.

Here are three important cases to watch:

→ *Alexander v. South Carolina State Conference of the NAACP.*

In 2022, South Carolina mapmakers moved Black voters in disproportionate numbers out of their congressional district in order to hold on to political power. This was a textbook racial gerrymander and discriminatory map—as a lower court recognized, and as we urged the Supreme Court to affirm after hearing arguments last October.

→ *Arkansas NAACP v. Arkansas Board of Apportionment.*

In a case that began in 2021 as a challenge to a redistricting plan that would undermine the voting strength of Black Arkansans, the ACLU is now appealing a radical lower court ruling that voters may not sue to protect their rights under Section 2 of the Voting Rights Act of 1965. The case is currently before the full 8th Circuit Court of Appeals.

→ *Robinson v. Ardoin.*

In January, Republican Gov. Jeff Landry of Louisiana approved a court-ordered redrawn congressional map that adds a second majority Black district, effectively conceding that the ACLU had won its challenge to a previous map that diluted the power of Black voters.

Dr. Dorothy Nairne was part of a case challenging Louisiana's congressional district map.



Photo: Lynsey Weatherspoon/ACLU

“Let's not defer anyone's dreams anymore. Our interests are not being met, and our people are stagnating because of it. We need to level the playing field.”

—DR. DOROTHY NAIRNE,
a Louisiana native and plaintiff
in *Robinson v. Ardoin*

ADVANCING REPRODUCTIVE RIGHTS, POST-ROE

In a post-*Roe* world, voters have overwhelmingly approved ballot measures for abortion access, leading anti-abortion lawmakers to try to rig the system against ballot initiatives. The ACLU is uniquely positioned to fight back.



Photo: James Matthew Daniel/ACLU

ACLU Impact:

- **Sued** 11 states to block abortion bans, and currently our litigation is protecting access to care in four states (Arizona, Iowa, Ohio, and Utah) and Guam;
- **Provided** legal advising to abortion clinics, helping them understand the law and mitigate risks for staff and patients;
- **Launched** the Abortion Criminal Defense Initiative to help those facing investigation or prosecution for providing, supporting, or seeking abortion care;
- **Supported** landmark ballot measures protecting access to abortion in Kentucky, Michigan, Ohio, and Vermont; and
- **Engaged** in a public education and advocacy campaign on an effort by anti-abortion activists to ban mifepristone, the drug used in more than half of all abortions nationwide.

It should come as no surprise that the states that have banned or severely restricted abortion track very closely with those that are attempting to restrict voting rights and dilute voters' political power. The ACLU is actively supporting ballot initiatives to protect abortion rights in many of these states by educating voters—equipping them with knowledge about the measures and candidates on their ballots—and filing lawsuits to stop politicians from undermining the ballot measure process. For example, in Ohio, we first helped to defeat an outrageous attempt by Ohio legislators to make it harder to pass

ballot initiatives and then invested millions into the Ohio ballot measure to protect abortion rights, which ultimately passed by over 57%.

In Florida, we're currently helping to fight efforts by state officials to block an abortion access ballot initiative, while at the same time litigating our challenge to the state's 15-week abortion ban. A ruling in that case is expected soon. We're fighting these attempts to rig the rules to change the outcome, while at the same time supporting citizen-driven efforts to put abortion access measures on the ballot in a handful of key states across the country.

On the federal level, the Supreme Court recently heard arguments in two consolidated cases brought by anti-abortion activists that would make it more difficult for people nationwide to access mifepristone, a medication used in most abortions in this country today. The ACLU played a leading role in the strategizing around this case, working with our partners to develop strong amicus briefs, to sound the alarm in the media, and to galvanize the public. A ruling is expected by early summer. For now, mifepristone remains available.