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# ACLU magazine



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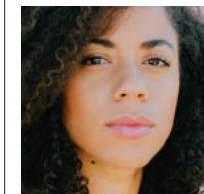


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## CONTRIBUTORS



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CLOCKWISE FROM TOP: MICHELLE GUSTAFSON; CARLOS BERNATE; COURTESY OF BETHANY MOLLENKOF; KELLY VICTORIA

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**E**arlier this summer, while closing this issue of *ACLU Magazine*, we saw a devastating decision from the U.S. Supreme Court granting President Trump expansive immunity against legal prosecution. This decision has grave implications for our democracy and underscores the importance of preparing to fight off the worst abuses of a potential second Trump administration during its term—and not waiting for accountability after the fact.

The ACLU is deeply engaged in scenario planning for the upcoming presidential election. We have documented in a series of memos responses to the threats and opportunities for civil liberties associated with each candidate winning the White House. The memos can be found on our website at [aclu.org/memos](https://aclu.org/memos).

As badly as the Court’s term ended, we still saw important legal victories for

reproductive freedom and free speech this year. In June, the Court unanimously rejected efforts by anti-abortion groups to impose medically unnecessary restrictions on mifepristone, a safe and effective medication used in most abortions nationwide. In First Amendment cases before the Court, the ACLU successfully challenged government efforts to penalize advocacy organizations for their viewpoints and joined a friend-of-the-court brief to block laws in Florida and Texas that would give politicians the power to regulate speech on social media platforms.

**“Freedom is at stake, and the ACLU community is uniquely prepared to defend it.”**



In a separate abortion rights case, however, the Court declined to protect the right to emergency abortion care. Although the decision temporarily restored Idaho doctors’ ability to provide emergency abortions, the Court’s refusal to put an end to attacks on emergency abortion care leaves pregnant people at unnecessary risk. This decision makes the ACLU’s work to protect and restore reproductive rights even more important.

As we prepare for uncertainty this fall and beyond, we must defend all civil rights and civil liberties vigorously. The ACLU is ready. In the months to come, we will continue to deploy our formidable legal, advocacy, and organizing power in defense of our democratic institutions and our fundamental freedoms.

As you’ll read in this issue, we fight on with the understanding that all of the ACLU’s core issues—voting rights, reproductive freedom, free speech, racial justice—are interconnected. “Defending the Vote in the Battlegrounds” (p. 16) details the ACLU of Pennsylvania’s election protection campaign to ensure voting integrity in a swing state. In “Call the Midwives” (p. 10), we highlight Black women health care providers in Alabama who sued the state as part of the ACLU’s ongoing legal fight for reproductive freedom in states that have banned abortion. And “Your Guide to Students’ Rights” (p. 24) presents a back-to-school primer on students’ rights, book bans, academic freedom, and campus speech and protest.

Freedom is at stake, and the ACLU community is uniquely prepared to defend it. Our collective commitment to justice and equality empowers the critical progress we make for future generations.

**Anthony D. Romero**  
Executive Director

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**Exchanging Mailing Lists:** The ACLU defrays the cost of our new-member recruitment by renting or exchanging our list with other nonprofit organizations and publications, but never to partisan political groups or to groups whose programs are incompatible with ACLU policies. All lists are rented or exchanged according to strict privacy standards. We never give our list directly to any organization; instead, we send the list to a letter shop that prepares the mailing for the organization that is participating in the rental or exchange. That organization never sees our list and never knows what names are on it unless an individual responds to the organization’s mailing. The ACLU always honors a member’s request not to make their name available. If you do not wish to receive materials from other organizations, write to the ACLU Membership Department, and we will omit your name from list rental and exchange. Thank you for your understanding.

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**The Spring 2024 issue of ACLU Magazine features litigation against discriminatory voting maps across the South.**

I want to thank and encourage Hayden Kirby (in “For the Love of Libraries”) in her fight against library censorship. Ben Franklin believed libraries would enhance the free flow of ideas necessary for democracy to thrive. As a retired attorney who has spent much of his life in libraries, I couldn’t agree more. It is inspiring to read about such courageous young people as Kirby who are shaping America in the spirit of liberty, despite pushback from uninformed adults fearful of the necessary change being wrought by a younger generation of visionaries.

*Bryan Fredrickson  
Santa Fe, NM*

The Spring 2024 *ACLU Magazine* made me happy and proud to be a longtime member of the ACLU (since 1981). Thank you, thank you, thank you to such a remarkable organization.

*Anna Hoagland  
Trinidad, CO*

I just read *ACLU Magazine* and particularly appreciate the work you are doing in Florida and across the Southern states to challenge the many restrictive laws that have been approved by “puppet” legislators who do the bidding of egomaniacal governors.

*Joyce Romano  
Orlando, FL*

Voting rights are important. Everyone *should* care about voting rights. Everyone *should* care about diversity and equality of opportunity, free speech, or any of the issues you highlighted in your latest magazine. But everybody loves somebody who stands to die from an abortion ban. Reproductive rights need to be front and center at every opportunity. Our democracy may hang on this one issue in this election.

*Diana Dubrawsky  
Silver Spring, MD*

**We love your feedback!** Let us know what you think about this issue: [ACLUmagazine@aclu.org](mailto:ACLUmagazine@aclu.org)



Protesters rallied for medication abortion access at the U.S. Supreme Court in March.

TOM BRENNER FOR THE WASHINGTON POST VIA GETTY IMAGES

# FRONT LINE

## PRIORITIES

### Abortion Attacks Escalate

In the courts and at the ballot box, reproductive freedom is on the line.

In a victory for reproductive rights this June, the U.S. Supreme Court unanimously rejected anti-abortion groups' efforts to enact nationwide restrictions on mifepristone, a safe medication used in most abortions in the United States. Two weeks later, though, the Court issued another abortion rights ruling, declining to protect pregnant people's right to emergency abortion care. While the opinion temporarily restored the ability of doctors in Idaho to provide emergency abortions required under federal law,

CONTINUED FROM PAGE 5

by dismissing the case without resolving its core issues, the Court emboldened those who would ban not only abortion but also other forms of reproductive health care, like fertility treatment and birth control. The case now returns to the lower courts, where anti-abortion groups will continue to press for the right to put doctors in jail for providing care to pregnant patients facing medical crises.

The ACLU filed supporting briefs in both abortion rights cases before the Court, and their split outcomes illustrate the precarious state of reproductive freedom nationwide. With complete or partial abortion bans now passed in nearly two dozen states, legislatures are not stopping: They're also attacking contraception and IVF as they push for fetal personhood laws and a federal abortion ban. These policies are deeply unpopular with most of the country, and the ACLU and its coalition partners are using litigation and advocacy to block harmful laws and expand abortion access wherever possible.

The ACLU's Reproductive Freedom Project has more than 20 active cases challenging state bans and other restrictions on reproductive health, including an Ohio law that forces patients to wait at least 24 hours after receiving information in person before receiving abortion care. The law creates an additional obstacle for people with limited incomes, young people, and people who must travel long distances for abortion care. Meanwhile, ACLU affiliates are working to support ballot measure campaigns that would protect and restore access in state constitutions. When voters have a chance to vote directly on abortion issues, they overwhelmingly vote in favor of protecting rights, as seen in Kansas, Kentucky, Michigan, Ohio, and Vermont in recent years.

Passing durable protections for reproductive rights requires fair districts and voting rules, so the ACLU is pushing back against voter-suppression bills and illegal gerrymandering that allow state legislatures to enact abortion restrictions that are woefully out of step with voters. In the long term, the ACLU is supporting federal legislation to secure and codify the federal right to abortion.

Millions of people losing their autonomy, their freedom, and even their lives is not just a health care crisis, it's a crisis for our democracy. Regardless of the administration in power after November, the ACLU will work to protect access to reproductive health care and the ability of medical providers to deliver care unencumbered by government overreach. —JAY A. FERNANDEZ



## One Person, One Vote

**A novel lawsuit in New York state challenges voting maps that dilute the influence of Black, Latine, and Asian communities.**

**Guillermo VanEtten** is a familiar face throughout his community of Mill Brook in South Valley Stream, Long Island. Over the nearly 20 years he's lived in this small Nassau County village, VanEtten could be spotted attending PTA meetings at his kids' schools, planning block parties, or calling the sanitation department to ask that they return trash cans closer to the home of an elderly neighbor.

"It's a tight-knit area, and everyone gets to know each other.... Everyone looks out for each other's children, and that's priceless," says VanEtten.

Earlier this year, the New York Civil Liberties Union (NYCLU) reached out to VanEtten to discuss how Mill Brook had been

**Long Island, New York, residents, including Guillermo VanEtten, pictured, are suing Nassau County for adopting maps that weaken their voting power.**

affected by redistricting. He is now a plaintiff in a lawsuit challenging a recently redrawn legislative map that dilutes the electoral power of communities of color in Nassau County. It's the country's first legal challenge to a districting scheme brought by leveraging a state voting rights act.

The trouble began early last year, when the Nassau County legislature unveiled a map that split multiple communities of color in the heavily segregated county, weakening their voting power in the process. Mill Brook, the small, diverse neighborhood where VanEtten

is president of the local civic association, had previously been included as a whole in a majority-minority district. He says the new map limits the ability of his community to hold legislators accountable for meeting their needs.

"Before, our representatives would care because they know that this corner of Nassau County has plenty of voters," says VanEtten, who is one of five named plaintiffs. Under the new maps, he fears they won't be heard. "I know if this continues to go this way, this community is not going to be the same," he says.

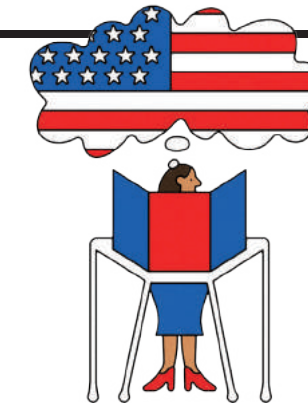
The John R. Lewis Voting Rights Act of New York prohibits the kind of racial vote dilution at play in Nassau County. Modeled on the federal Voting Rights Act of 1965, with added protections, it "shows what protections for voting rights can and should look like in the 21st century," according to Perry Grossman, director of the voting rights project at the NYCLU.

The novel lawsuit asks the court to order a new redistricting plan that respects the rights of the Black, Latine, and Asian communities in Nassau County. VanEtten, who identifies as Hispanic, is proud to represent his neighbors and wants to ensure their voices are heard.

"I love what I do, and I love my community," says VanEtten. "As long as I'm here, I'm going to make sure we all have the best we can have in our community, and that we're treated fairly."

—REBECCA MCCRAY

Visit [aclu.org/redistricting](https://www.aclu.org/redistricting) to learn more.



## At the Polls

On your way to vote? Know your rights beforehand. It is illegal to intimidate voters and a federal crime to interfere with a person's right to vote or voting preferences. Here's what to do if you see or experience voter intimidation on Election Day.

- Notify local election officials at your polling place. Their offices will also be open on Election Day.
- If your qualifications to vote are challenged, you still have the right to cast a provisional ballot before leaving the polling site. In many states, you can give a sworn statement to the poll worker that you satisfy the qualifications to vote in your state and then cast a ballot.
- Document the details of what you saw or experienced, where it happened and when, and whether any voters were deterred from voting.
- Report any interference or intimidation to the Election Protection Hotline at 866-OUR-VOTE (866-687-8683).
- Call 9-1-1 if you suspect potential violence.

To learn more, visit [aclu.org/know-your-rights/voting-rights](https://www.aclu.org/know-your-rights/voting-rights).

ILLUSTRATION BY ALLIE SULLBERG

# Victories for Voting Rights

Ahead of the November elections, the ACLU and its affiliates are successfully confronting voter suppression efforts nationwide.

**Free and fair elections** remain under attack by elected officials, whose aggressive anti-voting laws and gerrymandered districts threaten to disenfranchise millions of voters across the country. With freedom on the ballot this fall, the ACLU is securing important legal victories state by state, county by county to ensure that everyone can cast their vote.

Last year, Minnesota restored the right to vote for an estimated 55,000 formerly incarcerated people after the ACLU challenged the state's previous voting restrictions. Litigation in Maryland resulted in the town of Federalsburg implementing a new, racially fair election system after 200 years of Black voter dilution. ACLU client Crystal Mason's unwarranted criminal conviction for illegal voting was finally reversed in Texas after a seven-year legal battle. And in October, the ACLU joined the Southern Poverty Law Center and dozens of civil society organizations to advocate for voting rights before the U.N. Human Rights Committee and hold the U.S. accountable for policies and practices that violate an international human rights treaty.

Here are other states where the ACLU is preserving the fundamental right to vote:

**Montana**

In March, the ACLU of Montana and its partners won an important victory for Native American voting rights when the Montana Supreme Court blocked two state laws that disproportionately and unconstitutionally hindered Indigenous voter participation.

**Florida**

Also in March, a federal district court issued a summary judgment in favor of the ACLU's challenge to a state bill that bars noncitizens, including longtime, lawful permanent residents, from working or volunteering for community-based voter registration organizations.

**New Jersey**

In January, Newark passed a historic ordinance backed by the ACLU of New Jersey to lower the voting age for

school board elections to 16 years old, empowering more than 7,000 students to vote on issues that directly affect them and help create a more inclusive school ecosystem.

**Pennsylvania**

As a result of an ACLU of Pennsylvania lawsuit (see "Defending the Vote in the Battlegrounds," page 16), last fall a court ordered the Delaware County Board of Elections to count provisional ballots cast by voters whose mail-in ballots were thrown out for minor envelope errors. The court's ruling serves as a blueprint for other counties regarding best practices for correcting defective mail-in ballots.

**Mississippi**

In 2023, the ACLU of Mississippi and its partners blocked a new law that would significantly diminish access to the ballot for voters with disabilities or the inability to read or write by applying harsh criminal penalties to those who help community members vote by absentee ballot. —JAY A. FERNANDEZ

Learn more about protecting voting rights at [aclu.org/voting](https://aclu.org/voting).

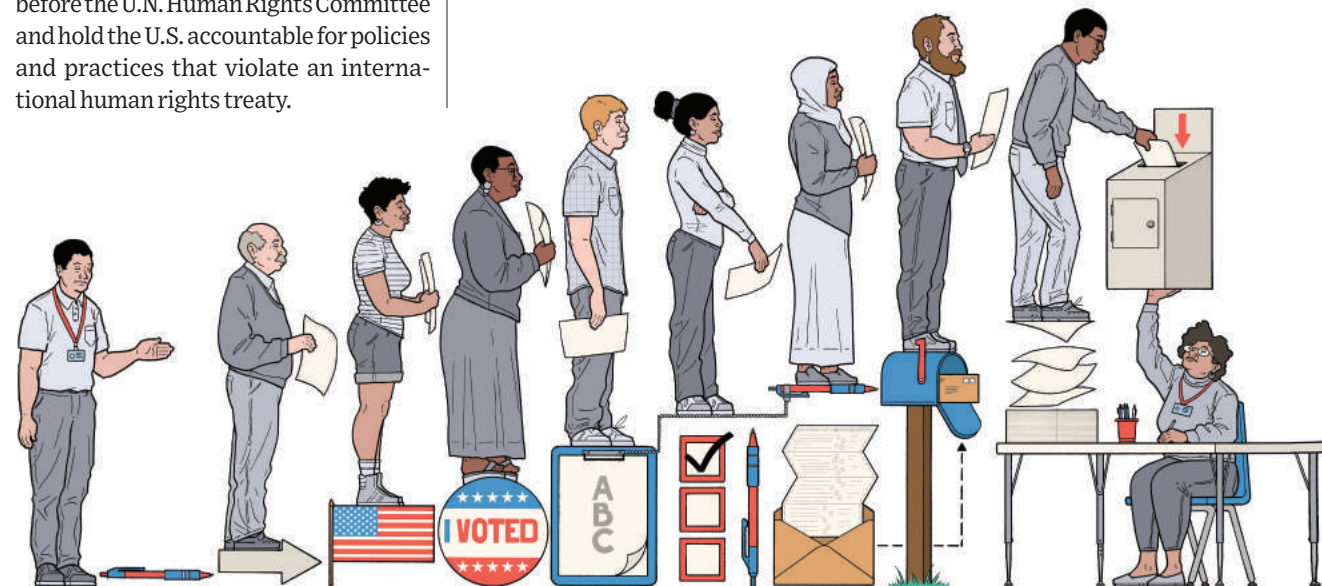


ILLUSTRATION BY KYLE ELLINGSON

# Defending DEI

ACLU President Deborah N. Archer addresses rising attacks on racial equity.



**Q:**

**Since the Supreme Court's ruling in 2023 that race-conscious admissions policies at most colleges and universities are unconstitutional, what is the ACLU doing to protect racial equity in education and other areas of public life?**

Policies designed to promote racial equity and broader diversity, equity, and inclusion (DEI) efforts are meant to address profound and persistent inequalities, and the ACLU defends them vigorously. In the aftermath of the Court's decision, anti-equity advocates have intensified their attacks on a wide range of programs. These attempts to undermine racial equity include bills to defund federal DEI offices, calls to investigate hiring practices, and cuts to DEI staff on college campuses.

The ACLU is closely tracking numerous legal challenges and political attacks on racial equity programs while focusing on two areas of socioeconomic opportunity: education and economic justice. In the education space, the ACLU is defending admission policies designed to promote diversity and expand access. Last year, we filed briefs in support of race-conscious admissions policies at West Point Military Academy and the Naval Academy. We also helped secure a win involving Thomas Jefferson High School in Fairfax, Virginia, where plaintiffs had challenged a new admissions

policy designed to eliminate unfair barriers for students of color. In March, the U.S. Supreme Court refused to hear the case, signaling that institutions can find innovative ways to ensure equal opportunity for all.

The ACLU is also exploring ways to address unequal educational opportunities available to Black and Latine K-12 students. Unfair barriers often cut students off from higher education and professional programs—key drivers of economic stability and mobility. In South Carolina, Idaho, and California, we're challenging school discipline practices that criminalize routine student behavior, and we're defending against attacks on curriculum in Florida, Oklahoma, and New Hampshire.

Beyond the classroom, we must and will continue to eliminate discriminatory barriers to employment to help close the racial wealth gap. The ACLU is intervening in several cases to protect DEI initiatives focused on hiring and retention, which are critical pipelines of economic mobility. We're also defending scholarship and fellowship programs designed to broaden pathways to medical careers for underrepresented groups. These programs are essential to ensuring diversity in the medical profession and, as such, improving the quality of care available to Black and Latine communities.

Please send your questions to [ACLUmagazine@aclu.org](mailto:ACLUmagazine@aclu.org).

QUINN RUSSELL BROWN

# Call the Midwives

**Birth centers offer a needed lifeline for pregnant people in states that have banned abortion. In its latest suit, the ACLU is suing the state of Alabama to keep birth centers open and accessible. BY ANITA LITTLE**

**Y**ashica Robinson, MD, doesn't care for politics. When asked why politicians in her state have been so dogged in cutting off access to reproductive health care, the Alabama-based obstetrician and gynecologist of 20 years demurs.

"It infuriates me that politicians are the ones making these decisions," she says. After a pause, she sighs and adds: "I don't have a great answer for why they're so heavily invested in this."

Robinson may not like to get political, but for years her work has thrust her into the center of a political firestorm. She's received death threats, harassment, and legal challenges, and she's no stranger to the ACLU, having been a plaintiff in numerous previous cases. Before the overturning of *Roe v. Wade*, she was one of the few remaining abortion providers in Alabama.

Today, Alabama has a near-total abortion ban.

Despite this, Robinson has soldiered on in her mission of providing access to affordable, high-quality health care by founding the Alabama Birth Center. The birth center follows the midwifery model of care, which provides patient-centered, ongoing care for low-risk pregnancies, with particular benefits for marginalized populations. Given that states with abortion restrictions often have failing health care systems, midwives have become increasingly critical in the work to improve maternal outcomes in an effective, scalable way.

"There are many areas [in Alabama] that are maternity-care deserts, which means there's no one to provide pregnancy care," says Robinson. "[With birth centers], you can have more providers available to patients, especially in places where there's already a lack of providers."

In a landscape where abortions are illegal, midwife-led birth centers are a pathway for supporting the health of pregnant people. However, instead of dedicating her full efforts to serving her community and planning for the future of her center, Robinson is battling for its very right to exist.

Robinson and other health care providers are plaintiffs in a suit the ACLU has filed against the state of Alabama. In 2023, the state's department of health launched a slew of draconian regulations that, if enforced, would effectively keep freestanding birth centers from operating in Alabama.

The proposed regulations would require birth centers to obtain hospital licensure and operate under impossible regulations. Birth centers already rely on national standards from the American Association of Birth Centers (AABC). One of the proposed regulations would severely limit the type of people who are eligible for care at birth centers, even though birth centers have both rigid intake criteria and ongoing screening practices and will only accept low-risk pregnancies. Yet another regulation would require birth centers to be near a hospital, even though birth

PHOTOGRAPHS BY BETHANY MOLLENKOF



centers are designed to expand access to areas *without* hospitals. The new regulations were opposed by the AABC as well as the State Board of Midwifery.

“These additional requirements are not evidence-based,” says Lindsey Kaley, senior staff attorney for the ACLU’s Reproductive Freedom Project and lead attorney on this case. “The eligibility criteria don’t reflect whether someone is low-risk or high-risk. There is no connection between birth centers and cases where the requirements would be necessary. When you take them all together, it makes it impossible for birth centers to work.”

When the Alabama Department of Public Health (ADPH) issued what was essentially a de facto ban on birth centers, Alabama ob-gyns, midwives, and their pregnant patients were thrown into limbo. Alabama Birth Center had to halt construction, and Oasis Family Birthing Center, which opened in 2022, was forced to shut down. The founder of Oasis is obstetrician and gynecologist Heather Skanes, MD, and she’s another plaintiff in the ACLU’s lawsuit. Oasis Family Birthing Center was the only birth center in the state when the department of health shut it down. The facility had a perfect safety record.

Skanes founded Oasis for the same reasons that Robinson founded Alabama Birth Center: to expand access to welcoming, inclusive maternal care in a state where options are few and far between. Most of her patients are people of color.

“I wanted women to feel like they had options. I had an interest in providing options to Black women especially, because frequently we feel we don’t get presented with choices,” says Skanes. “We provided a financial middle ground for people who wanted to give birth outside of the hospital but couldn’t afford a home birth.”



**Last year, Alabama passed draconian regulations that threaten the existence of the state’s freestanding birth centers.**

Skanes sits on the board of AABC, and part of her role is to review its national standards for birth centers. After the department of health issued its proposed regulations, she reviewed them carefully and found them to be unreasonably obstructive.

“A lot of things are done under the guise of safety, but it really all comes down to making things inaccessible,” says Skanes. “It’s about taking away women’s choices and women’s ability to make decisions. This is what happens when you don’t have medical professionals creating the guidance for those things.”

When Oasis was forced to close, Skanes had to turn away 10 patients who were resolute on delivering at Oasis and more than a dozen other inquiries from prospective patients.

“That was particularly devastating. We had people who had their hopes set on experiencing the birthing center and then they had to change their plan,” says Skanes. “They all went on to have their children, but it was disappointing to know we were sitting on our hands with

## The declining access to pregnancy care becomes especially perilous when it intersects with the lack of access to abortion care.

this facility because of the actions the ADPH took.”

Some good news: Oasis was given a reprieve after an ACLU victory secured a preliminary injunction from the court. This allowed Oasis to apply for a temporary license and reopen last January after being shuttered for six months.

“It’s a real loss and a real danger to not have the centers able to open. We’re so lucky to be able to work with

Dr. Skanes, and to have [Oasis] reopened is exciting. They’re able to bring on patients and hire midwives,” says Kaley.

However, the future of Oasis, Alabama Birth Center, and other facilities still hangs in the balance as the plaintiffs hopefully await an outcome from the ACLU’s legal challenge.

**T**o fully grasp how critical birth centers are for the safety of pregnant people in Alabama, one must first understand maternal health in Alabama. The state has the third-highest maternal mortality rate and the third-highest infant mortality rate in the country, according to the ADPH and CDC. ADPH investigations note that most of the maternal deaths that happen in the state are preventable. The state also has a growing number of the maternity-care deserts that Robinson mentioned, with more than a third of counties having little to no access to maternity care.

These stark statistics become even further compounded when one looks at Black Alabamians. In the data for both maternal and infant mortality, Black women and Black infants make up a disproportionate number of deaths. In Alabama, Black infants die at twice the rate of white

infants. Organizations like the Centers for Disease Control and Prevention have called out how “centuries of racism in the United States have had a profound and negative impact on communities of color... and prevented some racial and ethnic minority groups from achieving optimal health.” Both Skanes and Robinson are Black women, and they say that this matters to their patients, who are often women of color.

“In hospital-based care, you’re most likely dealing with white providers, white doctors, and you’re not seeing people who look like you during this very pivotal moment in your life,” says Skanes. “My patients really connect with me. They will say, ‘I need you specifically, because you’re going to listen to me if something goes wrong.’ People underestimate that.”

That mattered to Imani White, who was one of Skanes’s recent patients at Oasis. She gave birth to a healthy baby boy in April, about a week before she

was interviewed for this piece. It was important to the first-time mom to have a birth that was as natural as possible.

“I was able to feel supported the entire time. It was probably the calmest experience I ever could have imagined,” Imani says.

Imani feels that if she gave birth in a hospital, her experience would have been very different. “[At Oasis], there was never any moment of panic,” she says. “They always provided me with the information to make the best decision for me and my family.”

Labor and delivery units in Alabama have been disappearing from hospitals. Three maternity wards closed within a few weeks of each other last fall, meaning that pregnant people in Alabama have to travel even farther to access care. Rural areas have been especially hard hit.

“There are legislative hurdles we’ve had to overcome, and that has slowed our progress down. It puts financial

stressors on the birth center and our ability to open our doors and start serving our community,” says Robinson.

**T**he declining access to pregnancy care becomes especially perilous when it intersects with the lack of access to abortion care in the state. In June 2022, after the United States Supreme Court overturned *Roe v. Wade*, the state of Alabama began enforcing its abortion ban, which outlaws all abortions, no matter the stage of pregnancy. This year, the state’s Supreme Court issued a ruling that frozen embryos are children under state law. This is the hostile environment that people seeking reproductive care face in Alabama.

One possible solution to dangerous maternity-care deserts includes midwives. Alabama Birth Center and Oasis Family Birthing Center both provide midwifery care not just on the day of the birth but throughout the childbearing



**Midwife Jo Crawford at her home in Hoover, Alabama.**





Heather Skanes, MD, pictured at Oasis Family Birthing Center in Birmingham.

cycle, assessing the physical and psychological well-being of the patient.

“The biggest difference [between the midwifery model and hospital-based model] is the continuity of care. Typically, in a hospital, you get whoever is on call, and you have people working in shifts coming in and out,” says Jo Crawford, who works at Oasis. She has been a licensed midwife for nearly 10 years and was a doula prior to that. Crawford had to stop working this past summer when ADPH shut down Oasis.

“Your care team might change a lot. Having to emotionally detach and then connect to a new person can interrupt the flow of birth. In midwifery, you get to know your patients better, and it’s a more individualized, holistic approach.”

As midwives and birth centers only work with low-risk pregnancies, there’s an emphasis on nonintervention. The philosophy of midwifery sees birth as a natural, physiological process, not a pathology. Because of this, freestanding birth centers and midwife-led care have lower rates of birth by Cesarean section than hospitals. Also known as C-sections, these major surgeries are fraught with risk for patients—such as infection, internal injury, and complications for future pregnancies—especially if they’re medically unnecessary. The World Health Organization recommends that hospitals do not exceed a 10 percent to 15 percent Cesarean section rate: In 2022, Alabama had a statewide rate of nearly 35 percent, according to the National Center of Health Statistics, with some hospitals reporting even higher.

The lower levels of intervention and higher levels of positive outcomes associated with midwifery mean that study after study has pointed to the fact that midwives are the key to improving maternal and infant

## “I truly believe women of color have to be at the forefront of this fight.”

—HEATHER SKANES, MD,  
OASIS FAMILY BIRTHING CENTER FOUNDER

health outcomes. Midwives might be rare in the United States, but they’re commonplace in almost every other affluent nation, with European countries leading the pack.

Not to mention that midwifery is more cost-efficient—not just for patients, but for providers.

“It is so much more feasible to have midwives and open a birth center than it is to open a whole hospital and be able to staff a hospital,” says Robinson.

For these reasons, pregnant people may seek out midwifery care instead of going the hospital route. Ultimately, it’s a matter of choice, but that choice is being chipped away. It’s yet another way of denying people bodily autonomy.

“You’re seeing more and more people, especially women of color, say I want something different. I want someone to explain to me what’s happening. I don’t want to feel rushed. I don’t want a factory birth,” says Skanes. “It all ties into the fact that people don’t believe women deserve choices. If it were about being



Imani White photographed with her newborn at Oasis Family Birthing Center in May.

pro-life or being [pro-birth], then you would be open to women having access to more places to give birth.”

Despite its effectiveness, midwifery had a very embattled history in Alabama. It wasn’t until 2017 that the state lifted a four-decade ban on non-nurse midwives, which allowed certified professional midwives to practice in the state.

The hostility that the state has long fostered for midwives becomes even more salient when one considers the former dominance of Black midwives in the South from slavery well into the 20th century. Black women were relied upon to deliver babies for Black and white mothers for generations until over-regulation pushed them out of the practice. That’s why a goal of Skanes’s is to train midwives of color.

“There was a systematic effort to eliminate midwives, who were predominantly Black women, from the state of Alabama. And part of our mission is to bring back Black midwives,” says Skanes. “I truly believe that women of color have to be at the forefront of this fight, because if we don’t fight for it, nobody’s going to fight for us.”

As the ACLU litigates this case, Kaley hopes that public officials will listen to the data, which supports the necessity for places like Alabama Birth Center and Oasis and not the onerous regulations the state wants to impose. When asked why it’s important to her that the ACLU maintains such a presence in states that have banned abortion, she says, “The ACLU’s Reproductive Freedom Project really is about reproductive freedom in all of its forms.”

Crawford feels Alabama has a chance to do the right thing with this case.

“Let’s not be embarrassed anymore by the statistics in the state,” she says. “Let’s do something about it, and then show people how we did it.” ■



As anti-democratic forces continue to restrict access to the polls, the ACLU of Pennsylvania is fighting back until every voice is heard. BY CATHERINE CARUSO

Staff at the ACLU of Pennsylvania are removing barriers to voting through litigation, organizing, and voter education.

# DEFENDING THE VOTE

IN THE BATTLEGROUND

“We try to remove barriers to voting for all Pennsylvania voters, but we know historically it’s been Black and Brown voters who are most impacted by those barriers,” says Marian Schneider, the ACLU of Pennsylvania’s senior policy counsel for voting rights. “The priority is helping all eligible voters to be able to vote easily and have that vote counted.”

Since 2019, those who would curtail the right to vote have targeted mail-in voting in Pennsylvania. Some counties have removed or scaled back the use of drop boxes, a convenience that allows voters to deposit their ballots without using the postal service. Mail-in ballots have been discarded as a result of simple voter error. However, many of the issues surrounding mail-in voting are a direct result of uncertainty in the law. Since a legislative solution for many election issues is not possible because of a divided state legislature, strategic litigation helps achieve clarity for all Pennsylvanians.

The ACLU of Pennsylvania has filed two lawsuits on behalf of voters who have made minor mistakes on the outer envelopes of their mail-in ballots, which require both a signature and a date. One ongoing ACLU case, *NAACP v. Schmidt*, challenges the disqualification of undated and misdated mail-in ballots under the federal Civil Rights Act of 1964, which prohibits ballots from being disqualified over immaterial mistakes on paperwork. The plaintiffs include voting and civil rights organizations as well as voters who were disenfranchised in the 2022 midterm elections.

In November, U.S. District Judge Susan Paradise Baxter agreed with the ACLU and held that throwing out ballots over the dating requirement does, in fact, violate federal law and disenfranchise voters. Therefore, mail-in ballots that are undated or have the wrong date must be counted.

Earlier this year, a federal appeals court overturned the district court’s ruling, which the ACLU is challenging.

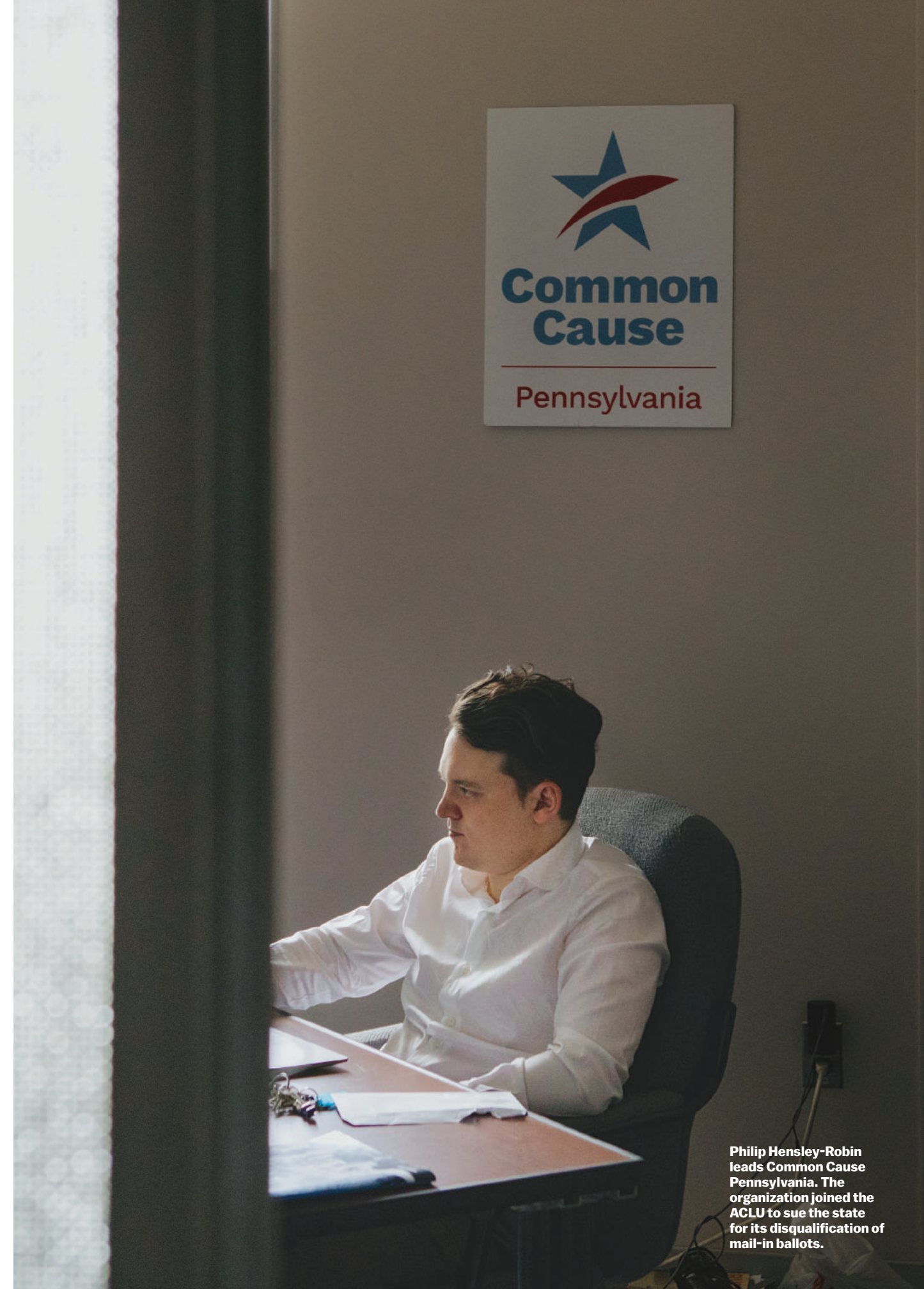
“No-excuse, mail-in voting is something that’s relatively new to Pennsylvania,” says Philip Hensley-Robin, executive director of Common Cause

**THE RIGHT TO VOTE** is a fundamental building block of a well-functioning democracy. It gives eligible citizens the opportunity to participate in fair, safe, and secure elections. In recent years, however, the electoral process has been subject to unrelenting efforts by state lawmakers to suppress the vote.

Since 2020 and the spread of the Big Lie about voter fraud, the battleground state of Pennsylvania has seen a surge in election lawsuits, unwarranted recount petitions, and

baseless challenges to Act 77—the state’s mail-in voting law, passed in late 2019. In the 2022 midterm elections, thousands of mail-in ballots were rejected in the swing state, which former President Donald Trump had carried by a razor-thin margin of 40,000 votes in 2016.

This year, ahead of the 2024 elections, the ACLU of Pennsylvania and its partners are readying the fight—through litigation, organizing, and voter education—to protect ballot access in the state and ensure that every vote counts.



Philip Hensley-Robin leads Common Cause Pennsylvania. The organization joined the ACLU to sue the state for its disqualification of mail-in ballots.



**“THE ACLU IS THERE TO PROTECT VOTING RIGHTS. I SAW IT IN MY OWN CASE, AND I’M EXTREMELY GRATEFUL.”**

—ACLU OF PENNSYLVANIA CLIENT BARBARA WELSH

Pennsylvania, one of the plaintiffs in the case. It was implemented for the 2020 presidential election, which occurred during the COVID-19 pandemic. Mail-in voting was “a literal lifesaver,” says Hensley-Robin. “It was a vital resource for voters to make sure that they were able to cast votes and have them counted in a safe way.”

He notes that it is now clear, however, that the state’s lack of clarity around mail-in voting as well as subsequent Pennsylvania Supreme Court decisions have created confusion about what is required for a mail-in ballot to be counted. The appeals court’s decision not to apply federal law to prevent disenfranchisement is highly concerning, he says, and now “potentially tens of thousands of Pennsylvania voters will be disenfranchised in this year’s election.”

Hensley-Robin adds, “That’s why it was so important to join with everybody else in this lawsuit to make the clear and consistent case that you can’t throw out someone’s ballot because of an irrelevant date on the outer envelope.”

“It’s clear what election year the ballot is for, the ballot itself is clear, so it just seems a little outlandish for there to be claims of fraud if someone didn’t date the ballot,” says Diana Robinson, co-deputy director of Make the Road Pennsylvania, another plaintiff in the case. “I think it is going to take more resources and education to ensure people are filling it out correctly,” she says.

Robinson also notes that the appeals court decision will ultimately disenfranchise voters—especially older voters, people of color, and voters with disabilities, who are more likely to vote absentee. “There’s no question that there’ll be people who may misdate or forget to date the mail-in ballot. We know that is a possibility.”

Sonja and Richard Keohane wrote the incorrect date on their mail-in ballots’ outer envelopes during the 2023 primary in Delaware County, Pennsylvania. Shortly after receiving an email notifying her that her mail-in ballot was invalid, Sonja Keohane, who lives in Wayne, says she was instructed to go to Media, Pennsylvania, to fill out another mail ballot and correct the date, but both she and her husband were unable to go because of accessibility issues. Keohane was told by county officials that she could vote a provisional ballot on Election Day.

“I was anxious to vote, so my husband and I made the effort to go and ask for a provisional ballot,” says Keohane, a longtime poll worker, adding that “everything seemed to be fine” until she was notified that her provisional ballot wouldn’t be counted either. “We were both very upset.”

The Keohanes joined a lawsuit filed by the ACLU of Pennsylvania challenging the county’s decision not to count the provisional ballots of voters whose mail-in ballots were canceled because of defects on the outer envelope. The plaintiffs in question are all older voters who were unable to travel to participate in the county’s official process to correct their ballots.

Keohane says that when she found out that the ACLU of Pennsylvania was going to “go to bat” for her and her husband, she was overjoyed and “couldn’t believe that they would spend the time and effort that they did for a couple of people.”

Plaintiff Barbara Welsh, who works at the polls, was attending a funeral out of state when she was notified that she needed to correct her mail-in ballot. Since she couldn’t make it to her county courthouse to correct her ballot before the deadline, she filled out a provisional ballot instead. Soon after, however, she

received a notification that her provisional ballot would not be counted. “That was personally very upsetting, and I didn’t know what I could do about it,” says Welsh.

According to the ACLU of Pennsylvania’s Schneider, the state’s voting law, Act 77, allows people to cast a provisional ballot if they do not receive their mail-in ballot, but she notes that the law is “a little fuzzy” on whether voters who had returned their mail-in ballot to the county and it was received are allowed to vote provisionally. “We took the very strong position that, yes, they should

be allowed to, because their ballot was going to be canceled, so there’s absolutely no way they could double-vote,” says Schneider.

In September, a county court ruled that the plaintiffs’ provisional ballots must be counted.

Welsh says she was happy with the ruling because she now knows that if she has the same problem in the future, she can vote provisionally and have that ballot counted. “The ACLU is there to protect voting rights,” she says. “I saw it in my own case, and I’m extremely grateful.”



**Diana Robinson, center, of Make the Road Pennsylvania, notes the importance of voter education to mitigate disenfranchisement.**

**T**HE FIGHT for voting rights has changed significantly since 2020. Previously, the ACLU of Pennsylvania and a coalition of local non-profit partners tackled historical tactics designed to disenfranchise certain voters, especially Black and Latine populations. Now, in addition to voter suppression, the affiliate is battling efforts to undermine the institution of voting and cast doubt on election results.

The ACLU of Pennsylvania and its partners invest in outreach and education

to provide voters with essential information about how to register to vote, how to vote by mail, how to properly fill out mail-in ballots, and how to ensure their mail-in ballots are delivered on time. Communities that are often disenfranchised, including trans people, communities of color, and people with criminal convictions, are prioritized.

“We want to make sure that we’re informing folks about their right to vote,” says Danitra Sherman, the ACLU of Pennsylvania’s deputy advocacy and policy director, adding that it is imperative that voters are aware of the rules.

The affiliate's team distributes Know Your Rights information, attends community events, and encourages voters to engage with their peers, all ground efforts that will increase as November approaches. Overall, Sherman stresses the importance of making sure that voters both understand what's at stake and are engaged in the democratic process.

In the run-up to the presidential election, the ACLU of Pennsylvania will also be keeping a close eye on Pennsylvania's 67 counties, all of which have different ways of running elections under the state's election code. As part of that work, the affiliate organizes people on the ground to alert staff to any attempts to undermine the vote and to advocate with local officials for pro-voter policies, such as drop boxes, notifying voters

when their ballots have mistakes, and allowing them to fix those mistakes.

"This has been really helpful both to build relationships on the ground and to know what's going on almost in real time," says Rebecca Cusumano-Seidel, an ACLU of Pennsylvania policy and engagement associate.

"We recently rallied voters in Lebanon County, where the only drop box had been eliminated," says Jessica Riestra, ACLU of Pennsylvania organizing director. "We made sure that people were there and present and people's voices were heard."

Lebanon County commissioners had voted to remove the county's only drop box, with Commissioner Robert Phillips claiming an individual could drop off more than one ballot. But since the vote on the drop box was not specified

in the meeting's agenda, this move was a violation of the Pennsylvania Sunshine Act, which requires agencies to post the agenda for all public meetings 24 hours in advance. After facing pressure from the ACLU of Pennsylvania and an outpouring of objections from voters, the county commissioners agreed to consider an alternative, and they officially voted in favor of a staffed ballot drop-off location in March.

The ACLU of Pennsylvania has a similar program for canvassing and certifying an election. ACLU volunteers observe the official tallying of votes so they can alert attorneys if there are any widespread challenges. "It's been really important to do that, but not all counties let us in," says Sara Mullen, advocacy and policy director at the ACLU of Pennsylvania. "Ongoing litigation is

## ACLU ON THE FRONTLINES

**T**HIS YEAR, in addition to the ACLU of Pennsylvania, ACLU affiliates in 10 other states are focused on preserving democratic norms in states where electoral margins matter. Affiliates in Georgia, Michigan, and Ohio, for example, are fortifying election infrastructure and combating misinformation as part of the ACLU's Battleground States Initiative.

In the South, a historic turnout of voters in Georgia during the 2020 election unleashed a wave

of new laws designed to make voting harder. The ACLU of Georgia successfully challenged everything from new absentee requirements to bans on providing water and food to Georgians who wait in line for hours to cast their vote.

Through a statewide Clerk Engagement Program in 2022, the ACLU of Michigan identified 1,600 city, county, and township clerks responsible for overseeing elections. The affiliate helped educate clerks about the power they hold to protect the vote,

including setting polling locations and voting hours, arranging for on-site translators, and handling other elements critical to administering a fair election.

And in Ohio, this winter the ACLU filed a lawsuit against legislation that makes it a felony in the state to assist a voter with a disability—a shameless attempt to suppress the vote.

To learn more about how you can protect the right to vote in your state, visit [aclu.org/vote](https://aclu.org/vote).

challenging one of the counties because they would not let our observers in. We think it's a public action and a public record, and therefore people should be able to attend and observe."

The case alleges that York County Board of Elections violated the Pennsylvania Election Code by not allowing Elizabeth Kurian to observe the vote canvass. "There's a reason that's supposed to be in public," says Schneider. "And one of the things we do a lot of here is hold counties accountable to the law and to the public nature of the election process."

Founded in 2022, the ACLU of Pennsylvania's Volunteer Monitoring Program recruits volunteers to monitor election administration and the official canvass of votes in the state's many counties. Observing the official process allows the ACLU affiliate to forecast issues as early as possible. Volunteers can be on the lookout for administrators not counting whole categories of ballots; partisan representatives challenging the counting of ballots; and other irregularities. Most importantly, by observing the process firsthand, the affiliate can counter any false narratives that might circulate about a particular county's election administration and the work leading up to the final certification of results.



**"WE... HOLD COUNTIES ACCOUNTABLE TO THE LAW AND TO THE ELECTION PROCESS."**

—MARIAN SCHNEIDER, SENIOR POLICY COUNSEL AT THE ACLU OF PENNSYLVANIA

Alongside its year-round voting rights work, the ACLU is also a national partner of the Election Protection Coalition, which assists voters who call the 866-OUR-VOTE hotline and provides information and assistance to voters in the few weeks preceding the election and on Election Day.

In Pennsylvania, the ACLU leads the coalition's litigation and legal response, running two command centers. While most calls are easily answerable and typically pertain to polling locations, polling place hours, and what is on the ballot, others can't be answered right away and get escalated to the command center.

More difficult calls often include reports of poll workers not showing up, voting machines not working, or even sheriffs standing near ballot drop boxes outside polling places with guns and tasers. "We can call the Department of State if we have to; we can call

the counties. If we need to send out a lawyer, we can send out a lawyer," says Schneider. "In 2022, we were worried that counties were not going to allow people to vote by provisional ballots so we had papers drafted in advance. We sent them to our attorneys so they would be prepared, and we told them, 'If you get a call, here's what to file.'"

While this program is helpful to voters who run into problems on or leading up to Election Day, Schneider says that it's just one part of the voting rights work the ACLU of Pennsylvania engages in the rest of the year.

"In my view, the work that you do the other days of the year to prevent problems in the first place reduces the number of calls you have on Election Day," she says. The ACLU's year-round efforts to defend the right to vote support full participation in democracy—in battleground states and beyond. ■



Barbara Welsh, pictured at her home, joined a successful ACLU of Pennsylvania lawsuit after her provisional ballot was discarded during the 2023 primary elections.

As students return to the classroom, the ACLU is defending the core principles of free speech and academic freedom. BY CHARLEY LOCKE

## YOUR GUIDE TO

# Students' Rights

In recent years, the classroom has become a battleground. Questions that should be pedagogical have become political: What subjects should students learn? What makes a learning environment safe? How can students express themselves at school?

All students and educators in the U.S. have a right to freedom of speech and expression, which is protected by the First Amendment, but in the last three years, there has been a drastic rise in new laws that would limit that fundamental right. According to *Inside Higher Ed*, nearly 118 million people live in the 18 states where these new laws are in effect.

"After the national conversation about race in 2020, we saw efforts to limit how we talk about race and gender in schools," says Emerson J. Sykes, a senior ACLU staff attorney who focuses on free speech protections. That legislative backlash also includes attempts to control how students identify and present themselves, often through discriminatory dress codes and anti-LGBTQ

policies. In the years since, the ACLU has expanded its advocacy for students across many issue areas, including classroom censorship, book bans, discriminatory dress codes, campus speech, and transgender students' rights.

"At the end of the day, we want to make sure our students are getting the best education that we can provide for them, based on educators' expertise, not on politicians trying to score points in the culture wars," says Sykes.

In all of the ACLU's work on behalf of students and educators, the organization collaborates with activists and advocates on the ground—including impassioned younger voices (see p. 28). "Student activists give us the energy we need to keep going," says Sykes. "Young folks are engaged and aware, doing all they can at the school level and the national level to preserve the quality of education for themselves, their siblings, and their children one day."

Read on to learn about what rights students do and don't have at school—and how the ACLU and its partners are banding together to speak up and protect those rights in the classroom and on campus.



## Classroom Censorship

**O**n September 22, 2020, President Donald Trump issued Executive Order 13950, which restricted how, when, and whether workplaces could offer diversity training. The order led to a wave of “divisive concepts” legislation that restricts teaching and learning about race and gender, both in the workplace and at school. Some of these bills include steep penalties for educators, such as fines up to \$10,000 and even termination.

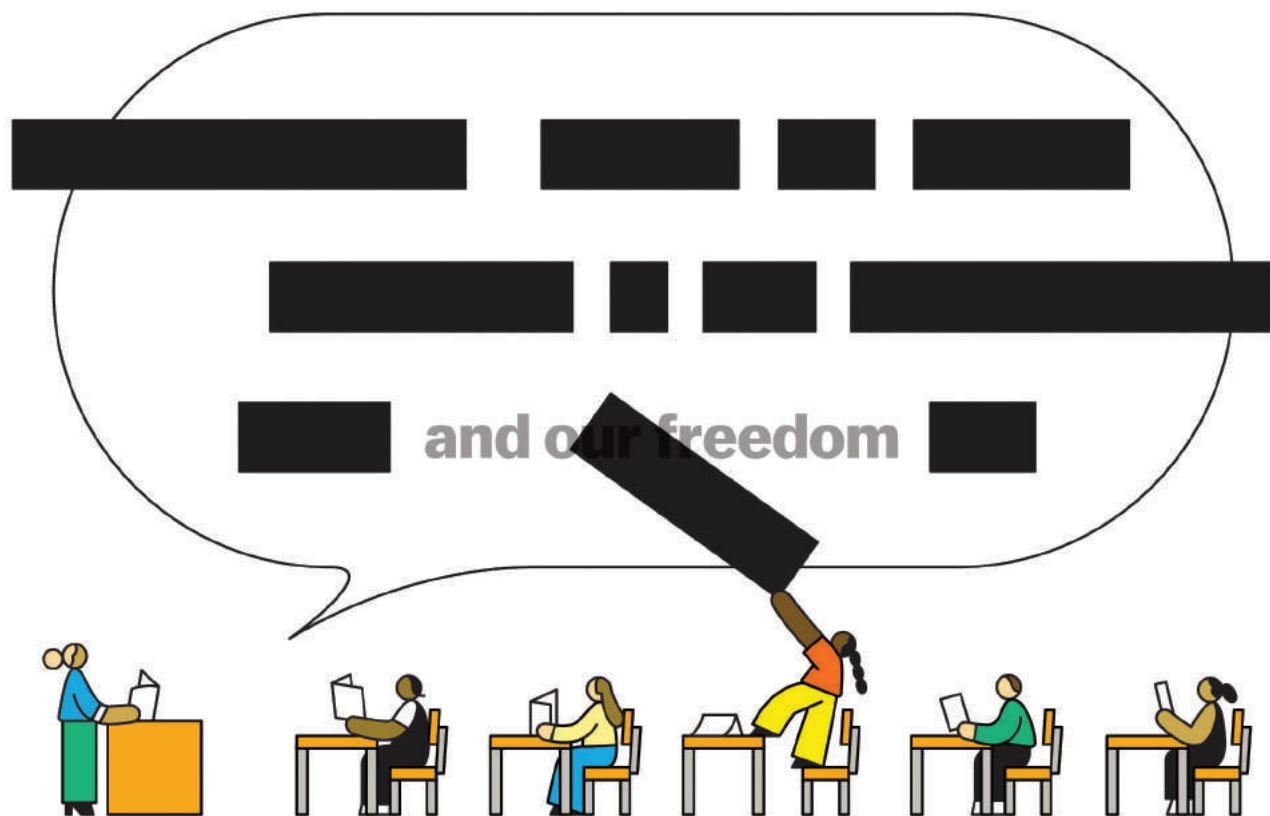
The ACLU has played a vital role in combating classroom censorship bills, including by filing the first federal lawsuit against them in 2021. That case, *Black Emergency Response Team v. O’Connor*, is challenging HB 1775, an Oklahoma classroom censorship bill that severely restricts educators and students from talking about gender and race in public school classrooms.

The ACLU and its affiliates have also led the fight against censorship in other schools across the country, from *Mejia v. Edelblut*—successfully challenging a New Hampshire law discouraging public school teachers from talking about race, gender identity, sexual orientation, and disability—to *Pernell v. Lamb*, which successfully blocked HB 7, the “Stop W.O.K.E.” Act, in Florida. The ACLU argued that HB 7 violated the First and Fourteenth Amendments as well as the Equal Protection Clause because it was enacted with a racially discriminatory purpose and will have

a disparate impact on Black educators and students.

“As a Black man, I know full well what it’s like to be erased from your own curriculum,” says Sykes, who works directly on censorship cases. Through his work, he’s seen the acute impact of these restrictions on students of color—and more broadly, on students from all backgrounds. “We know that inclusive education improves students’ learning, their behavior, and their academic performance,” he says. “It’s in the best interest of all students to have a more inclusive model in education.”

## Last year, the American Library Association documented attempts to censor 4,240 unique book titles in libraries.



## Book Bans

**I**n 2023, the American Library Association documented attempts to censor 4,240 unique book titles in libraries, a 65 percent increase over the previous year. Titles about the experiences of LGBTQ individuals and people of color made up 47 percent of the censorship efforts. In some cases, groups and individuals tried to censor hundreds of books at a time.

Many of these bans are unconstitutional. Schools have the right to reject books they believe offer little value to their students, but they cannot reject a book because of “narrowly partisan or political reasons,” according to the U.S. Supreme Court—in other words, just because they disagree with the contents or viewpoint of the book.

The ACLU and its partners fight these attempted bans in several ways, from legal action to documentation to protest. In July 2023, the ACLU of Arkansas blocked Act 372, which aimed to criminalize librarians who provide access



The ACLU supports student and educator activists as they speak out about why reading books with diverse subjects is so meaningful. That has taken the form of protests, banned-book clubs at schools, and speeches to legislators. “It’s really important to not acquiesce just because somebody says something,” Mary Wood, a teacher at Chapin High School in Chapin, South Carolina, told the ACLU of South Carolina. Wood assigned Ta-Nehisi Coates’s *Between the World and Me* in her AP English class for part of a lesson on rhetoric; in response, district officials told her to stop teaching the book. Her advice for teachers and librarians? “Be bold and don’t back down.”

## Campus Protest

**S**tudents at public schools, both at the K-12 and university level, have a protected right to free speech: The First Amendment requires that public colleges and universities allow their students to debate and demonstrate on campus. And while the Constitution does not apply directly to private institutions, academic freedom and free inquiry require that similar principles guide private universities.

Students have the right to speak out on campus and to peacefully protest if actions aren’t disruptive to the functioning of the school or they don’t create an unsafe environment. Universities and public schools can enforce reasonable restrictions on “time, place, and manner,” according to the First Amendment, provided administrators don’t discriminate based on the message of the protest.

In April 2024, in response to anti-war protests across the country, the ACLU wrote an open letter to university leaders that offered basic guardrails to ensure freedom of speech and academic freedom while protecting against discriminatory harassment and disruptive conduct. University administrators may not single out specific viewpoints for censorship or punishment, whether those views are held by students or faculty. That means that restrictions must be content-neutral; viewpoints on both sides of an issue must be equally protected. (For example, administrators can limit protests to certain parts of campus or times of the day, but those rules must apply to all protests.)

Schools also must protect all students from discrimination, harassment, or violence based on their race, religion, or national origin, and should involve police only as a last resort. The ACLU strongly advises university leaders to “be cognizant of the history of law enforcement using inappropriate and excessive force in responding to



protests, particularly against communities of color,” and that “arresting peaceful protestors is also likely to escalate, not calm, tensions on campus.”

Violence is never an acceptable protest tactic, and physically intimidating students by blocking their movements or pursuing them aggressively is unprotected conduct, not protected speech.

These rules aim to foster a learning environment that’s safe for all students and that encourages the debate of ideas, regardless of whether an administration agrees with them.

## Dress Codes

Public school dress codes are often designed to contribute to a learning environment free of inappropriate distractions or offensive content. But who decides what counts as inappropriate, distracting, or offensive? School dress codes can reflect racist and sexist biases and discriminate against gender-nonconforming students. They can reinforce the harmful view that girls' bodies are inherently provocative

or that students need to dress a certain way based on their gender assigned at birth. Dress codes that prohibit certain hairstyles, including braids and locs, disproportionately punish Black students.

Legally, dress codes can specify what types of clothes, accessories, and hairstyles are acceptable for all students, like allowing short-sleeved but not sleeveless shirts. But dress code requirements cannot differentiate based on students' protected characteristics, which include gender, race, and religion. For example, public schools can't require that girls (but not boys) must wear skirts or

dresses, or prohibit only boys from wearing makeup, or have a hair-length policy that only applies to some students.

In 2018, 6-year-old C.J. Stanley was turned away from A Book's Christian Academy in Apopka, Florida, on his first day of first grade because he wore his hair in locs. When his parents decided to pursue legal action, they turned to the ACLU and the NAACP Legal Defense Fund to file a complaint against the school. The ACLU has also taken action against policies that perpetuate double standards for students based on gender. Last year, the ACLU of Texas advocated on behalf of a student—the only Black athlete on the girls' cross-country team—who was mistreated after she objected to a policy that prevented girls from practicing in sports bras while allowing male athletes to practice without wearing shirts.

In 2022, the New York Civil Liberties Union sued the City District of Albany after female members of the track and field team, most of whom were Black or Latine, were suspended for protesting the district's discriminatory dress code. "None of us did anything wrong," Alexis Hope Arango, then a senior at Albany High School, told the ACLU. "We all love track and shouldn't be punished for what we wear."



## ACLU National Advocacy Institute

Young activists are an essential part of the ACLU's advocacy work. The ACLU recognizes the power of youth voices, both as leaders on school campuses and in their own communities, and as agents of change. Since 2018, the ACLU National Advocacy Institute has prepared thousands of students to stand up for what they believe in.

Every summer, the Institute brings hundreds of high school and college students to Washington, D.C., and other locations, where they learn skills for lifelong activism, including expertise in civil liberties and civil rights issues, and tactics for grassroots organizing and advocacy. In their time at the Institute, students learn about professional

paths where they can make a difference from leaders in fields ranging from public policy to law to nonprofit organizations. Much of the programming is directed by the students' own interests—they choose to participate in electives and actions for issues such as immigrants' rights or transgender justice.

While the Institute offers them opportunities to learn from experts on the ground, it also provides them with the time to develop relationships with the change-makers and leaders of the future: each other.

Students interested in applying to the 2025 ACLU National Advocacy Institute can learn more online at [aclu.org/institute](https://aclu.org/institute).



## Transgender Rights

Students have the right to speak up for what they believe at school—and to be themselves, free from discrimination. For trans students, that right is increasingly under threat because of anti-LGBTQ legislation across the country. The ACLU is at the forefront of protecting the rights of trans students, from access to bathrooms to inclusion on sports teams to respect for their pronouns.

Trans students are protected at school through Title IX, a federal law prohibiting discrimination based on sexual orientation or gender identity. Title IX means that regardless of sex or gender, a student has the right to be at school as themselves. That includes the right to learn, to play sports, to dress, and to use the bathroom and locker room corresponding to their gender identity. Title IX also requires public schools to address bullying based on appearance or behavior that doesn't conform to gender stereotypes.

Since 2021, there has been a stark increase in efforts to suppress transgender students' rights to participate

in school activities and experience a safe learning environment. The ACLU has fought back. Just last year, an appeals court ruled in favor of the ACLU of Indiana and its clients, a transgender boy and his parents, who had sued his school district for failing to provide him with access to bathrooms consistent with his gender identity in violation of Title IX and the Equal Protection Clause. And in April, the ACLU blocked a West Virginia law banning transgender student-athletes from playing on teams consistent with their gender identity.

Transgender students who experience harassment or discrimination at school should document everything by taking notes and keeping copies of any emails with school administrators. It's essential to report every incident of harassment or discrimination to a principal or counselor. Schools are required to have a clear process for filing complaints and must keep the student's identity confidential. ■

**“It's in the best interest of all students to have a more inclusive model in education.”**

—EMERSON J. SYKES, ACLU SENIOR STAFF ATTORNEY

For more information, visit [aclu.org/safeschools](https://aclu.org/safeschools).





# VOICES

TRANS JOY

## Freedom to Be

A new ACLU campaign focuses on the joy and strength of trans people and their families.

**Too often, conversations** about transgender people ignore what's really at stake for us: our freedom. The ACLU's new Freedom to Be campaign shows transgender people and their families from across the country finding joy and community, grounded in the basic principle that we all deserve the freedom to control our own lives and bodies. "When I think about the freedom to be Hobbes, I think about the freedom to be myself," says Hobbes Chukumba, who recently graduated high school in New Jersey and helped organize Trans Youth Prom last year, a celebration held on the National Mall in Washington, D.C. "The freedom to be me is also the freedom to be joyful...feeling happy and excited for what I have in store in my future." —GILLIAN BRANSTETTER

Hobbes Chukumba  
with his father,  
Stephen.

Learn more about the Freedom to Be campaign at [aclu.org/freetobe](https://aclu.org/freetobe).

AUNDRE LARROW

# Suffragists Take the Stage

The ACLU hosted a talk-back at the hit Broadway musical *Suffs*.

May 15 marked “ACLU Night” at a special production of *Suffs*, the hit Broadway musical coproduced by Hillary Clinton and Malala Yousafzai. The inspiring show, written by Shaina Taub, an artist ambassador for the New York Civil Liberties Union, chronicles the lives and legacies of the women’s suffrage movement.

Following the show, the audience was treated to a talk-back with Ria Tabacco Mar, director of the ACLU’s Women’s Rights Project; AJ Hikes, the ACLU’s deputy executive director for Strategy & Culture; and two actors from the *Suffs* cast, Anastačia McCleskey and Tsilala Brock. Their conversation focused on how Black women played a critical role, but were left out of the suffrage narrative.

The historic movement for women’s voting rights is intertwined with the ACLU’s origin story: Crystal Eastman, a leader in the movement, cofounded the ACLU in 1920, the same year that the 19th Amendment was ratified. Eastman ultimately parted ways with suffragists whose movement excluded people of color—and the fight to protect and advance voting rights for everyone remains a pivotal component of the ACLU’s work to this day. —REBECCA MCCRAY

LEFT: JOAN MARCUS; RIGHT: LAUREN COLCHAMIRO



In *Suffs*, Nikki M. James plays civil rights pioneer Ida B. Wells, who rejected racism within the suffrage movement.

### Fight for the Right to Vote

Stay engaged in the ACLU’s voting rights work at [aclu.org/voting](https://www.aclu.org/voting).



## North Star

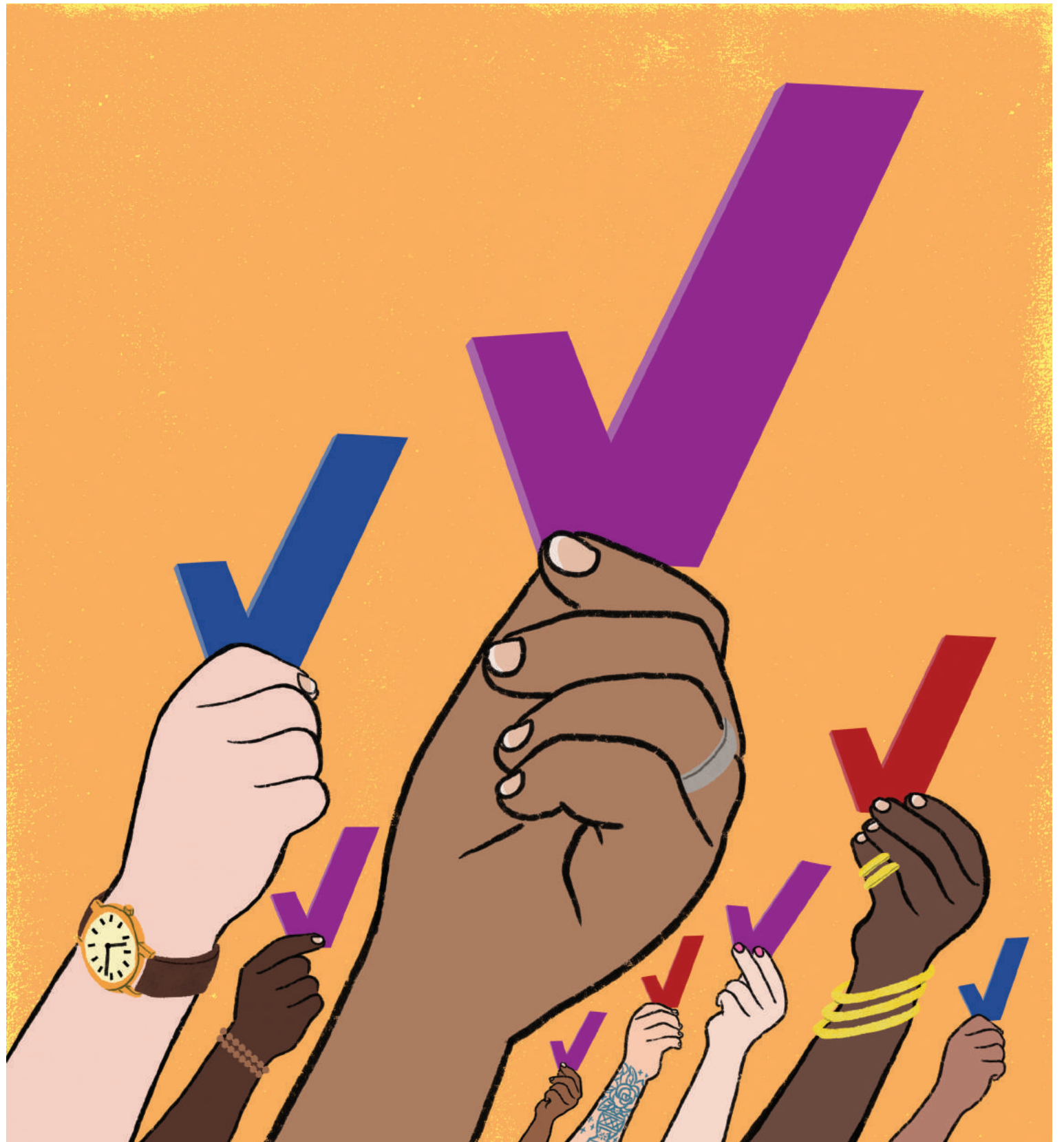
By Sophia Lin Lakin, Director of the ACLU’s Voting Rights Project

Preparing for my recent congressional testimony about the need for the John R. Lewis Voting Rights Advancement Act, I reflected on the late congressman and Civil Rights giant’s book *Walking with the Wind: A Memoir of the Movement*. John Lewis’ inspiring account of the Civil Rights Movement demonstrates the power of moral consistency and courage, a North Star for me at the ACLU in our fight for voting rights. Another treasured book is a gift from my predecessor, Dale Ho: Bruce Davidson’s *Time of Change: Civil Rights Photographs 1961–1965*, a potent visual reminder of our work’s importance. Finally, my 5-year-old loves Dave Eggers’ and Shawn Harris’ *Her Right Foot*, a story about the promise of a welcoming, multiracial society.

### Voting Power

Illustration and text by Daniel Fishel

Voting rights represent the foundation of our democracy. In my illustration, I aim to convey the notion that irrespective of race, gender, socioeconomic status, or background, everyone should enjoy the right to vote for their chosen candidate or party, ensuring a truly democratic society. Each hand proudly shows their vote.



# A Vote of Confidence

After more than two decades in prison, Jason N. Witmer fights felony disenfranchisement in Nebraska.

**NAME:** Jason N. Witmer  
**LOCATION:** Lincoln, Nebraska  
**FOCUS:** Criminal Law Reform  
**ACTIVIST:** Since 2016

When a bill to restore the voting rights of formerly incarcerated Nebraskans passed in last spring’s legislative session, it was personal for Jason N. Witmer. Witmer, who advocated for the bill’s passage as a policy fellow with the ACLU of Nebraska, was released from

prison in 2016 after serving more than 24 years and will be on parole until December 2025. Prior to the bill’s passage, anyone with a felony conviction was required to wait two years after completing all the terms of their sentence, including parole or probation, before they could vote. The law is scheduled to take effect this summer, and people with felony convictions will now automatically have their voting rights restored.

Witmer believes this restoration is a critical part of helping people rebuild their lives after incarceration. The right to vote “creates a sense that you’re part of this society and not just tolerated,” he says.

After a tumultuous childhood in foster care, Witmer got involved with gangs and wound up in prison twice. “I went in fighting every moment,” he recalls. It took years of ups and downs during his incarceration before he says he connected with a calmer group of people and decided to take a different path.

Following his release, he quickly became an advocate for those still in prison, collaborating with different organizations and sharing his story. He first interned with the ACLU of Nebraska in 2018. “I remember thinking, I’m going to try them, I bet you they won’t accept me because I had all these felonies,” he says with a laugh. But Witmer’s lived experience has made him an essential part of the organization’s successful criminal law reform work.

“The perspective of what you see and what you don’t see is different for somebody who’s lived through it,” he says. “They genuinely hear me.”

—REBECCA MCCRAY

Jason N. Witmer is a policy fellow at the ACLU of Nebraska.

### Smart Justice

Learn more about the ACLU of Nebraska’s criminal law reform work at [aclunebraska.org/smartjustice](https://aclunebraska.org/smartjustice).

PHOTOGRAPH BY WALKER PICKERING



Jessica Barahona-Martinez lives with her family in Virginia. She was unlawfully detained in 2017, after seeking asylum in the U.S.

# The ACLU Fought to End My Wrongful Detention

## La ACLU Luchó Para Terminar Mi Detención Injusta

### Jessica Barahona-Martinez

My name is Jessica, and I’m a mother and asylum seeker from El Salvador. In 2016, I came to the U.S. with my three children in search of safety after experiencing violence and persecution by the police in my home country. I applied for asylum, and I remember feeling a sigh of relief when I arrived in the U.S. But what I thought was the land of opportunity and protection soon became a prison.

Even though my asylum case was still pending, I was arrested by ICE and ripped away from my children and family. I spent over six years total in ICE detention. Six years of being denied my humanity and

treated like an animal. Six years of missed birthdays, graduations, and other life events. When my sister was dying of cancer, I wasn’t even given the chance to say goodbye. It isn’t right. People in ICE detention suffer so much—emotionally, psychologically, physically. It wasn’t until I was contacted by a lawyer at the ACLU that I was able to get the help I needed.

During my detention, I felt like I didn’t have a voice. But today, I am speaking for people who can’t be here, for those still in detention or who have been deported. Immigrants are mothers, sisters, friends, and so much more. We deserve to be met with a welcome, not detention.

Me llamo Jessica, soy madre y una solicitante de asilo de El Salvador. En 2016, llegué a los Estados Unidos con mis tres hijos huyendo de la violencia y persecución policial en mi patria. Solicité asilo y al pisar suelo estadounidense, un suspiro de alivio me invadió. Pero, lo que creí que sería una tierra de protección y oportunidades se convirtió en una cárcel.

A pesar de que pedí asilo, fui detenida por ICE, separada de mis hijos y familia. Estuve en detención de ICE por más de seis largos años. Seis años en los que me negaron mi humanidad, tratándome menos que a un animal. Seis años perdiéndome cumpleaños,

graduaciones y momentos cruciales. No pude ni despedirme de mi hermana quién se estaba muriendo de cáncer. Esto no es justo. Es una injusticia profunda. Quienes estamos en detención de ICE sufrimos inmensamente, tanto emocional como psicológica y físicamente. Solo cuando una abogada de la ACLU me contactó, pude encontrar la ayuda necesaria.

En mi detención, me sentí sin voz, invisible. Pero hoy, estoy hablando para las personas quienes no pudieron estar aquí, son detenidos o fueron deportados. Somos inmigrantes, somos madres, hermanas, amigas y mucho más. Merecemos un recibimiento de brazos abiertos, no cadenas de detención.

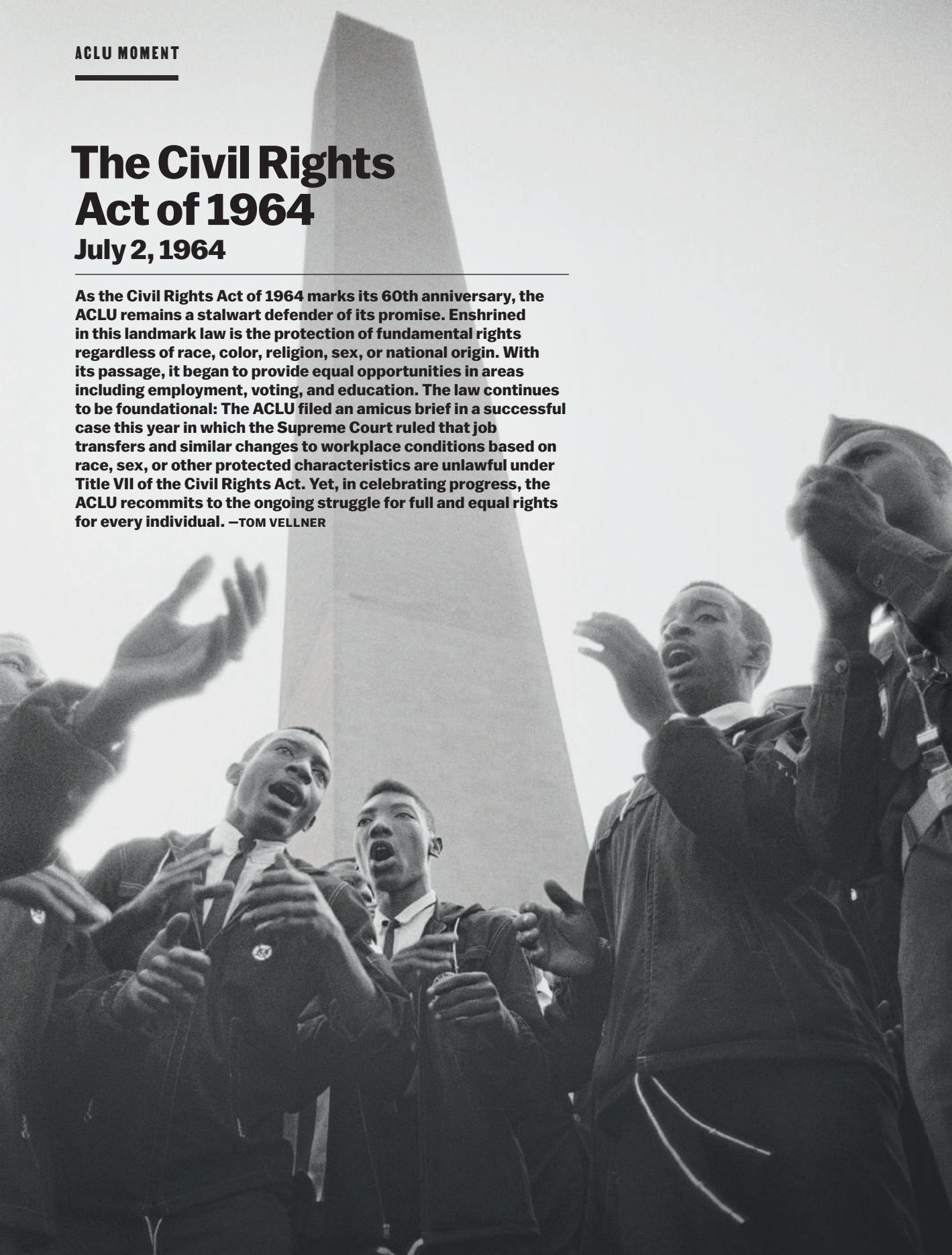
Learn more about Jessica’s story at [aclu.org/jessica-barahona-martinez](https://aclu.org/jessica-barahona-martinez).

PHOTOGRAPH BY CARLOS BERNATE

# The Civil Rights Act of 1964

July 2, 1964

As the Civil Rights Act of 1964 marks its 60th anniversary, the ACLU remains a stalwart defender of its promise. Enshrined in this landmark law is the protection of fundamental rights regardless of race, color, religion, sex, or national origin. With its passage, it began to provide equal opportunities in areas including employment, voting, and education. The law continues to be foundational: The ACLU filed an amicus brief in a successful case this year in which the Supreme Court ruled that job transfers and similar changes to workplace conditions based on race, sex, or other protected characteristics are unlawful under Title VII of the Civil Rights Act. Yet, in celebrating progress, the ACLU recommits to the ongoing struggle for full and equal rights for every individual. —TOM VELLNER



# LEAVE A LEGACY THAT ENDURES



The ACLU champions free speech—online, in schools and libraries, and at protests. With you, we'll be there to defend these rights, today and tomorrow.

Act now to ensure these freedoms endure beyond your lifetime by leaving a gift to the ACLU in your will or beneficiary designation.

Start today. Return the enclosed reply envelope or visit [aclu.org/mylegacy](https://aclu.org/mylegacy).



HIROJI KUBOTA/MAGNUM PHOTOS

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A young girl with curly hair is lying on a man's back in a grassy field. The man is lying on his back, and the girl is resting her head on his shoulder. They are both looking up and smiling. The background is a blurred green field.

# LEAVE A LEGACY THAT INSPIRES

You can support the next generation's fight for justice and equality.

Act now to ensure these values endure beyond your lifetime by leaving a gift to the ACLU in your will or beneficiary designation.

Start today. Return the enclosed reply envelope or visit [aclu.org/mylegacy](https://aclu.org/mylegacy).

**ACLU**