

# ACLU **magazine**

FOR PASSIONATE GUARDIANS OF CIVIL LIBERTIES

**Activists with the Texas Abortion  
Access Network are shaping  
the future of reproductive freedom.**

## **THE PATH FORWARD**





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By Tom Vellner

On the cover: Maria Cordero is a policy and advocacy strategist at the ACLU of Texas. She works with immigrant communities in the Rio Grande Valley. Photograph by Jessica Chou

In this issue of *ACLU Magazine*, we're reminded that civil liberties are won at the local level. At press time, we filed two federal lawsuits objecting to Alabama's new state legislative and congressional district maps, and we filed a second redistricting lawsuit in Ohio, adding to our state-by-state fight to block racial and partisan gerrymandering in the redistricting process. These unconstitutional attacks on equal representation deny Black communities their political power, particularly in the South, and the ACLU is fighting to ensure a fair playing field for the all-important November midterm elections.

Also at press time, the U.S. Supreme Court appears poised to overturn *Roe v. Wade*, which would shamefully discard decades of legal precedent guaranteeing a constitutional right to abortion. The ACLU was lead counsel in this term's Kentucky abortion case and co-counsel in the Texas abortion case covered in this issue,

and we filed a friend-of-the-court brief in the Mississippi suit the court heard in December. Taken together, there has never been a more perilous moment for abortion rights in my 20 years as executive director.

The stakes are high. These attacks on voting rights and reproductive rights are mission-central concerns for the ACLU.

We are the only national organization that has a litigation and lobbying presence in every state, and it's become increasingly clear that the right to vote and the right to bodily integrity are going to be won or lost at the state and local levels. Legislative threats to free

**“The threats to our freedom are real—and so is the opportunity to effect change.”**

speech and transgender equality are equally widespread and aggressive, and we continue to challenge them.

As you'll read in this issue, these are not abstract principles we're debating. These policies have a consequential impact on daily lives, particularly those of the most marginalized and vulnerable. In “Divided Highways” (p. 10), the ACLU's New York affiliate is advocating for racial, environmental, and economic justice in the removal of the I-81 viaduct in Syracuse, a high-profile example of how cities and states can restore communities of color decimated by the interstate highway system. “Transgender Justice Now” (p. 24) outlines the coordinated legislative attacks on the rights of transgender young people, highlighting how the ACLU works to safeguard access to gender-affirming health care, school sports, and accurate IDs. And in “Defending Abortion” (p. 16), the Texas Abortion Access Network, a statewide coalition of reproductive rights organizations founded by the ACLU of Texas, trains and mobilizes activists to take on anti-abortion ordinances town by town, preserving access to essential health care.

The threats to our freedom are real—and so is the opportunity to effect change. In the lead-up to the crucial midterm elections, we must be steadfast. What we do this year could make all the difference, and I know the ACLU community is ready. We can't do this work without your support. Our passion to protect civil liberties and our devotion to the democratic ideal bring us together in common purpose. The fight is for a better tomorrow, one that offers true equality and a more perfect union for all.



**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 Fall 2021 issue of **ACLU Magazine** includes a feature on racial covenants.

#### Re: "Buried Truths"

I'm a 57-year-old Black male born and raised in Minneapolis. In 1973, my single mother was able to purchase a home in a primarily white neighborhood. I find it quite miraculous that this occurred with the racial covenants that existed. Having a house of our own provided me with stability and even my own small bedroom. My mother eventually paid off the house in 1991.

Thank you for sharing this story about buried truths. If only more Black families were given the chance to own their homes, we would have a more equitable society.

*Paul Dixon  
Minneapolis, MN*

#### Re: Critical Race Theory

I live in Wisconsin, one of many states where legislators are considering CRT legislation [banning inclusive education]. As a teacher, I worked hard in my classroom to ensure that authors and stories reflected the backgrounds of all of my students. Most school curriculum is written by and about

white Europeans. [We shouldn't] legislate educators into maintaining this white supremacist viewpoint.

*Connie Hohlfeld Molbeck  
Racine, WI*

#### Re: "In Brief"

As you mention in the Fall 2021 issue, "Voting rights and freedom of speech are cornerstones of our democracy." However, these basic rights presume that voters have access to reliable information to foster enlightened debate. The propagation of misinformation and baseless conspiracy theories... threaten our democracy.

*DC Martel  
San Diego, CA*

#### Re: "Restoring Asylum"

When I began reading [about Inari Reyes], I expected a story of pain and heartbreak. It was wonderful to read that the San Diego Rapid Response Network met her and her children and immediately tended to their needs and the betterment of their future.

*Wanda Shirk  
Genesee, PA*

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

A note from the chair of the ACLU National Board's 2022 Nominating Committee: Please be advised that ACLU members may submit nominations to the National Board for consideration by the Nominating Committee for the 2022 slate. Please send your recommendation to: ACLU Nominating Committee, 125 Broad Street, 18th Floor, New York, NY 10004. ACLU members may also make nominations to the National Board by submitting a petition with the names and signatures of 50 ACLU members to the address above.





# FRONT LINE

## PRIORITIES

### Fighting for Fair Representation

The ACLU is blocking racial gerrymandering and minority voter dilution in the South.

When the U.S. Census Bureau finally released its detailed population data in August, states began the pivotal once-a-decade process of redrawing district maps for 435 congressional districts and 7,383 state legislative seats. As expected, the results have been alarming. Rife with political gamesmanship and gerrymandering, especially in the Southern states, the manipulated maps undermine the bedrock principle of equal representation. In the heated run-up to the November midterms, the ACLU is fighting for fair representation to make sure that voters are choosing their politicians and not the other way around.

Congressional and state legislative district maps determine the allocation of not only political power but also community resources. The threat to under-represented communities of color is especially acute, as corrupt redistricting can further dilute voting power and thwart efforts to block legislation

**The ACLU is working to ensure voters choose their politicians and not the other way around.**

CONTINUED FROM PAGE 5

that sustains inequality. The ACLU is uniquely focused on litigating to make sure that fairer maps lead to more equitable representation. “These district lines are going to affect policies across the spectrum—abortion, LGBTQ rights, immigration, school policy—for a decade,” says Sophia Lin Lakin, deputy director of the ACLU’s Voting Rights Project. “We must ensure that Black and Brown voters have fairer opportunities to elect candidates that truly represent them at the state level.”

This redistricting cycle, the ACLU has been working in more than 30 states, from litigating unfair maps to advocating for increased transparency in the legislative process. In September, the ACLU filed a partisan gerrymandering lawsuit challenging Ohio’s newly drawn maps, which give extreme advantage to one party. In a huge victory, the Ohio Supreme Court ordered the redrawing of a new, constitutional map. In October, the ACLU and its partners filed a federal lawsuit challenging the South Carolina legislature’s delay in redrawing its maps, which denies the public time to evaluate the new maps before the primaries’ March filing deadline. The ACLU later challenged the state’s new racially gerrymandered House map. And in November, the ACLU was party to a pair of federal lawsuits objecting to Alabama’s racially gerrymandered maps as violations of the Fourteenth Amendment and Section 2 of the Voting Rights Act.

The stakes are high, and the timeline crunched, since the census data used in redistricting was released four months late, and the 2022 primaries and general elections are fast approaching. But as more maps are released, the ACLU is filing lawsuits challenging maps that deprive communities of color of political power in Arkansas, Georgia, and other Southern states guilty of the practice in the past.

Fighting for equal representation has always been a fundamental part of the ACLU’s mission, beginning with the seminal 1964 Supreme Court case *Reynolds v. Sims* that established the “one person, one vote” principle. Voting access is a civil rights issue, and the preservation of civil liberties depends on fair representation. S.B. 8, the extreme abortion ban in Texas, is a clear example of what happens when officials elected via a gamed system don’t reflect their communities’ values. “Everybody is fighting as hard as they can to ensure that voting rights are protected and fairer maps are in place,” says Lakin. “It’s extremely important, especially at the state level, for all the policies we care deeply about.” —JAY A. FERNANDEZ

# Every Native Vote Counts

The ACLU challenges two Montana laws that disenfranchise voters on reservations.

Rural reservations are some of the most isolated voter locations in the country. Last year, the Montana state legislature passed two new laws that make it even more difficult for Native voters to cast their vote. H.B. 176 ends same-day voter registration, and H.B. 530 blocks ballot collection on rural reservations. The ACLU, the ACLU of Montana, Native American Rights Fund, and the Election Law Clinic at Harvard Law School are challenging the bills on behalf of Western Native Voice (WNV) and Montana Native Vote, organizations working to increase civic participation in Native communities, and four Tribal Nations.

*ACLU Magazine* spoke with Ronnie Jo Horse, executive director of WNV and a citizen of the Oglala Lakota Nation, about her organization’s efforts to mobilize voters in Montana.

**How did you get involved with WNV? What is your mission?** I first heard about Western Native Voice when I was in college. Our mission is to foster positive social change in our communities. We do this through leadership development, education, civic engagement, and public policy advocacy.



**How do you mobilize Native voters?**

We hire from within the communities we’re serving. It allows us to approach people with a sense of trust: “Oh, I know this person—they grew up in my community.” That really helps us mobilize voters. During the pandemic, we’ve been connecting virtually. We [hosted] a podcast on SoundCloud. We have an online registration portal.

**What makes Montana’s most recent voter suppression laws so oppressive?** [Legislators] know that Native Americans are far from voter





## KNOW YOUR RIGHTS



### Your Voice, Your Vote

Voting should be easy and accessible. But in the past year, more than 400 anti-voter bills have been introduced in state legislatures. In addition to violating equal protection, these bills often infringe on voters' freedom of speech.

In March 2021, Georgia adopted a sweeping voter suppression law, S.B. 202, that restricted drop-box locations and drastically reduced early voting times. The ACLU immediately joined civil rights groups to challenge the law in federal court.

One of the most egregious aspects of S.B. 202 is that it makes it a crime for people to provide food and water to voters standing in line. This so-called line-warming ban violates Georgians' First Amendment rights—offering food and drink is considered protected expression—and disproportionately impacts communities of color, who face longer wait times at the polls.

Like voting, freedom of speech is the foundation of a healthy democracy. Without it, other fundamental rights are at risk.

To learn more about your rights, visit [aclu.org/kyr](https://aclu.org/kyr).

ILLUSTRATION BY BEN HICKEY

**Ronnie Jo Horse is the executive director of Western Native Voice, which empowers voters on rural reservations.**

registration opportunities and polling sites, limiting the window of opportunity to vote on reservations. By definition, oppression is prolonged, unjust treatment. That is what's happening in Montana and to its Native communities.

#### **How do you think these laws will impact Native participation in the midterm elections?**

Functionally, they discourage the Native vote. It's something that we hope not to carry into the midterms. But again, that was not designed by mistake. The lawmakers who created the laws are not blind to the strong

Native vote and its impact on election results.

#### **What is the most important thing for people outside of Montana to understand about voting on rural reservations?**

Montana is one of the battlegrounds for this national distrust in our democratic system of elections. Voter suppression and recent ballot initiatives [are] a direct threat to democracy. Montana can be a testing ground for efforts to turn the tide.

Protect your fundamental right to vote at [aclu.org/vraa](https://aclu.org/vraa).

# Censorship in the Classroom

The ACLU is protecting free speech by battling state laws that ban the teaching of critical race theory.

**Last year**, at least 27 state legislatures passed or proposed bills censoring the discussion of race and gender in public school and university classrooms. Many of these bans target critical race theory (CRT), which legislatures use to describe anything from diversity trainings to literature by authors of color. In reality, CRT is an academic discipline that addresses systemic inequalities built into U.S. policies and institutions.

As unconstitutional violations of free speech, the state restrictions infringe on students’ fundamental right to receive information and an inclusive education as well as teachers’ right to academic freedom. “These deeply misguided laws are trying to perpetuate white supremacy into the next generation,” says Emerson J. Sykes, senior staff attorney with

the ACLU’s Speech, Privacy, and Technology Project. “Many states are also trying to limit the free exchange of ideas in our institutions of higher learning.”

Here are some of the states where the ACLU is fighting to protect the integrity of education:

**Oklahoma**

Enacted last May, H.B. 1775 forbids public schools from teaching courses that include certain concepts of race and gender. Books such as *Their Eyes Were Watching God* and *A Raisin in the Sun* have been struck from reading lists, and teachers have been told to drop the words “diversity” and “white privilege” from classroom discussion. The ACLU and partners filed suit in October challenging the law.

**New Hampshire**

H.B. 544 prevents the teaching of racism, sexism, and other forms of discrimination in public schools and state-funded programs. Its passage would rob students of an equitable education that includes open and honest dialogue about the country’s legacy of oppression.

**Alabama**

A resolution banning discussions of historical oppression in grades K–12 passed the State Board of Education in August. In its next session, the legislature will take up H.B. 11, which would make teaching CRT a fireable offense.

**Idaho**

Signed into law last April, H.B. 377 prevents funding for institutions that teach material, such as CRT, judged to “exacerbate and inflame divisions.” The statute’s vague language censors classroom discussion about implicit bias, racism, and sexism. The ACLU is considering litigation to challenge the law in court. —J.A.F.

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



# A Free Exchange of Ideas

National Board President Deborah N. Archer answers readers' questions about abortion access in Texas, free speech in the classroom, and how you can make your voice heard.



# Q:

**How can a person sue someone for getting an abortion in Texas? The decision does not impact the person filing the lawsuit. Doesn't one have to have standing to sue?**

Last year, the state of Texas enacted one of the most restrictive abortion bans in the country, Senate Bill 8 (S.B. 8). The law is blatantly unconstitutional. But what makes it uniquely egregious is it gives standing to any person *anywhere* to sue a person who performed or helped someone get an abortion. That means that anyone—even someone unconnected to the person having the abortion—can sue abortion providers and those who assist them. S.B. 8 does not allow lawsuits against people who receive abortions. The ACLU and its partners sued to block the ban, but the Supreme Court ruled that the most significant part of our case must be dismissed, leaving us only a narrow path to continue our legal challenge.

**I really enjoyed the article in the Fall issue about student speech. Keep up the pressure, please. Is the ACLU challenging the state of Florida's efforts to control free speech and ban schools from teaching about racism?**

Last year, more than two dozen states passed or proposed legislation censoring discussion of race or gender in the classroom, including Florida. The ACLU has

responded swiftly with litigation (see National Report, p. 8). Blocking government censorship is part of the ACLU's DNA, dating back to the proliferation of anti-evolution laws in the 1920s, when we defended a high school science teacher in the seminal Scopes Monkey Trial. Legal challenges are just one part of the story; public advocacy and education about these laws are essential to preserving a free exchange of ideas in the classroom and beyond.

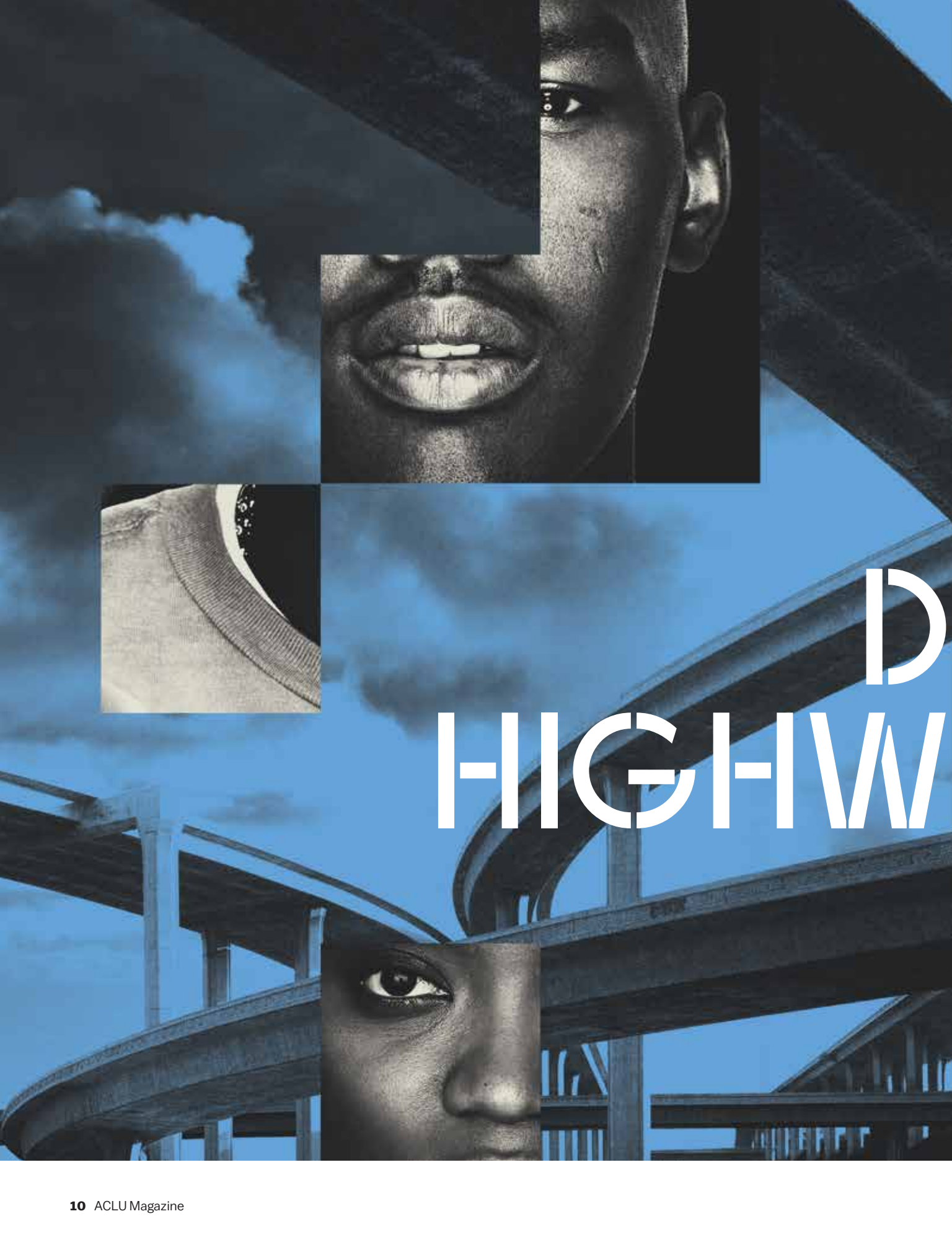
**Beneath many of the articles inside *ACLU Magazine*, readers are encouraged to contact their legislators. How can everyday**

**people urge legislators to defend civil liberties?**

From your local city officials to your representatives in D.C., legislators are eager to hear from you. Look them up at [commoncause.org](http://commoncause.org). One of the most effective ways to use your voice is to go beyond the phone or email and schedule in-person or virtual meetings. Ask questions about how they're prioritizing voting rights, reproductive freedom, LGBTQ equality, and other civil rights and liberties we defend. Remember: Your elected officials work for you!

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



# D HIGHWAY



# DIVIDED WAYS

**The United States Interstate Highway System is structural racism in action: an intentional government program that has damaged Black lives for generations. Now the highways are crumbling. It's time to correct the harm and reconnect shattered communities.**

**BY JAY A. FERNANDEZ**

**D**avid Rufus was just a toddler when the bulldozers rolled into the streets of his Syracuse, New York, neighborhood in 1960. As part of the country's interstate highways surge, city officials wanted to extend I-81 with an elevated viaduct that would cut right through the 15th Ward, where nearly 90 percent of Syracuse's Black population lived. Protesting locals were ignored, and the razing of homes, churches, and businesses resulted in the displacement of more than 1,300 families, including Rufus'. Over the next 50 years, the 15th Ward community suffered in every way possible—jobs, housing, schools, and public health plunged while crime, pollution, and poverty spiked.

"I've lived in this community all my 64 years," says Rufus, who's lost several family members to respiratory illness. "I've seen the move from a very vibrant and interactive community of people of color to a community that has been shunned and overlooked and broken down." The I-81 project was completed in 1968—and Syracuse remains one of the most segregated cities in the country, with the highest concentration of poverty among communities of color and one of the highest rates of lead poisoning in children. The

viaduct still physically separates the poorest and wealthiest communities, and the city's Black population has been harmed for generations.

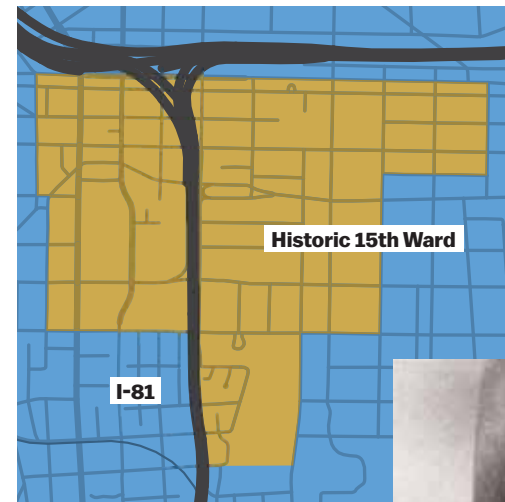
This was by design.

The interstate highway system birthed by the Federal-Aid Highway Act of 1956 was the largest public works program the country had ever embarked upon. More than 40,000 miles of highway were planned and built steadily through the '60s and '70s as a driver of economic progress. As the civil rights movement was gaining momentum, the highway system became a way to enforce segregation through other, quite literal, means. So-called slum clearance destroyed under-resourced but thriving working-class Black neighborhoods while enhancing the flow of white commutes and tax dollars to the suburbs. Communities of color were cut off from developing downtown centers, and not just freeways but also refineries, landfills, and power plants were dumped in non-white areas labeled "sacrifice communities."

Now many of these highways are crumbling, and cities are weighing how to repair, revamp, or remove them. For racial justice advocates, these looming infrastructure projects are a crucial opportunity to redress the historical discrimination built into them. The I-81 in Syracuse, which is failing, has become the highest-profile example of the potential to undo this damage and create a new model for reconnecting shattered communities with equitable resources. The ACLU's New York affiliate, the New York Civil Liberties Union (NYCLU), has been advocating for a decade to ensure that this time the community has a voice in what happens. The NYCLU's 2020 report, "Building a Better Future: The Structural Racism Built into I-81, and How to Tear It Down," has been instrumental in pushing the city's plans in a more just direction that takes a reparative approach.

A lot is riding on the effort, as wrongheaded plans would simply reinforce the historical damage or encourage gentrification that displaces the neighborhood's residents yet again. No one understands the stakes better than Rufus, now the NYCLU's dedicated I-81 community organizer. "If I-81 is a successful project, and it provides the kind of rebuilding of wealth and community that is so necessary, it could become a blueprint for the state and for the country," he says. "Justice elements like the ACLU and NYCLU have to make sure that the tools the federal government gives [us] aren't used as assault weapons against the neighborhood."

When most of us think of racial injustice, interstate highway design isn't the first thing that comes to mind. It is, in fact, a perfect example of structural racism in action: intentional government policy, enacted in almost every



**After the mid-century extension of I-81 in Syracuse, more than 1,300 families in the 15th Ward were displaced, and a vibrant Black community was destroyed.**



PHOTOGRAPHS BY SHELDON SABLE STUDIO/COURTESY OF THE ONONDAGA HISTORICAL ASSOCIATION (LEFT); PHOTOGRAPHS BY MARJORIE WILKINS USED WITH PERMISSION OF THE WILKINS ESTATE VIA ARTRAGE GALLERY

city in the country, that damaged every aspect of Black lives—cultural, economic, environmental, educational—for generations.

**T**he “**Monster.**” That’s what some residents of Tremé and the 7th Ward of New Orleans call the Claiborne Expressway, the I-10 overpass that demolished the neighborhood in 1968. West Baltimore residents named theirs—State Route 40—the “Road to Nowhere.” Interstate-20 in Atlanta. I-579 in Pittsburgh’s Hill District. I-95 that wrecked Miami’s Overtown neighborhood, known then as the “Harlem of the

South.” I-65 and I-85 in Montgomery, Alabama, rerouted through Centennial Hill, Bel Air, and the Bottoms as retaliation for civil rights activity (Revs. Martin Luther King Jr. and Ralph Abernathy lived there). The examples are endless.

The ripple effects of these highway projects were immediate and far-reaching, the cumulative devastation staggering. No aspect of neighborhood life and culture went untouched. Healthy food became scarce. Businesses failed. Job opportunities diminished.

## THE GENERATIONAL SETBACKS OF THESE HIGHWAY DECISIONS STILL RESONATE TODAY.

The housing market cratered. Pollution—noise and environmental—spread: rates of illness, particularly asthma, rose dramatically in those neighborhoods crammed against (and sometimes under) the freeways and overpasses.

Articles from the time abound with efforts to stop the projects. But it was the same story every time: The community was not asked for input and held no political power. This was adding insult to injury since many of these majority-Black neighborhoods had sprung up in the first place because of redlining and Jim Crow segregation. While they often became vibrant, self-contained enclaves, the fact that they were under-invested and overcrowded was subsequently used as

rationale for destroying them. One of the most devastating effects has been how these inequities have reinforced the racial wealth gap.

“These big concrete barriers further concentrated race and poverty, coupled with redlining, where folks were unfairly denied mortgages or more affordable lines of credit to invest in their communities,” says Carlos Moreno, a senior campaign strategist who leads the ACLU’s Systemic Equality agenda to address America’s legacy of racism through advocacy and litigation. “The first avenue for wealth is buying a first home and having it appreciate. Homes in redlined communities typically do not appreciate.”

And it’s still happening. In Charleston County, South Carolina, local groups, including the ACLU of South Carolina, had to pressure the county to revise its plan for widening Highway 41 so that it will do a better job of minimizing the impact on Mount Pleasant’s historic Phillips Community, one of the last remaining Black settlement communities in the region.

“These types of projects upset the ecosystem,” says Helen Mrema, community organizing advocate at the ACLU of South Carolina, one of 12 ACLU affiliates that make up the Southern Collective, an initiative to build Black political power and representation in the South. “They force residents to move and figure out how to tap back into resources that are now even more difficult to access. It creates a targeted community that is essentially set up to fail.”



**Harrison Street was a vibrant commercial district in the 15th Ward. Pictured (left to right): Schor’s Market; Doris Dunham, Gloria Rohadfox, and Evelyn Branch in front of Irving Friedman’s barbershop; and Sam Adams and friends at an ice cream parlor.**



**The Central** New York chapter of the NYCLU was born in the spring of 1963 as a direct result of the police harassment and arrest of 15th Ward residents protesting the destruction of their neighborhood for the I-81 viaduct. And now the community has another chance to influence

the highway’s reconstruction and reimagining.

“What we do is try to empower and reactivate the community,” says Lanessa Owens-Chaplin, assistant director of the NYCLU’s Education Policy Center. “Because they lost that fight. So how can we convince them that maybe we can win this one? In the ’50s and ’60s, we didn’t have many protections. Now it’s a different fight.”

In recent years, more people and high-level institutions have acknowledged the structural racism built into the country’s highway system. ACLU National Board President Deborah N. Archer is one of the leading national scholars on the issue. Her seminal *Vanderbilt Law Review* piece, “White Men’s Roads Through Black Men’s Homes: Advancing Racial Equity Through Highway Reconstruction,” established transportation policy as a civil rights issue, and her work has laid the constitutional and policy framework for remedying these injustices. Archer has advised Transportation Secretary Pete Buttigieg, who in April 2021, acknowledged publicly that the “racism physically built into some of our highways” was a “conscious choice.” And while grassroots organizers and environmental justice groups have long been calling attention to the devastating damage highway planning inflicted on communities of color, the Biden administration’s inclusion of the issue in the \$1.2 trillion infrastructure plan signed in November has opened the door for more organizations to take on this type of work. Calling out I-81 and the Claiborne Expressway in particular, the plan earmarks \$1 billion for a new program called Reconnecting Communities that “will reconnect neighborhoods cut off by historic investments and ensure new projects increase opportunity [and] advance racial equity and environmental justice.”

“The infrastructure plan gives it more bite,” says Owens-Chaplin. “State governments are not only being held accountable by their community, now we have the administration calling for this kind of restorative justice. New York state can be a great example if we can get them to think outside the scope of just laying slabs of concrete down and really start thinking about restoring the community.”

The NYCLU, which had dedicated additional resources and staff to the I-81 project in 2018, incorporated voluminous feedback from the community to outline a vision for the revitalization project that this time honors the people’s needs. It urged the New York State Department of Transportation (NYSDOT) to transfer any developable land to a trust controlled by the residents, maintain meaningful economic and environmental safeguards for those living along the viaduct during and after construction, and take a reparative

## Advocating for Environmental Justice

Many of the neighborhoods most impacted by urban highway design fall under the EPA designation “environmental justice community.” Rates of asthma, cancer, and stress are much higher, while low-income housing is more prone to mold and more likely to be located in flood zones. Redlined city communities are almost five degrees warmer on average.

With its related issues of racial and Indigenous justice, environmental justice is an area of advocacy to which the ACLU is devoting more resources. The ACLU and its Tennessee affiliate threw their weight behind the successful campaign to block the proposed

Byhalia oil pipeline through southwest Memphis in July. And in November, New Yorkers passed Proposition 2, which establishes that each person “shall have a right to clean air and water, and a healthful environment.”

True justice requires the fair, meaningful involvement of everyone. Repairing these inequities and ensuring that communities of color have healthy environments in which to live, learn, and work are key to the ACLU’s Systemic Equality campaign.

Visit [aclu.org/equalitynow](https://aclu.org/equalitynow).





approach that works to close the wealth gap and reconnect fragmented parts of the community.

Additionally, along with coalition partners CNY Solidarity Coalition and Urban Jobs Task Force, the NYCLU has pressured NYSDOT and local trade unions to commit to racial equity in hiring so that local community workers benefit from the thousands of construction jobs created by the I-81 project. Meanwhile, Rufus helps residents understand their rights and contribute their voices to the process, liaising with the DOT, the board of education, the mayor's office, and the Syracuse Common Council. "Three years ago," says Owens-Chaplin, "DOT wasn't talking about equity or restorative justice or how can we repair the community. Today, they are talking about it. So there is progress."

The draft environmental impact statement NYSDOT released in July included key changes to the preferred community-grid version of the I-81 revamp. Air-quality monitoring systems will now be placed around houses nearest the construction. And, of key importance, a land use working group will be created so that local leaders and residents have a prominent voice in making sure the 10 to 12 acres freed up by the viaduct's removal are used in a way that benefits the existing community, whether through local business development, affordable housing, or usable green spaces.

"The biggest point of the effort is holding the government accountable," says Owens-Chaplin. "That's what the big fight is here in Syracuse. It's easy for them now, 60 years later, to recognize the damage they've done, but they're still not doing what they need to do to restore the community."

## "WE NEED TO MAKE SURE EVERYONE'S RIGHTS ARE PRESERVED AND PROTECTED."

**T**he generational setbacks of these highway decisions still resonate today, compounding over time to exacerbate the racial wealth gap and withhold the American dream from too many communities of color. Closing this gap is a major goal of the ACLU's Systemic Equality campaign, since comprehensive reparations are the only way to repair the historic inequality driven by racist policies, a lack of job opportunities, and depressed home ownership.

"Redressing harm could take the form of providing proper housing, investing in communities through grants for businesses, or passing baby bonds legislation to give folks assets," says Moreno. "Because when we're talking about closing the racial wealth gap, we're not necessarily talking about income. The main focus with systemic equality is to find an innovative set of tools or programs that provide immediate material relief for Black communities living in poverty."

The potential for transformation is national in scope: Right now, nearly 30 cities have plans in the works to repair crumbling urban highways. They could prioritize reparative justice by taking cues from the NYCLU's I-81 proposal: protect future land use so that residents of the affected community have preference in any development; create a community restoration fund to eliminate environmental hazards and compensate those whose health and wealth have been negatively impacted; devote revenue generated from community development to increase school funding in an equitable manner that redresses long-standing underfunding; and provide hotel vouchers, market-rate buy-outs, rent subsidies, and/or temporary relocation assistance to those households

most likely to be impacted by construction, along with automatic right of return when the construction ends.

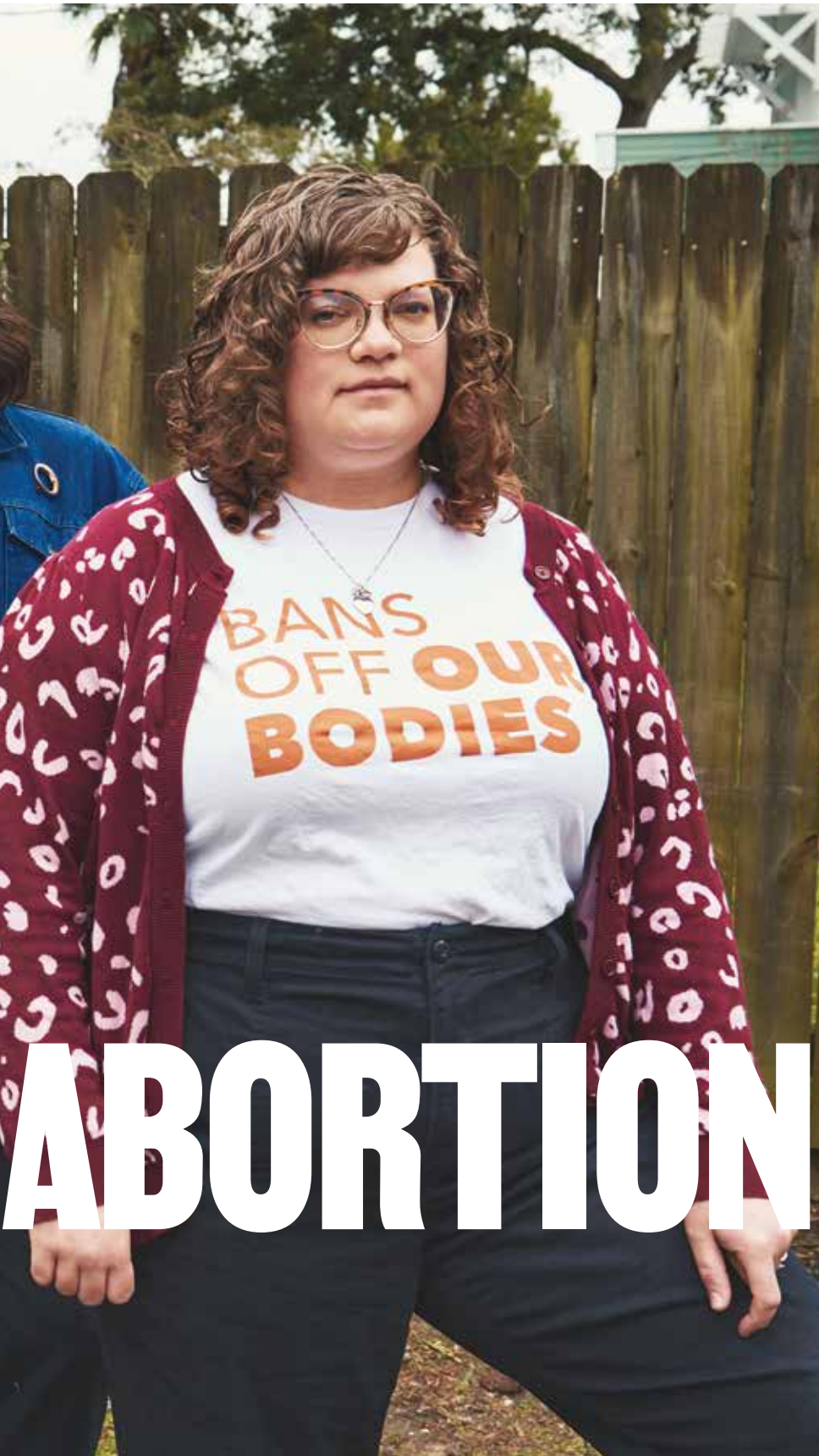
The NYCLU's campaign on the I-81 viaduct is crucial to establishing a template for how these projects can actively address systemic injustice and knit these communities back together. The bottom line is to ensure that "people who have lived their lives in the neighborhood are able to stay, engage equitably in the rejuvenation of the community, and begin to build wealth."

"It's important for the ACLU to be taking on these issues because it really is an issue of civil rights and racial justice," says Owens-Chaplin. "We need to make sure that everyone has power over government decision-making, and everyone's rights are preserved and protected."

"This is an opportunity for the country to get it right this time," says Rufus. "When they designed I-81, they just drew it with a black pen. They didn't stop to take the time to see if that black line ran over a person's house or a person's head—or a person's heart." ■







TAAN members gather in Houston (left to right): Ana Rodriguez of Texas Equal Access Fund and Lilith Fund, Nneka Iheanacho of Avow Texas, Blair Wallace of the ACLU of Texas, and Sahra Harvin of Fund Texas Choice.

**With abortion restrictions on the rise, forcing people to carry pregnancies against their will, the Texas Abortion Access Network is forging a new path: mobilizing a broad coalition of activists to stop anti-abortion efforts where they start—at the local level.**

**BY RACHEL WELLS**

In just six months, 2021 became the worst year for abortion rights in the near half-century since *Roe v. Wade* was decided in 1973. In the midst of a global pandemic, state legislatures across the U.S. passed 106 abortion restrictions in 19 states, building off a decades-long strategy by anti-abortion extremists to chip away at abortion access even as the legal right to it remained in place. Since 2019, emboldened by the reconfiguration of the Supreme Court, legislators have passed stricter abortion bans that brazenly violate the constitutional right to abortion. Now, for the first time in three decades, the court is considering whether to overturn *Roe* in a case challenging a 15-week abortion ban in Mississippi. A decision from the court is expected early this summer.

But first: Texas. When Senate Bill 8 took effect in September, its novel enforcement strategy dramatically altered the legal playbook for reproductive rights. The extreme Texas law bans abortion at six weeks, before many people even know they are pregnant. S.B. 8 encourages private citizens anywhere in the country to act as bounty hunters by awarding them \$10,000 if they successfully sue another person for providing an abortion or helping someone receive one in Texas. This ban is intentionally designed to overwhelm clinics, legally and financially, ultimately forcing them to shut down.

“What Texas has done is a cynical attempt to push abortion out of reach by banning it in this way that allows only private individuals to sue, which makes it more complicated to get the law blocked,” says Brigitte Amiri, deputy director of the ACLU’s Reproductive Freedom Project. The ban has had an immediate and devastating impact on the ground. As with most abortion restrictions, the impact of forced pregnancy legislation has disproportionately affected low-income people and people of color, particularly Black women, who are three times more likely to die during or shortly after childbirth than white women.

**Lubbock resident Kim Gonzalez protests anti-abortion ordinances in her community.**

The ACLU, along with the Center for Reproductive Rights, Planned Parenthood, the Lawyering Project, and pro bono law firm Morrison & Foerster, is challenging S.B. 8 in court. However, in December, the Supreme Court ruled that the most significant part of the case must be dismissed. A devastating blow, this ruling leaves S.B. 8 in effect while the case returns to the district court.

And yet, even if the court had blocked the ban, abortion would have remained out of reach for many people in Texas. By the time S.B. 8 went into effect, only a handful of Texas’ abortion clinics still existed. The Planned Parenthood in Lubbock, a midsize city in West Texas, was one of many clinics in the region that closed after the passing of House Bill 2, a 2013 state law that placed onerous and medically unnecessary restrictions on abortion clinics. Without Planned Parenthood, people seeking abortions in Lubbock had to travel 300 miles—one way. When the Supreme Court overturned the restrictions three years later, it was too late: many of the clinics were gone.

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In 2021, Lubbock became the 26th municipality in the country to pass an anti-abortion ordinance in a growing movement by anti-abortion opponents to make abortion illegal at the local level. S.B. 8’s radical enforcement framework found its legal origin in local ordinances like Lubbock’s.

When whispers of an anti-abortion ordinance first started spreading through town, Kim Gonzalez, a Lubbock resident who’s worked in health care for 20 years, didn’t waste any time. After traveling outside of the state for an abortion when her local clinic was shut down in 2013, Gonzalez vowed to fight the efforts to restrict abortion access again. Using knowledge gained from the Texas Abortion



Access Network (TAAN), she and other advocates worked with Planned Parenthood and the ACLU of Texas to gather powerful testimony from abortion providers, organize protests, and coordinate messaging.

Led by Blair Wallace, a policy and advocacy strategist at the ACLU of Texas, TAAN is a coalition of reproductive rights advocates that monitor their city governments. Wallace created the program in 2020 to strengthen local advocacy after witnessing a growing trend of anti-abortion ordinances known as “sanctuary cities for the unborn.” Unlike state-level bills that make abortion illegal at a specific week of pregnancy, sanctuary city ordinances make abortion entirely illegal in a single city or town. “We have designed a pretty incredible curriculum around abortion advocacy. We’re teaching folks to be their own leaders. We can’t be everywhere. Even as an abortion coalition in Texas, we can’t be in every city,” says Wallace. “We’re giving people the tools and educational resources they need to be able to go to their city council, to take leadership into their own hands.”

TAAN mobilizes community organizers, advocates and activists, and leading reproductive rights organizations including the ACLU of Texas, TEA Fund, Avow, Whole Woman’s Health Alliance, Progress Texas, the Afiya Center, Texas Freedom Network, Jane’s Due Process, Deeds Not Words, Lilith Fund, Fund Texas Choice, and Planned Parenthood Texas Votes. Through TAAN Academy, a two-month training program, participants learn tactics for thwarting anti-abortion ordinances through a curriculum that covers topics such as Texas legislative abortion history, communications messaging, and advocacy strategy.

“The person pushing the [Lubbock ordinance] portrayed himself as being a West Texan; he’s not. He’s from East Texas,” says Gonzalez. “He’d come in and say he’s ‘a local guy trying to make a change in the community.’ He’s not a local guy; he’s from 400 miles away, but the people here didn’t know that.” The man behind the movement, Mark Lee

Dickson, had been showing up in small towns across Texas, testing out legal approaches to local ordinances and crafting an anti-abortion web starting in the east with Waskom, moving north to Gilmer and Westbrook, then west toward Colorado City and Lubbock,

**Heidi Gerbracht’s organization, Equity Agenda, pushes city governments on issues such as reproductive rights.**

before turning south toward the Rio Grande Valley.

The Lubbock City Council listened to its community and unanimously voted down the ordinance, but those behind it pushed for a citywide vote based on Lubbock city charter rules. Ultimately, the ordinance passed and the Planned Parenthood of Lubbock had to stop providing abortions—again. The ACLU of Texas is suing the city.

“Anti-abortion advocates have been crisscrossing the state, pressuring



municipalities to pass these unconstitutional and malicious ordinances,” says Andre Segura, legal director of the ACLU of Texas. “These ordinances stigmatize abortion care, hurt those who provide it, and shame the people who need it.”

“Often people don’t pay attention to their localized politics because it seems too minute. Lubbock is a perfect example of how one thing can affect [everyone],” says Wallace. “Going back to Waskom, where this legislation began, a town of less than 2,000 people enacted an ordinance [in 2019] that trickled down to the entire state. We need to zoom out from politics at large and really focus on what’s happening in our own communities.”

Heidi Gerbracht is a city strategist and founder of Equity Agenda, an organization that works with city governments to create more equitable communities. Gerbracht has always believed that local work is the answer and points to the power of enrolling city issue experts into local advocacy for reproductive rights. “There’s an opportunity to organize people in the development and real estate world,” she says. “There’s an opportunity to organize folks who are doing zoning and involved in land use conversations. There’s an opportunity to engage a lot of different people we don’t currently engage with.” After S.B. 8 passed in September, the ACLU and its partners mobilized more than 50 companies representing more than 300,000 workers to speak out against the ban (see *In Good Company*, p. 32).

Leveraging an entire community is vital to the health of local organizing, and no one knows that better than Maria Cordero. Cordero is a policy and advocacy strategist at the ACLU of Texas and has been working with immigrant

communities in the Rio Grande Valley since 2014. The group Cordero has built is so high-functioning it’s a large part of what inspired Wallace to create TAAN. “I always say Maria is my organizing hero. Maria’s strategy is a model of relational organizing and it’s how she has been so successful,” says Wallace. “She’s been doing this for so long, and the communities deeply trust her and know that if there’s ever anything they need they can come to her.”

At intimate kitchen meetings, Cordero held trainings on a myriad of civil rights issues including immigration and abortion rights; her neighbors carry that work forward. “I was helping, but it was work from the community members replicating the work I did at the starting point. That’s power,” says Cordero. “That’s how the ACLU shows what democracy looks like. The community members are speaking by themselves about their needs and working to make the change happen.” The power of that reciprocity is what TAAN hopes to harness. “Maria can’t do it for all of Texas, but if we have a thousand Marias, then we have a much better chance,” says Wallace.

“It’s hard to talk about reproductive rights in Rio Grande Valley in South Texas,” Cordero explains. But in July, when an ordinance similar to Lubbock’s came to Edinburg, the third-largest city in the Rio Grande Valley, it was met with immediate resistance. Whole Woman’s Health of McAllen, just south of Edinburg, is the only abortion clinic in the Rio Grande Valley, serving a region of 1.4 million people. Cordero and local reproductive rights activists alerted TAAN to the threat. TAAN quickly provided media messaging and city council strategy.

## ACLU at the Supreme Court

In October, the ACLU argued *Cameron v. EMW Women’s Surgical Center* before the Supreme Court, which will decide whether Kentucky Attorney General Daniel Cameron can intervene in a case two lower courts have deemed unconstitutional. The case involves a Kentucky law that effectively bans abortion at 15 weeks and prevents physicians from providing a common procedure called dilation and evacuation, or D&E.

**Alexa Kolbi-Molinas**, a senior staff attorney with the ACLU’s Reproductive Freedom Project, argued the case. “Cameron is trying to revive the abortion ban that we successfully struck down twice,” she says. “The question before the court is whether [he’s] allowed to enter the litigation at this late stage. But the stakes are obviously much broader than that.”

Kentucky is a haven for surrounding states that have even less access to abortion or none at all. There is only one clinic in Kentucky that provides second-trimester abortions, but it sees patients from Tennessee, Indiana, and West Virginia. If the Supreme Court allows the attorney general to intervene, it will effectively cut off abortion access in the region.

**“THE COMMUNITY MEMBERS ARE SPEAKING BY THEMSELVES ABOUT THEIR NEEDS AND WORKING TO MAKE THE CHANGE HAPPEN.”**

Many community members from Edinburg and nearby cities shared powerful testimony at the hearing. After three hours of comments, the city council ceased to motion the ordinance forward.

“For us to stop the proposal in Edinburg was a big win,” says Cordero. The success in Edinburg and TAAN’s growth across Texas are resonating with ACLU affiliates in other states facing copycat ordinances. The same person who charted the local anti-abortion legislation across Texas made his way to Southwest Florida and is pushing for an ordinance in Naples. Planned Parenthood and 16 other organizations created a counterpetition to keep the ordinance off the city council agenda. Now they are reaching out to TAAN for guidance on city council messaging and strategy.

“Right now this [multi-state work] is an extension of TAAN. Not only do we have the ACLU of Florida and Planned Parenthoods reaching out to us because we work so closely with them and they’re partners, but we also have

## BATTLING THE ONSLAUGHT OF COPYCAT ORDINANCES WILL TAKE SIGNIFICANT LEGAL AND GRASSROOTS ORGANIZING FIREPOWER.

grassroots people,” says Wallace. “We had grassroots folks in Ohio find TAAN because they passed one of these ordinances. I was able to connect them with [other] organizations.”

Gerbracht stresses the importance of allocating funds to municipal-level campaigns. Localities in at least five other states including Arkansas, Indiana, New Mexico, New York, and Ohio have already passed anti-abortion ordinances similar to the ones seen in Texas, while states like Florida are just beginning to navigate them. Battling the onslaught of copycat ordinances will take significant legal and grassroots organizing firepower. “I think

if you had the [large-scale] recognition that cities were a crucial locus of activity, funding would be targeted toward increasing the expertise that we have on the local level,” says Gerbracht.

The ACLU and its affiliates in all 50 states, Puerto Rico, and Washington, D.C., are fighting to protect abortion access from multiple angles in a swiftly changing and hostile local and federal landscape. As state bans like S.B. 8 and anti-abortion ordinances spread across the country, the ACLU has blocked (or continues to block) more than 20 of them, including

### The Future of Roe

In December, the Supreme Court heard oral arguments in *Dobbs v. Jackson Women’s Health Organization*, a Mississippi case that challenges the state’s 15-week abortion ban. The state of Mississippi asked the court to overturn nearly 50 years of legal precedent—a federal constitutional right to abortion—established by *Roe v. Wade*. And it appears the conservative members of the court may grant the state its request or severely weaken *Roe*’s protections. A decision in the case is expected at the end of June.

If the court overturns or guts *Roe*, 26 states are certain or likely to ban abortion. “At least five members of the court

seemed quite ready to overturn *Roe v. Wade* in whole. To basically say there is no right to abortion, period. It is left to the states,” says ACLU National Legal Director David D. Cole. “It will mean an incredible amount of work going forward to protect and defend the right in each state. But we’ll be fighting.”

“[Mississippi wants] to give every state in the nation the ability to prevent women from getting the care they need and force them to stay pregnant and to have children against their will,” says Jennifer Dalven, director of the ACLU’s Reproductive Freedom Project. “We know that the vast majority of people in this country do not want to

see *Roe v. Wade* overturned. They want people to have access to abortion that is safe, that is accessible.” The Women’s Health Protection Act (WHPA)—historic legislation that would create federal protection for abortion—passed the U.S. House of Representatives in September. With *Roe* at grave risk, it’s now urgent for the Senate to follow suit.

A federal law would make state abortion restrictions unlawful, thus allowing medical providers to offer safe, quality care. It would protect the constitutional rights of all people, no matter where they live.

Visit [aclu.org/whpa](https://aclu.org/whpa) and urge your senators to pass the WHPA today.





**Activists rally outside the Supreme Court on December 1, when the Center for Reproductive Rights argued a case on behalf of a Mississippi abortion provider, challenging the state's 15-week ban.**

outright bans; laws that would eliminate abortion between 14 and 20 weeks; laws banning abortions when the patient's reason is based on a fetal diagnosis; and parental consent laws that could jeopardize young people's health and safety. In October, the ACLU argued before the Supreme Court in a case challenging a Kentucky law that would effectively ban abortion after 15 weeks. The ruling could have significant repercussions for access to abortion in Kentucky and the surrounding region.

In addition to the critical work blocking state abortion restrictions, the ACLU is expanding access to medication abortion nationwide. In 2020, the ACLU successfully challenged the medically

unnecessary Food and Drug Administration (FDA) policy that requires patients to pick up medication abortion in person at a hospital or clinic, despite the health risks during a pandemic. Previously, it was the only drug required by the FDA to be dispensed in clinical settings while permitting patients to self-administer it at home. The lawsuit led to the FDA suspending the in-person dispensing requirements and has already helped transform the way medication abortion is obtained in the United States.

Following extensive advocacy and litigation from the ACLU, the FDA also agreed to a full review of all federal rules on medication abortion. In December, the agency announced the permanent repeal of its restrictions requiring in-person dispensing, expanding abortion access for hundreds of thousands more people across the U.S.—particularly low-income people, people of color, and those who live in rural and isolated areas.

The road ahead is fraught, but there is reason to hope. The ACLU with its nationwide presence will continue to fight to bolster state constitutional rights to abortion, advance ballot initiatives that expand access to abortion, lobby to pass state protections for reproductive rights, and ensure everyone has access to the ballot to elect candidates who protect abortion rights in their communities.

Grassroots advocates like Blair Wallace will continue expanding TAAN and its training program across Texas and beyond. Community organizers like Maria Cordero will continue arming immigrant communities with knowledge of their constitutional rights. City experts and strategists like Heidi Gerbracht will continue to illuminate and solve unique municipal challenges. And millions of activists like Kim Gonzalez will continue to be ready for battle—sounding the alarm when it's time to mobilize. As Cordero says, "You can't stop the power from the community." ■





# TRANSGENDER JUSTICE NOW

STATE LEGISLATIVE ATTACKS ON TRANSGENDER EQUALITY HAVE DRAMATICALLY ESCALATED IN RECENT YEARS, PRIMARILY

**TARGETING**

CHILDREN AND YOUNG ADULTS.

THE ACLU IS PRIORITIZING

**THREE ISSUES**

TO ADVANCE TRANSGENDER JUSTICE: HEALTH CARE, SCHOOL SPORTS,

**AND ACCURATE IDS.**

BY TOM VELLNER

ILLUSTRATIONS BY AGNÈS RICART

# M

**AYA BARELY REACHED** the top of the wooden podium as she spoke before a Texas House Committee last October. The committee had gathered to hear testimony on House Bill 25, which bans transgender students from playing on sports teams that align with their gender identity. It was one of nearly 70 anti-LGBTQ bills introduced during the 2021 Texas legislative session.

“I have come to Austin lots of times this year, missing school and other things I would rather be doing because I have

to speak against these bills,” said Maya during her testimony. “[These bills] make me feel like some of you don’t see me as human, much less the girl I really am.”

Maya is a 10-year-old trans girl who quit gymnastics after she learned a local sports association wouldn’t allow her to compete with cisgender girls. She is one of thousands of trans young people who, in 2021 alone, were the target of more than 100 anti-trans bills introduced by 37 state legislatures. Including H.B. 25, 13 of them passed—a record for the most anti-trans bills passed during a single legislative session.

“This is really an extension of the backlash to our success in the context of marriage equality,” said Chase Strangio, ACLU deputy director for transgender justice, during an ACLU town hall in November. “As soon as there was a victory at the Supreme Court in 2015 in *Obergefell v. Hodges*, striking down the remaining bans on marriage equality, there was a pivot to targeting and attacking trans people.”

Though the attacks differ—some ban gender-affirming health care, some ban participation in school sports, and others create barriers to accessing accurate IDs—they represent a coordinated effort by state legislators who deny the very existence of trans people. By stoking fear, spreading misinformation, and preying on constituents’ lack of knowledge about the trans community, they create a problem that isn’t real—and push trans people out of public life.

**“THESE BILLS MAKE ME FEEL LIKE SOME OF YOU DON’T SEE ME AS HUMAN, MUCH LESS THE GIRL I REALLY AM.”**

# GENDER-AFFIRMING CARE IS LIFESAVING CARE

**POLITICIANS WILL NEVER STOP** trans youth from being trans.

“I’ve known I’m a boy for most of my life,” said Parker, a 16-year-old trans high school student who lives in Arkansas, “and it feels good when my dad and others treat me like the person I know I am.”

Yet, in April 2021, Parker’s home state passed H.B. 1570, a bill that prohibits health care professionals from providing or even referring trans young people for medically necessary care. It also bars any state funds or insurance coverage for gender-affirming health care for trans people under 18 and allows private insurers to refuse to cover this care for people of any age. Arkansas was among 20 states that introduced similar bills in 2021, but became the first to actually pass one.

“I finally have access to the medical care that I need and I’m beginning to feel less depressed and fearful, and the thought of losing it all is terrifying to me,” said Parker, who has experienced significant trauma because of his gender dysphoria, which refers to psychological distress that occurs when a person’s sex assigned at birth doesn’t match their gender identity.

The health care that Arkansas seeks to ban is health care that trans young people like Parker, their parents, and their doctors know to be lifesaving. According to a national survey on LGBTQ mental health by the Trevor Project, 42 percent of LGBTQ youth seriously considered attempting suicide in

2021, including more than half of trans and non-binary youth.

Medical studies show that gender-affirming care, including puberty blockers and hormone therapy, which help align a trans person’s body with their gender identity, can mitigate the distress that kids like Parker experience and decrease suicidal ideation over their lifetime. What’s more, for decades doctors have been using this safe, critical care to help cisgender youth who go through puberty too early or have polycystic ovarian syndrome, which causes elevated testosterone levels.

“I will be prohibited from providing these treatments to my transgender patients because they relate to ‘gender transition,’ but I will be able to continue providing the same treatments to my cisgender patients to help bring their bodies into alignment with their

gender,” Dr. Michelle Hutchison told the ACLU last year.

Both Hutchison and Parker—along with another Arkansas doctor and three other families of trans youth—were plaintiffs in the ACLU’s lawsuit challenging H.B. 1570. Last July, just days before the law was scheduled to take effect, they successfully blocked it.

The ACLU has also helped defeat similar legislative proposals in Alabama, Georgia, and other states across the country, and continues to ensure that politicians hear from young people, parents, doctors, and medical associations who all agree that these bills put trans lives at risk.

For Parker and so many other trans youth across the country, this fight means everything. “I cannot go back to the version of life when I did not have this care,” he said.



# TRANS PEOPLE BELONG IN SPORTS

**“I HAVE ONE QUESTION** for y’all before I start: Why in the hell are y’all doing this?” Eli said, testifying, like Maya, against Texas’ H.B. 25, which bans trans youth from school sports.

Because of Texas’ already restrictive rules against trans athletes, Eli, a young trans man, was forced to wrestle on the girls’ team in high school. He was also forced to submit his medical records in order to check his testosterone levels, despite the fact that cisgender people can also have hormone levels outside the range considered typical for their assigned sex.

“High school sports [are] a part of being in school,” Eli continued. “That’s the only reason I graduated high school and actually survived.”

At the rotten core of the dozens of anti-trans sports bills that have been introduced over the last couple of years is exactly that: Sports are a lifeline for so many trans young people across the country—fostering a sense of belonging and building teamwork—and politicians who fundamentally oppose trans people’s ability to live freely aim to exclude them from activities that affirm their sense of self.

“What’s often lost in this sports conversation is why kids participate in sports,” said Strangio, “and we’re talking about kids in high school, in middle school, in elementary school who just want to go and have a space to connect with their friends.”

Instead, anti-trans politicians construct the conversation around myths

that oppose medical science and reinforce centuries-old stereotypes about gender and athleticism.

The primary myth: Trans girls have an unfair advantage in sports. This myth stems from the idea that testosterone results in changes like greater muscle mass. Not only do some cisgender girls have elevated testosterone—and are still allowed to compete—but also trans girls on puberty blockers actually have insignificant testosterone levels. For years, trans women and girls have been competing in sports around the world and only a handful have seen success. According to *Scientific American*, “There is no scientific case for excluding them.” There are many threats to women’s athletics in a country that fails to invest in them, but the participation of trans athletes is not one of those threats. All athletes have variable abilities and bodies—and the joy of sport is celebrating those differences.

“One high jumper could be taller and have longer legs than another, but the other could have perfect form and then do better,” said Andraya, a trans high school track runner and a client in the ACLU’s defense of Connecticut’s policy that allows trans athletes to participate in sports consistent with their gender identity. Three cisgender runners, represented by an anti-trans group, sued the state to block this inclusive policy. They claimed Andraya and other trans athletes had an unfair advantage on the girls’ track team—even though they performed as well as or better than their trans competitors. In fact, in a state championship race just two days after they filed, one of

those cisgender girls defeated a trans athlete named in the lawsuit.

The case was dismissed by the judge, but is currently on appeal. If the anti-trans group is successful, they will ultimately be able to block policies like Connecticut’s that let trans young people participate in the sports they love.

The myth that trans women and girls have an athletic upper hand also invites dangerous gender policing that would subject any woman or girl to invasive tests or accusations of being “too masculine” or “too good” at their sport to be a “real” woman.

Take Idaho, for example. The ACLU blocked the state’s ban on trans women and girls in sports, the first of its kind in the nation, which would have required educators and coaches to identify and separate trans youth, mandating DNA analysis, hormone-level monitoring, and even inspection of any person’s “internal and external reproductive anatomy.” This both inflicts trauma and blatantly violates the privacy rights of trans and cisgender athletes alike.

“A person’s genetic makeup and internal and external reproductive anatomy are not useful indicators of athletic performance,” said Dr. Joshua D. Safer, executive director of the Mount Sinai Center for Transgender Medicine and Surgery. “For a trans woman athlete who meets NCAA standards, there is no inherent reason why her physiological characteristics related to athletic performance should be treated differently from the physiological characteristics of a non-transgender woman.”



# ACCURATE IDS FOR ALL

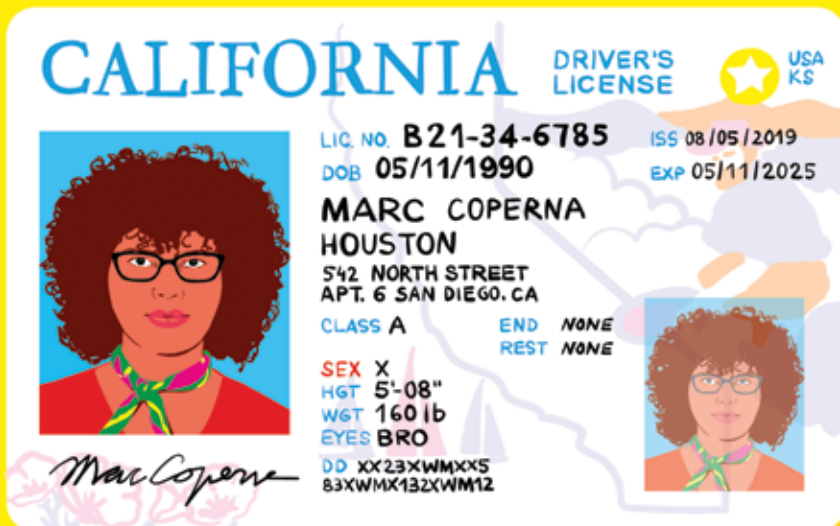
“F” AND “M”—those are the only existing gender-marker options for IDs in states across the country. Only two options in a world full of non-binary people? That’s too few. And the barriers to accessing an accurate ID? There are too many.

As a result of showing an ID that listed the incorrect name or gender, trans people have faced harassment, discrimination, and even violence. According to the 2015 U.S. Transgender Survey, 25 percent have experienced verbal harassment, 16 percent have been denied services or benefits, 9 percent have been asked to leave a location or establishment, and 2 percent have been assaulted.

“I love drama as much as the next 30-something Brooklynite,” said Meredith, who’s originally from Tennessee, which blocks trans people from amending their birth certificates, “but could personally do without the raised eyebrows, humiliating remarks, and literal physical dangers that arise from having an inaccurate gender marker in places like the doctor’s office, the American border, the courts, and especially during encounters with the police.”

Meredith also can’t afford the fees required to update her driver’s license. At best, she feels stuck—at worst, unsafe.

“I’m left with a little piece of plastic that exposes incredibly private information that only my intimate partners and trusted physicians should know,” she said. “Updating federal ID requirements would immediately improve my safety and access to resources, minimize confusion and headaches for public officials who mean well, and would cost basically nothing for the federal government.”



“UPDATING FEDERAL ID REQUIREMENTS WOULD IMMEDIATELY IMPROVE MY SAFETY AND ACCESS TO RESOURCES.”

Meredith is part of the ACLU’s “They the People” campaign, which urges the Biden administration to issue an executive order updating the process by which the federal government amends gender markers on IDs. Right now, if a person wants to update their gender marker in the Social Security system, on a passport, on immigration documents, or on any other federal ID or record, they have to submit a letter from a doctor confirming they’re receiving treatment for gender transition.

An executive order would ensure that trans people no longer face burdensome requirements and invasions of privacy when updating IDs, and could travel, apply for jobs, and enter public places with less risk of harassment or harm. It would also add an “X” option so that

non-binary, intersex, and all people have an accurate designation—an option that’s used around the world.

Last June, the ACLU celebrated a major victory in this fight when the Biden administration announced it would begin issuing passports with “X” gender markers—without requiring medical documentation. Four months later, the first U.S. passport with an “X” designation was printed. The ACLU continues to push the administration to make accurate gender markers available on all IDs and show trans, intersex, and non-binary people that they are supported and included in this country. ■

Send a message urging the Biden administration to ensure access to accurate IDs across the federal government at [aclu.org/theythepeople](https://aclu.org/theythepeople).







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# VOICES

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## QUEER YOUTH SUMMIT

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### S'mores, Songs, and Activism

The ACLU of West Virginia is empowering activists at a queer summer camp.

**LGBTQ young people** feel less isolated at the ACLU of West Virginia's Appalachian Queer Youth Summit, a summer-camp-style program that brings together queer and trans high school students from across the state. The program trains them to be activists, showing them how to organize and how to influence policymakers. More than that, it shows them they're not alone. "I've never been in a place where I've seen so many people who look like me, so many people who love me for me," says Mykah Smith, who participated last August. In addition to how healing the program was, it's also built a community. "I can't wait to see my chosen family again," Smith says. —ELLY BELLE

SOURCE PHOTOGRAPHS BY MICHELLE BREITER

# Businesses Against Abortion Bans

The ACLU organized top companies to condemn Texas' anti-abortion law.

When Texas passed S.B. 8 last year—a law that bans abortion at six weeks and allows individuals to sue abortion providers and anyone who helps a person access abortion—the ACLU took action. In addition to filing suit to block the radical new law, the ACLU, Planned Parenthood, and other coalition partners organized more than 50 companies, including Stitch Fix, Atlassian, Lyft, Lush, Madewell, Patagonia, Bumble, Yelp, and Glossier, to speak out against it.

The companies signed on to a national statement, “Don’t Ban Equality in Texas,” sending a clear message to lawmakers in Texas and across the country. With a combined workforce of 322,000 people and \$20 billion in revenue, they loudly declared that banning abortion is bad for business—and bad for the health and equality of their employees and customers.

“When everyone is empowered to succeed, our companies, our communities, and our economy are better for it,” the statement reads. “[Restricting abortion] impairs our ability to build diverse and inclusive workforce pipelines, recruit top talent across states, and protect the well-being of all the people who keep our businesses thriving day in and day out.” —E.B.

PHOTOGRAPH BY MONTINIQUE MONROE/THE NEW YORK TIMES/REDUX

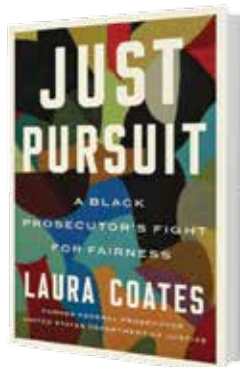


Protesters rally against S.B. 8 at the Texas State Capitol in Austin.

## Defend Abortion Access

We need a federal safeguard to protect everyone’s right to access abortion—no matter where they live.

Send a message to your senators urging them to pass the Women’s Health Protection Act: [aclu.org/whpa](https://aclu.org/whpa)



## Punishment System

In *Just Pursuit: A Black Prosecutor's Fight for Fairness*, Laura Coates shares her eye-opening experience working within America's failing criminal legal system. A former federal prosecutor and civil rights attorney with the U.S. Department of Justice, Coates delivers a blistering firsthand account of the many ways the legal system mistreats Black and Brown communities and defendants—from policing to prosecution to sentencing—and how racial injustice thrives in the daily abuses of prosecutors, lawyers, and judges. Through meticulous storytelling, she describes the painful process of being a Black mother forced to confront her own errant beliefs in a flawed system. By exposing how the legal system consistently harms the most vulnerable, she pushes readers to summon the anger and hope needed to transform it.

—JAY A. FERNANDEZ

In 1980, as a refugee from the dictatorship in my home country of Cuba, I was welcomed by America—a country that has offered freedom and hope to immigrants for hundreds of years. I am dismayed by recent events and policies that have chipped away at the view of America as a beacon to those in need. As immigrants get closer to freedom, we are pushing them away.  
— ILLUSTRATION AND TEXT BY EDEL RODRIGUEZ



# Fueling the Fight

## A lifelong advocate takes action with ACLU People Power.

**NAME:** Marci Iacobucci  
**LOCATION:** New York and Chicago  
**VOLUNTEER:** Since 2017

**Marci Iacobucci's** introduction to activism dates back to her childhood, when she would help stuff envelopes with her mother, who was working for a political candidate at the time. Iacobucci was raised with the belief that privilege comes with great responsibility. It instilled in her a lifelong desire to take action.

Fast-forward to now, Iacobucci is a creative director and strategist, and still taps into that envelope-stuffing energy. She has volunteered at food shelters and on presidential campaigns, but she eventually realized that she wanted to contribute to something more sustainable. After a campaign would end, she would wonder, “Now what am I supposed to do? Do the problems go away?”

Iacobucci turned to People Power, the ACLU's grassroots

army of volunteers and activists, with which she has been a volunteer leader since its inception in 2017. During her time with People Power, she's attended trainings and conferences, learned new organizing skills, and found ways to apply her activism both in the field and at the advertising agency she works for, where she's volunteered with mentor programs for women and LGBTQ staff.

“What I love is enabling others to find ways to make the world better,” she says, adding that her work with People Power “reenergizes my soul.”

Iacobucci has found that the ACLU is the perfect place to direct her energy and passion, as the organization sits at the intersection of all civil liberties issues.

“You cannot solve one without solving the other,” Iacobucci says. “If it's something you want to fight for, you can probably find that cause in the ACLU.”

While Iacobucci knows that this work can be difficult because of the constant assaults on civil liberties—often without time to stop and celebrate progress or victories—she also knows that it's an essential fight. “All roads lead to civil liberties,” she says.

—YASMIN GÜLEÇ

**Marci Iacobucci, pictured in Brooklyn, has volunteered with ACLU People Power since 2017.**

### Join People Power

Become a grassroots activist and help your community by making calls, attending legislative sessions, and translating materials into Spanish.

Learn more at [aclu.org/joinpp](https://aclu.org/joinpp).





**Collette Flanagan, the founder and executive director of Mothers Against Police Brutality, speaks at Williams College in Williamstown, Massachusetts.**

## Taking Police Accountability to the United Nations

By Collette Flanagan

**I**n the movement against anti-Black racism and police brutality, I have always drawn strength from the great tradition of freedom movements in America—the abolitionist movement, protests against lynching, the civil rights and Black Power movements—down to present-day struggles for voting rights and racial justice. Mothers Against Police Brutality (MAPB) stands in that living legacy.

In taking the crisis of extrajudicial killings by police to the United Nations, MAPB is walking in the footsteps of Malcolm X. He and others took the struggle of Black people to regional and global bodies, and he planned to appeal to the UN, charging the United States with violations of the Universal Declaration of Human Rights.

The voices of MAPB—along with the ACLU and other coalition partners—contributed to the passage of a major resolution of the UN Human Rights Council in June 2020, promoting and protecting the human rights “of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers,” and called on the Office

of the High Commissioner for Human Rights (OHCHR) to prepare a report on systemic racism against Black people, especially in the context of law enforcement.

I worked with a commission of human rights lawyers and experts, identifying cases and bringing families of victims of police violence into the process, including George Floyd’s brother Philonise. I also shared the story of my son, Clinton Allen, who was killed by a Dallas police officer in 2013.

In June 2021, the OHCHR released its report, describing “an alarming picture of system-wide, disproportionate and discriminatory impacts on people of African descent in their encounters with law enforcement....” I provided video testimony welcoming the creation of a new UN expert mechanism that will focus on examining and combating systemic racism worldwide.

By lifting up the voices of mothers directly impacted, MAPB changed how the UN approached the systemic nature of police violence. We stand ready to engage with the OHCHR and the UN expert mechanism to hold local and state governments accountable for police violence and press for effective remedy and support for our families.

I hope that our work spotlights the many egregious extrajudicial killings of people worldwide that never receive national attention in their home countries. The attention of the UN is an important validation of the struggle of families victimized by police violence—who are so often ignored as we seek justice in the name of our loved ones.

To help the ACLU advance systemic equality for Black communities, visit [aclu.org/equalitynow](https://www.aclu.org/equalitynow).

## Reno v. ACLU

### June 26, 1997

Twenty-five years ago, the ACLU celebrated a historic victory when the Supreme Court ruled unanimously that provisions of the federal Communications Decency Act (CDA)—provisions attempting to criminalize “indecent” speech online—violated First Amendment rights. The internet was so new when the CDA passed that the ACLU didn’t have a website yet. “Before the internet had even gotten off the ground, Congress was trying to censor it,” says Ben Wizner, director of the ACLU’s Speech, Privacy, and Technology Project. “The court said, we’re not going to turn it into a sandbox for adults and require them to only look at children’s content.” The landmark win ensured civil liberties would keep pace with the advancing technology—one that has, as the ACLU said in 1997, “no parallel in the history of human communication.” —TOM VELLNER



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