

ACLU magazine

FOR PASSIONATE GUARDIANS OF CIVIL LIBERTIES

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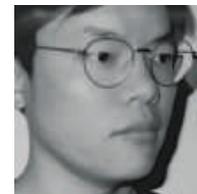


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CONTRIBUTORS



Marisa Taylor Karas is a writer whose work has appeared in *The Guardian*, *Al Jazeera America*, *The Wall Street Journal*, and elsewhere. She last wrote about voting by mail for this magazine. She lives in Brooklyn, New York.



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CLOCKWISE FROM TOP LEFT: MADDIE MCGARVEY; HOUSTON COFIELD; COURTESY OF DADU SHIN; JEFFREY TAYLOR

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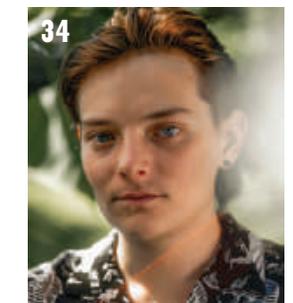
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At press time for this issue of *ACLU Magazine*, we confront the hard truth that the battle for justice and equality is never permanently won. In its shameful *Dobbs v. Jackson Women's Health Organization* ruling, the U.S. Supreme Court eliminated half a century of precedent and reproductive autonomy by overturning *Roe v. Wade*. This is a devastating setback for liberty, but the ACLU remains committed to the fight to protect and advance abortion access nationwide and gender justice more broadly.

Beyond our continuing legal efforts, including dozens of active lawsuits challenging state restrictions on reproductive rights, we turn to political advocacy. Reproductive freedom, along with other rights we hold dear, will ultimately be decided in state legislatures and at the ballot box. Starting with referendums on the ballot in November in states such as Michigan, we are working to enshrine the right to abortion in

state constitutions, which will provide an essential bulwark against the federal ban being pushed by anti-abortion zealots. It may be a long fight, but the ACLU, with our supporters, has the collective power, resources, and expertise to re-secure this fundamental right.

To protect civil rights and civil liberties via electoral solutions, however, we must be able to trust that our voting systems are safe, secure, and accessible. Yet our democracy's most basic institution has never been more in crisis.

“Together we must channel our outrage, steel our resolve, and recommit to our mission because we’ve proven time and again that we can create lasting change.”

As we barrel toward the critical mid-term elections, the ACLU is prioritizing pro-democracy efforts to prevent election interference and voter intimidation. Across the country, we are developing bold, innovative strategies to engage with underrepresented voting groups and bolster election administration at the local level.

As you’ll read in this issue, our ability to advance our core issues depends on preserving a tamper-free vote. “On Democracy’s Front Lines” (p. 16) highlights some of the people and partners in the trenches protecting access to the ballot for historically disenfranchised groups and fortifying the local election infrastructure in the battleground states of Michigan, Ohio, and Georgia. “The Right to Learn” (p. 10) details how ACLU affiliates in Oklahoma, Idaho, and other states have mobilized to defend teachers and students against a raft of bills that censor discussions of systemic racism and gender oppression in the classroom. And in “Exposing Entanglement” (p. 24), the ACLU of Northern California defends the rights of immigrants in California’s Central Valley by exposing the racism and systemic abuses that flourish in the collusion between local sheriffs’ departments and Immigration and Customs Enforcement.

Together we must channel our outrage, steel our resolve, and recommit to our mission because we’ve proven time and again that we can create lasting change. Every volunteer action, every lawsuit, and every advocacy campaign makes a difference. You make today’s—and tomorrow’s—progress possible, and future generations depend on our persistence. There are many more victories to come, so long as we stay in the fight.



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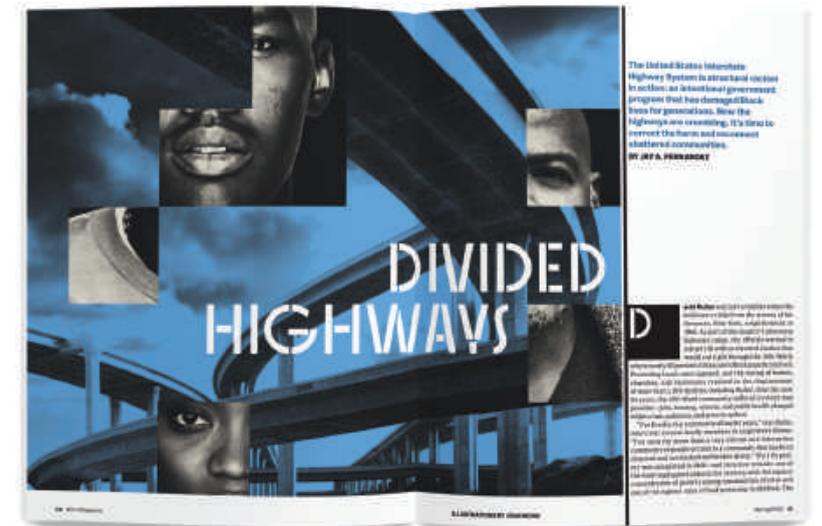
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Exchanging Mailing Lists: The ACLU defrays the cost of our new-member recruitment by renting or exchanging our list with other nonprofit organizations and publications, but never to partisan political groups or to groups whose programs are incompatible 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 2022 issue of ACLU Magazine includes a feature on the federal highway system’s destruction of Black communities.

Re: “Divided Highways”

As a child, I watched my family’s home be destroyed to build the Long Island Expressway. I am painfully aware of what a highway can do to an area. But as I read about Syracuse and I-81, and looked at the pictures [of Harrison Street and the 15th Ward], I had to pause and smile. What struck me was that my father’s family resided on Harrison Street. My grandfather had his plumbing shop at 300 Cedar Street. By the mid-1950s, it was a grocery store.

*Carol Blum
Queens, New York*

Re: Free Speech

As an ACLU member, I want to thank you for putting out a wonderful magazine highlighting the work of the ACLU and important public issues. While I live in Washington state, I am aware of the great work being done by the ACLU of Colorado to ensure residents of HOAs retain their freedom of speech with respect to displaying political

yard signs and flags. The ACLU of Washington helped pass political yard sign legislation in 2005.

*Phil Landesberg
Vancouver, Washington*

Re: “Defending Abortion”

I remember the years before *Roe v. Wade*. I support freedom of choice for many reasons. It is time for a constitutional amendment to guarantee the rights of women to choose their own destinies. Perhaps I’m too idealistic. I believe that when women lose that freedom that they have had since 1973, they will rise up, along with many men, to force legislation that will more firmly guarantee the freedoms they have had for 49 years. The anti-abortionists would face a massive backlash if any current rights were taken away.

*Mark Presky
Los Angeles, California*

We love your feedback! Let us know what you think about this issue: ACLUmagazine@aclu.org



ANNA MONEYSMAKER/GETTY IMAGES

FRONT LINE

PRIORITIES

Abortion After Roe

After this summer's crushing decision overturning federal protections for abortion, the ACLU leads the next fight for reproductive freedom—at the ballot box.

In June, when the Supreme Court overturned *Roe v. Wade*, the watershed 1973 case that recognized a constitutional right to abortion, the ACLU had nearly a dozen lawsuits at the ready to challenge state-level restrictions. As a result of the court's decision, half of the states in the country are expected to ban abortion, denying 36 million people, many of them low-income and women of color, access to care and forcing untold numbers to carry pregnancies to term.

The ACLU has fought for reproductive freedom since before *Roe* was decided and will persist in fighting after *Roe*, including by challenging state

Protesters march for abortion rights in Washington, D.C., after the leak of the Supreme Court's draft opinion overturning *Roe v. Wade*.

CONTINUED FROM PAGE 5

bans in court. As anti-abortion politicians continue to criminalize essential care, the ACLU—along with its state affiliates and community partners—also is advocating for legislative measures that will protect reproductive rights in state constitutions. For example, in Michigan, a coalition of reproductive rights groups, including the ACLU of Michigan, launched a ballot initiative earlier this year to enshrine reproductive freedom in the state constitution. The ACLU of Vermont and its partners have been working since 2018 on Proposition 5, a ballot measure that passed the state House and Senate across two sessions in order to make it to the November 2022 ballot.

“People in Vermont recognized years ago that *Roe* was at risk and came together around this amendment process,” says James Lyall, executive director of the ACLU of Vermont. The constitutional amendment, which could serve as a model for other states, applies careful review to any restriction on abortion. It includes some of “the strongest language in the country in terms of protecting access to reproductive health care,” says Lyall, “sending the message that people of the state are not going to tolerate any restriction on their reproductive rights.”

The ACLU is also working with states that do allow abortion to strengthen their policies and protect access, especially so they can serve as sanctuaries for people who will need to travel from out of state. The goal is to help them receive care easily and without hurdles, says Brigitte Amiri, deputy director of the ACLU’s Reproductive Freedom Project.

Absent federal protections, the most effective way to maintain abortion access is for the public to have a clear path to the ballot box so they can elect state legislators who support reproductive freedom. But our nation’s voting rights are under siege; more than 400 voter suppression bills were introduced in the states last year. The ACLU is pushing back aggressively against these bills and unfair redistricting maps, bringing legal challenges in Alabama, Arkansas, Georgia, Montana, Ohio, South Carolina, and Texas, to ensure that everyone is able to cast their vote in November and that the voting power of certain populations is not diluted.

“The majority of people in this country support access to abortion,” says Amiri. “Securing voting rights is critically important so we can vote our values and have people in office who reflect our values. All of these issues that we work on at the ACLU are connected.” —MARISA TAYLOR KARAS

Many Voices, Vital Leader

Sommer Foster of Michigan Voices gets out the vote for abortion rights in her home state.

In anticipation of the overturning of *Roe v. Wade*, and the triggering of a 1931 Michigan law that criminalizes abortion, Michigan Voices, Planned Parenthood Advocates of Michigan, and the ACLU of Michigan formed a coalition last year to protect abortion access in their state. The ACLU spoke with Sommer Foster, co-executive director of Michigan Voices, about her work engaging voters on reproductive health care and other issues.

Michigan Voices is part of a campaign to enshrine reproductive rights in the state constitution.

How did this come to be?

In 2021, Michigan Voices formed a reproductive justice working group. We wanted our partners, those who had a history of working on reproductive health, to be aligned protecting abortion access in Michigan. We have about 35 groups that participate, and when the Supreme Court decided to take up *Dobbs v. Jackson Women’s Health Organization*, the conversation within the working group transitioned to a proactive ballot



Sommer Foster, pictured in Canton, Michigan.

initiative. This puts it into the state constitution so it adds a permanent level of protection.

What’s at stake in Michigan?

What’s at stake [without *Roe*] is we end up in a state where people do not have access to an abortion or where it’s dependent on county. It sets up a system where people are confused, they lack access, and the only people that are going to be able to receive services are those who can afford to travel.

You’ve been co-executive director of Michigan Voices since 2020, but you started

helping to register voters when you were just 13 years old.

My uncle and aunt worked with the NAACP, and I used to spend summers with them in Battle Creek. We were in church basements registering voters, talking to people about economic opportunity. I have always had a love of politics. I come from a family that has been deeply involved, and that’s part of the reason I ended up here.

What else are you working on at Michigan Voices to engage voters?

So many things! We run a statewide election protection

program where we help recruit poll workers and poll monitors, we advertise the 866-OUR-VOTE hotline, and we really fight voter suppression. We also do a pretty large GOTV [get out the vote] program where we work year-round to engage voters about civic engagement issues. This year we’re targeting 3.1 million voters. Michigan is a pro-choice state, but I know that this is going to be a tough election year. It’s going to be critical that we get everyone out to vote who does support the right to abortion. —MTK



Accessing Medication Abortion

Late last year, the U.S. Food and Drug Administration lifted long-standing restrictions on mifepristone, a medication used in more than half of recent abortions in the U.S. The ACLU had sued the agency on behalf of abortion providers and medical groups.

The decision, which eliminated the requirement that patients pick up mifepristone in person, came not a moment too soon, as more states ban abortion. Patients can now access their prescriptions directly by mail or through a mail-order pharmacy, where permitted by state law.

The FDA’s decision is critical progress, clearing obstacles for those seeking abortions, but it is far from complete. Hostile states are continuing to require a health care professional to be physically present when mifepristone is administered, and this year alone, at least 18 states introduced legislation to restrict access to medication abortion altogether. Because of this divide between federal guidance and state laws, it’s essential that people seeking abortion or miscarriage care with mifepristone understand their rights in their particular state.

To learn more about abortion access in your state, visit aclu.org/news/reproductive-freedom.

Freedom in the Streets

The ACLU is tackling restrictive state laws and excessive law enforcement to defend the right to protest.

The nationwide racial justice protests of 2020 sparked not only brutal responses from law enforcement but also a slew of anti-protest bills in state legislatures. These attacks on the First Amendment, which often target Black activists and those protesting police violence, unlawfully limit everything from campus speech to traffic interference. The bills also institute harsher penalties for those convicted of “riot”-related crimes and expand law enforcement’s ability to use excessive force.

Through litigation and legislative advocacy, the ACLU has defeated laws that suppress protected speech and criminalize protest activity while holding law enforcement agencies accountable for civil rights violations. “Protecting protesters’ rights is critical to the ACLU’s mission,” says Vera Eidelman, staff attorney with the ACLU’s Speech, Privacy, and Technology Project. “That fundamental right enables people to be heard and to

push for the changes they want from government actors.”

Here are some of the places where the ACLU is protecting the right to protest:

District of Columbia

In April, the ACLU of D.C. and its partners reached a settlement with the Justice Department to resolve parts of four civil lawsuits stemming from violent attacks on peaceful demonstrators outside the White House in June 2020. The U.S. Park Police and the U.S. Secret Service agreed to institute measures that prioritize safety and accountability while better respecting and protecting protesters’ rights.

Florida

When the state enacted the anti-protest bill H.B. 1 in 2021, the ACLU of Florida and the NAACP Legal Defense Fund immediately secured a preliminary injunction that blocked the law’s broad “riot”

provision, which gives law enforcement wide discretion to arrest peaceful protesters. The state appealed and the 11th Circuit heard oral argument in March, but no ruling has yet been issued.

Minnesota

An ACLU of Minnesota class action suit resulted in a February settlement with the Minnesota State Patrol that compensates journalists attacked by police while covering Minneapolis protests in 2020 and 2021, and institutes policy changes to prevent future assaults. The lawsuit continues against other law enforcement agencies.

Oregon

In the wake of the 2020 protests, the ACLU of Oregon filed several lawsuits on behalf of protesters, journalists, and others injured and/or detained by law enforcement near the Portland courthouse. While those cases are still active, the court has since ruled in another ACLU suit that the police’s practice of filming protesters and broadcasting their personal information on the internet violates state law. —JAY A. FERNANDEZ

Visit aclu.org/freespeech to learn more.



ILLUSTRATION BY DADU SHIN

A Pathway for Citizenship and Autonomy

ACLU National Board President Deborah N. Archer answers readers’ questions about family separation, medication abortion, and censorship.



Q:

I want to express to you my sincere gratitude for the work that you do on so many fronts and for so many people. Although there is much that is of concern, from the infringement of voting rights to the limits put on access to abortion, I write regarding the separation of children from their families at the southern border. Will anyone be held accountable? Have most of the children been reunited?

Thank you for your kind words. During the Trump administration, the government cruelly engaged in the systematic separation of more than 5,500 immigrant families. Thousands of families have been reunited as a result of the ACLU’s federal litigation and grassroots efforts. Sadly, the parents of hundreds of children still have not been found. The ACLU is part of a coalition of NGOs searching for those families. It’s a herculean task. We’re also holding the Biden administration accountable for reuniting the remaining families, creating a pathway for citizenship, and providing monetary compensation.

I understand the FDA now permits patients to obtain medication abortion by mail. What’s the impact as multiple states attempt to ban abortion?

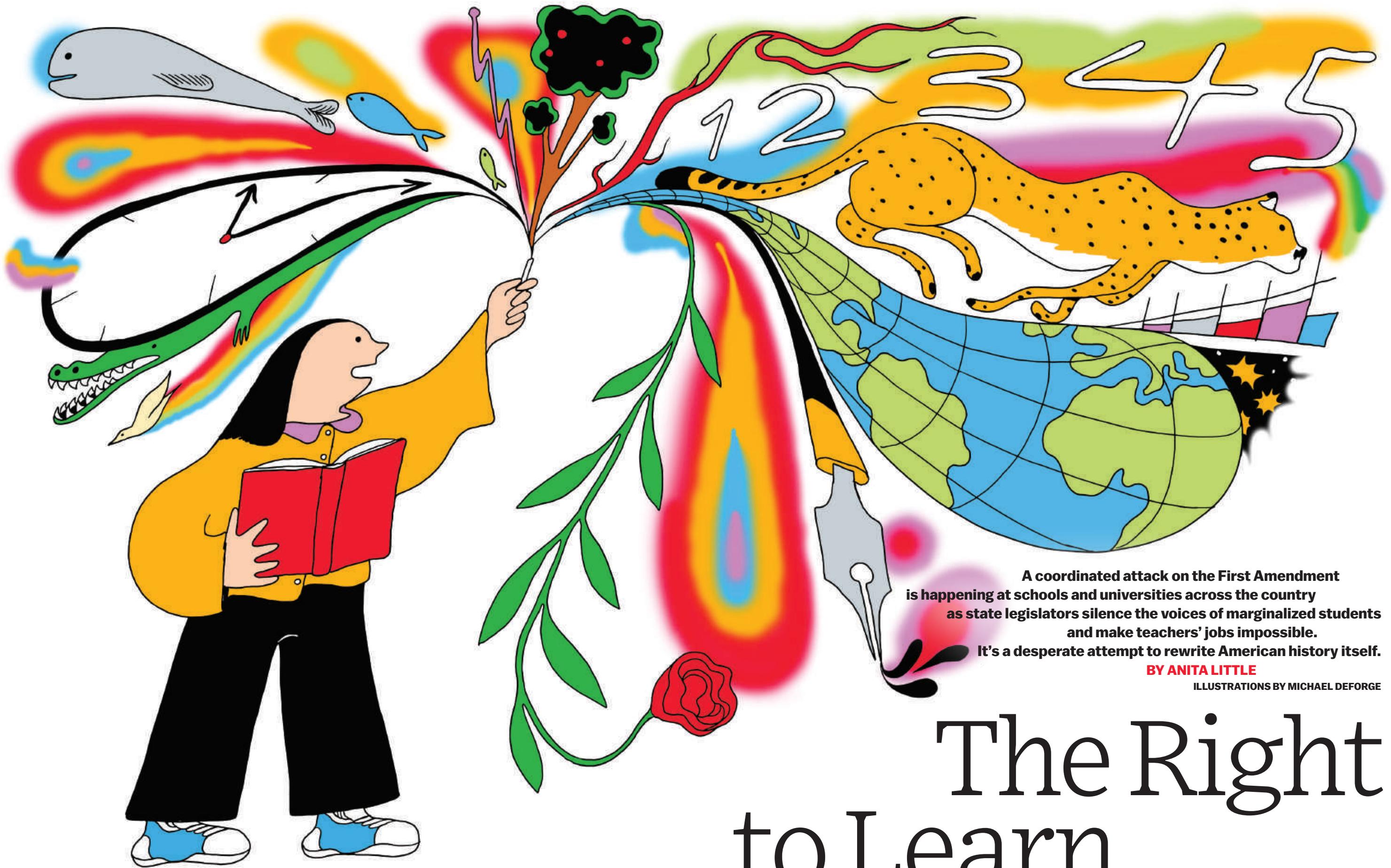
The FDA’s removal of its in-person pickup requirement—in response to ACLU litigation and advocacy—has dramatically increased options for abortion access. However, it doesn’t eliminate state-level abortion bans or restrictions. While no one should have to travel for essential health care, the FDA’s rule change still reduces burdens for patients in hostile states. It enables them to pick up pills across the border in a neighboring state, after a telemedicine visit, rather than traveling even farther to a clinic.

I was just reading about how so many states are restricting teachers from teaching about race and racism. Would it be against the law for me to start

my own group? I am not an educator. I am a retired senior citizen. Since January 2021, 10 states have passed censorship bills regulating discussions about race, gender, and sexuality in the classroom, and this year alone, 26 new states introduced similar bills (see “The Right to Learn” on p. 10). This is a coordinated effort to restrict what is being taught in public schools. The First Amendment guarantees the right to academic freedom in schools—as well as your right to discuss diverse topics, including racism and systemic inequality. So, yes, you can start your own group!

Please send your questions to ACLUMagazine@aclu.org.

PHOTOGRAPH BY STEPHANIE MEI-LING



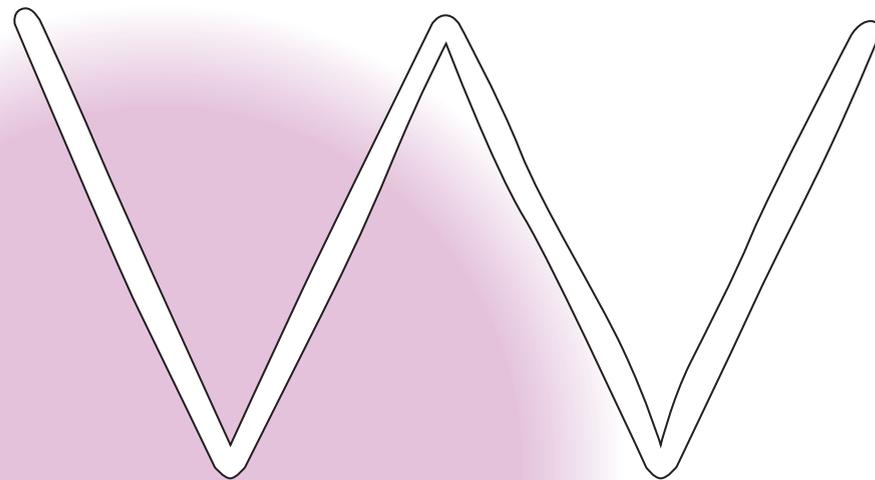
A coordinated attack on the First Amendment is happening at schools and universities across the country as state legislators silence the voices of marginalized students and make teachers' jobs impossible.

It's a desperate attempt to rewrite American history itself.

BY ANITA LITTLE

ILLUSTRATIONS BY MICHAEL DEFORGE

The Right to Learn



HEN ANTHONY CRAWFORD was in junior high school, he was kicked out of his AP History class one February after he asked the teacher when the class would learn about Black History Month.

“My question made the teacher uncomfortable. I remember his face turning red. He said, ‘You’re not going to disrupt my class, so please step out.’ So I tossed the books on the floor and left the class.”

Crawford never forgot the incident.

Two decades later, he proudly educates ninth graders about the very issues his teachers refused to teach him. At Millwood High School in Oklahoma City, he has crafted a curriculum that examines the systemic ways race and gender impact our lives.

When one walks into his classroom, the first thing they might notice is a colorful poster near the whiteboard with the words “Black History Year” spelled out in block letters. (“Month” had been crossed out and replaced.) Surrounding it are student projects about Nat Turner, Rosa Parks, the Black Panthers, and more.

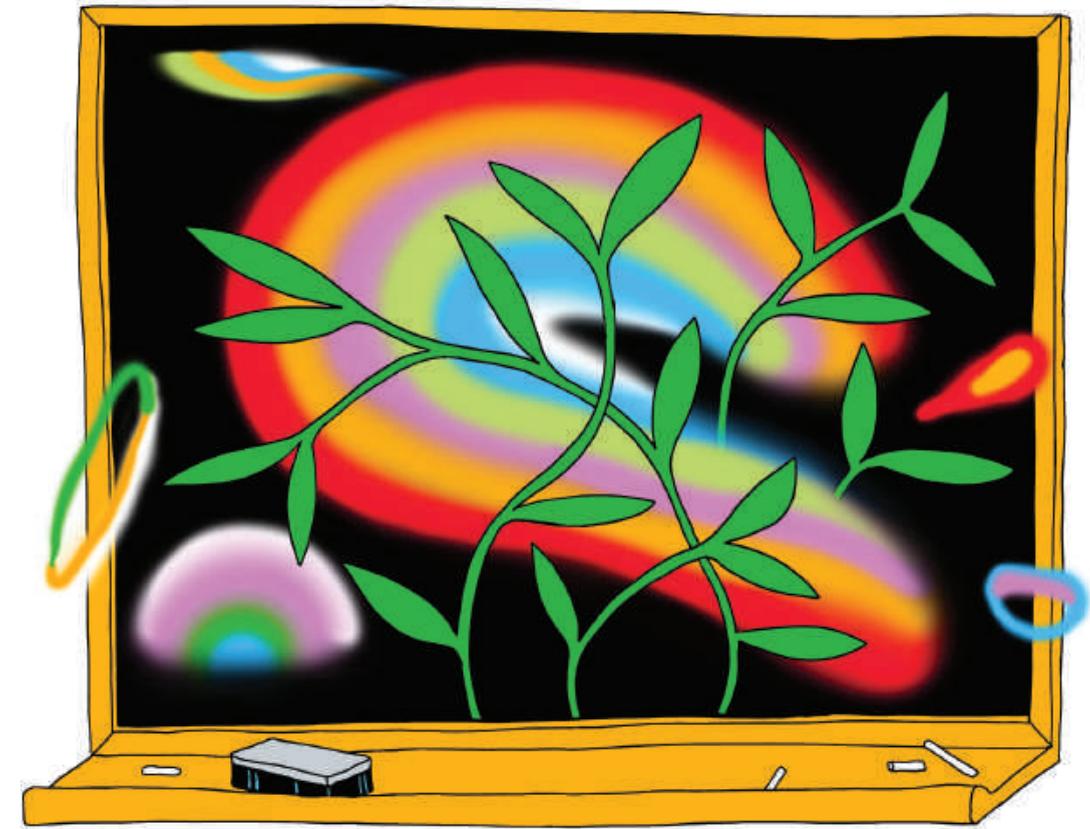
“Most of the time, my students are the ones who want to talk about race and gender because these are the issues they deal with in their everyday lives,” Crawford told the ACLU last year. “It helps them make sense of what they witness when they step outside school. It also helps them understand themselves, their communities, and each other.”

In addition to being a passionate educator, Crawford is also a plaintiff in a landmark lawsuit filed by the ACLU, the ACLU of Oklahoma, the Lawyers’ Committee for Civil Rights Under the Law, and pro bono counsel Schulte, Roth & Zabel: *Black Emergency Response Team (BERT) v. O’Connor*, which challenges a recent classroom censorship bill passed in Oklahoma, H.B. 1775.

Signed into law by Gov. Kevin Stitt in May 2021, the legislation restricts teachers and students alike from discussing race or gender in the classroom. Upon approving the bill, Stitt stated that “not one cent of taxpayer money should be used to define and divide young Oklahomans about their race or sex.”

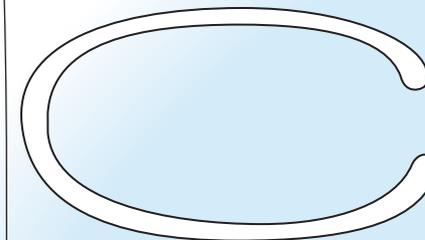
Under the enforcement of this law, educators who violate it can lose their license to teach, and schools can even lose accreditation. The law’s broad language has been interpreted by educators and First Amendment experts as an attempt to deny historical facts, restrict academic freedom, and silence the experiences of marginalized groups. The effort to constrain free speech in the classroom reflects a broader movement by state legislators to restrict civil liberties across the board, including voting rights, LGBTQ equality, and gender equality.

“School officials specifically instructed us to avoid books by authors of color and women authors, leaving two books written by white men—*The Great Gatsby* by F. Scott Fitzgerald and *The Crucible*



by Arthur Miller—as our only remaining anchor texts,” Regan Killackey told the ACLU last year. An English teacher at Edmond Memorial High School in Edmond, Oklahoma, Killackey is also a plaintiff in *BERT v. O’Connor*. His previous lesson plan had included works such as *To Kill a Mockingbird* and *Their Eyes Were Watching God*.

“[It] is detrimental to all my students. In essence, it prohibits me from doing my job.”



CRITICAL RACE THEORY (CRT) is a scholarly framework developed by the late Derrick Bell, Kimberlé Crenshaw, Charles R. Lawrence III, Mari Matsuda, and others that examines the impact of race

The ACLU is mobilizing inside and outside the courts to protect the First Amendment and academic freedom.

on our institutions and is commonly only taught at the graduate school level. It has become the latest obsession of conservative politicians who wish to put an abrupt stop to classroom conversations about race and exploit white voters’ fears in advance of the midterm elections. Though CRT, as such, is not typically taught in K–12 education, it has become a catch-all phrase that includes social-emotional learning, culturally responsive education, and anti-racism.

“Over the last few decades, we’ve had significant progress in making sure that

curricula are more reflective of the diversity of students’ experiences and identities, and also present a more honest accounting of our history, the good, the bad, and the ugly,” says Emerson Sykes, senior staff attorney with the ACLU’s Speech, Privacy, and Technology Project.

“The education research is clear about the fact that inclusive education improves students’ understanding, improves their behavior, and even improves their academic performance.”

Sykes believes we’re now seeing a backlash to that improvement in school curricula and advancements

in our national dialogue about race. The fight over CRT is where many white Americans are “pouring all of the racial anxieties that they have.”

In case you thought the architects of this Oklahoma bill were original in their thinking, parts of H.B. 1775 were copied verbatim from an executive order from President Donald Trump aimed at censoring government contractors in a similar way. The 2020 executive order was an attack on racial sensitivity training in the federal ranks, referring to these teachings as “divisive, un-American propaganda training sessions.”

Though the executive order was partially blocked on constitutional grounds and it was quickly withdrawn by President Biden, it still signaled to Trump’s base what type of legislation they could introduce at the local and state levels to achieve the desired chilling effect on educators. Trump’s executive order galvanized classroom censorship groups to mimic Trump’s bill with their own.

The summer of 2020 saw unprecedented, worldwide demonstrations for the Black Lives Matter movement after the murder of George Floyd by a Minnesota police officer. It was a centuries overdue moment of racial reckoning against our country’s history, and ugly truths that had been simmering just beneath the veneer of America’s status

quo boiled over, spilling out into the streets for weeks on end.

“Racial justice messages were strewn everywhere. Even corporations were getting behind these ideas, and we felt like we were making some significant society-wide progress in our conversation about race. In the wake of that is when President Trump introduced the executive order,” says Sykes. “In many cases, including in Oklahoma, what we’ve seen is a direct copying and pasting from Trump’s executive order. Oftentimes, it’s tweaked. They add a provision or they subtract one to adapt to the local circumstances.”

Bills similar to H.B. 1775 featuring language that mirrors Trump’s executive order have been cropping up across the country, with 10 states and counting passing them into law. And there are more on the way: In 2022 so far, 26 additional states brought similar censorship bills to the floor of their legislatures. This flood of legislation echoes recent state efforts to enact laws that codify voter suppression and criminalize health care for transgender minors.

This movement in the classroom may have the impression of a spontaneous grassroots coalition of concerned parents, but that’s not the case. As an investigative report from *Education Week* revealed, it’s the result of a very

strategic and quickly moving assault on historically accurate education by well-resourced, interconnected conservative think tanks. “Impeccably organized” were the words a school district equity officer from the South used to describe the work of groups in their city.

A recent study from the UCLA Institute for Democracy, Education, and Access concluded that nearly 18 million students in public school, which is more than one-third of all K–12 students in the nation, have been affected by these classroom censorship efforts. The harm is incalculable.

From the UCLA study, one teacher anonymously shared that they have “avoided subjects I usually would’ve taught because I don’t want to be accused of indoctrinating.... White students in my district have become empowered to deny white privilege and say that it is ‘reverse racism,’ [and people] completely dismiss voices from [people of color].”

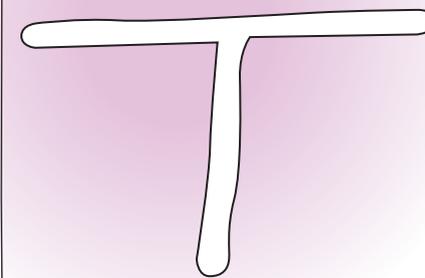
Another worried teacher said in the survey that the legislation in their state has “taken away the ability to teach actual history and critical thought. They are taking away all nuance and deeper thought, stripping the subject of its actual value.... Students will not be able to effectively investigate the world around them.”

“All students have the right to learn an honest accounting of our country’s past and present.”

And even more important is the hostile learning environment this can create for students with marginalized identities.

Lilly Amechi, a plaintiff in *BERT v. O’Connor*, an undergraduate student at the University of Oklahoma, and a member of BERT, says, “To students of color, it sends a message that there is no willingness for people to understand our experiences. The reality is that race pervades the classroom even when it’s not the main subject.”

Sykes, who comes from a long line of teachers and educators, believes this spate of laws hurts students and attempts to take schools backward: “It’s trying to reinforce white supremacy for another generation.”



THESE BILLS AREN'T going uncontested. The ACLU is mobilizing inside and outside of the courts to protect the First Amendment and academic freedom, as it has for more than a century. In addition to the ongoing Oklahoma lawsuit and a similar case in New Hampshire, in states like Idaho, ACLU affiliates are striving to educate teachers, students, parents, and activists about these forms of legislation and the rights that they possess.

In a violation of free speech, Idaho was one of the first states to introduce and pass an “anti-discrimination” measure that blocks teachers at schools and

universities from discussing race or racism in class.

“They want a future where white folks dominate, continue to dominate, and are not made to feel badly about that,” says Aadika Singh, the legal director of the ACLU of Idaho. “Educators all throughout the state are really being pressed with this assumption that they are making white kids feel bad for having honest conversations and teaching the facts about race and gender.”

In Boise, Singh and other lawyers and researchers connected with more than 100 students and educators in the wake of increased classroom censorship and concluded that what the state needed was “education about education,” pivoting away from a typical litigation route. The ACLU of Idaho hosted trainings and workshops for educators and have focused their efforts on reducing the harm of the new law. They created a comprehensive toolkit around what was safe to teach in the classroom and the extent of educators’ academic freedom. An employment attorney was even brought in to advise teachers on what to do if they have to legally challenge a disciplinary action from school administrators.

“There’s this self-censorship where you have teachers saying, ‘I’m just not even a teacher anymore, I’m not going to teach this material because I might lose my job.’ It was very clear that people needed reassurance, needed confidence, and needed to be empowered,” adds Singh.

And at some universities like the University of Southern California in Los Angeles, educators are taking it a step further to expand rather than constrict dialogue. At the USC Gould School of Law, there’s a glimmer of a future where

teachers and students are welcomed to think critically about themselves and the society they inhabit.

In 2021, Camille Gear Rich, the Dorothy Nelson Professor of Law and Sociology at the Gould School of Law, was a key advocate for a mandatory course for students that implores them to not only think about the history of bias and discrimination in the United States but also to understand the present-day impact of it within legal contexts. Rich and other faculty advocates were inspired to create the course after a culmination of Trump-era events in 2020, and their goal is to provide students, who may have different levels of exposure to America’s racial struggles, with a “foundational understanding of the facts.”

“Classroom censorship threatens to make the educational project in American schools incoherent. It undermines the ability to tell a logical story about the events of the United States,” she says.

In what really feels like a fight for the future, she stresses the importance of learning from our past so that society doesn’t continue to repeat the same mistakes.

“Sometimes people worry that if their child learns about some of the shameful moments in America’s history, they will feel less proud of America or less connected to a patriotic outlook,” says Rich. “But it’s precisely the opposite. America is at its best when it takes into account the needs of all its people. That’s what gives students the motivation to feel a part of the American story and commit to making their own mark on that story.”

Sykes, who is African American, believes that all students have the right to learn an honest accounting of our country’s past and present and that efforts to wipe this out not only violate the First Amendment but run counter to the best interests of future generations.

“As a kid, I learned a whitewashed history,” he says. “The experiences of not seeing yourself reflected in your curriculum resonates deeply with me. The harm of that is something I continue to carry.” ■

Book Bans Get a New Chapter

BOOK BANS may feel like a relic of a less enlightened past, but this practice has re-emerged with a vengeance. Last year, the American Library Association reported more than 700 challenges to various books in school libraries, with primarily authors of color and LGBTQ authors facing bans.

The Bluest Eye by Toni Morrison, *Lawn Boy* by Jonathan Evison, *Heather Has Two Mommies* by Lesléa Newman, and *All Boys Aren’t Blue* by George Johnson have all been targeted for exclusion in K–12 schools.

Earlier this year, the ACLU filed a lawsuit on behalf of students, parents, and local NAACP chapters challenging the Wentzville R-IV

School District’s decision to remove some of the aforementioned books, as well as others discussing race and gender, from its libraries.

Students have a First Amendment right to access information in their school libraries. That includes Black, LGBTQ, and immigrant students having the ability to read books reflecting their own experiences, and the rights of all students to have access to viewpoints different from their own.

Support the right to learn by taking action at aclu.org/righttolearn.

ON DEMOCRACY'S FRONT LINES

In the face of widespread threats to voting access and integrity, the ACLU launches new election protection and voter expansion efforts to defend our most precious franchise.

BY JAY A. FERNANDEZ

**PHOTOGRAPHS
BY MADDIE MCGARVEY**



City Clerk Garland S. Doyle administers elections for Pontiac, Michigan, a suburb of Detroit.

ALL CIVIL RIGHTS

and civil liberties depend on reliably fair, safe, and secure elections. Yet at a time when voter engagement is at record highs, anti-voting legislation and bills designed to undermine the electoral process have surged. At the start of the 2022 legislative session in January, 96 bills that would restrict voting had been introduced in 12 states, and 41 bills that would undercut election administration had been introduced in 13 states.

To preserve access to the ballot and prevent election interference, election protection is an all-hands-on-deck priority for the ACLU. The push is particularly acute in battleground states, where narrow vote margins determine everything from the president to the local sheriff. Anti-democratic forces are raging, and democracy demands a furious defense.

“If there’s anything we’ve learned from the past few years, it’s that our democracy is fragile,” says Christopher E. Bruce, the ACLU of Georgia’s policy and advocacy director. “It always has been, especially when it comes to Black and Brown people, the LGBTQ+ community, women, Indigenous peoples—a whole host of individuals who have been kept from exercising their full rights.”

But there is hope to be found in activating the community. “There are plenty of people who are siding with what’s right and just,” says Bruce. “We have to be bold, and we have to back each other up to make real, impactful change.”

In advance of the midterms this fall, the ACLU is working to fortify election machinery at the hyperlocal level. Here we highlight a few of the many individuals in three crucial battleground states—Michigan, Ohio, and Georgia—who are moved and motivated to do everything they can to uphold the democratic process.

ENSURING BALLOT ACCESS IN MICHIGAN

In 2018, the ACLU of Michigan played a pivotal role in the passage of Proposition 3, which made voting easier in the state by amending the state’s constitution to include automatic voter registration, same-day voter registration, and no-excuse absentee voting. While brainstorming how to protect these new rights, the ACLU identified the 1,600 city, county, and township clerks responsible for overseeing elections in the state. “As we gear up for 2022 and 2024,” says ACLU of Michigan Field Director Jessica Ayoub, “clerks are going to be the centerpiece of preserving our democracy and ensuring that Michigan has free and fair access to the ballot.”

Among other duties, clerks make sure that voters know their rights and clear barriers to the ballot box. Through a new statewide clerk engagement program, which Ayoub administers, four dedicated ACLU of Michigan field organizers are collaborating with local partners to educate clerks about the power they hold to protect the vote. This can include designating polling locations, voting hours, on-site translators, and other elements critical to administering a fair election.

Garland S. Doyle was appointed city clerk of Pontiac, a suburb on the northwest edge of Detroit, by the city council in 2018. As the chief elections administrator for the city, he oversees an eligible voter pool of 45,000. To minimize barriers to voting, he’s instituted extended evening and weekend hours and established a city clerk service team to visit the homes of voters who are homebound, or in hospitals and shelters. He partnered with the ACLU, Voters Not Politicians, and the local NAACP chapter to use their social media accounts and other networks to communicate with residents about key voting information in his jurisdiction, which is two-thirds Black and Latinx. And his office recently received a grant to purchase ballot drop boxes for each of the city’s seven voting districts.

“It’s the job of the clerk or the local election official to ensure that everyone can vote,” says Doyle, whose mother volunteered for the Department of Elections when he was growing up in Detroit. “We have a much better democracy when more people participate. An informed voter makes, in essence, the right choices.”

Oakland County Clerk Lisa Brown, who’s been in the role since 2012, oversees election administration for an eligible voter pool of more than 900,000. She has collaborated with the ACLU on securing access to the ballot for people awaiting trial as well as with other county and municipal clerks to tabulate votes for surrounding communities. Brown also prioritizes trainings for election workers on how to deal with intimidation or violence at the polls.

“Those who want to make it more difficult for people to vote target certain demographics when they create restrictions or obstacles to the ballot,” says Brown, a lifelong resident of Oakland County and a graduate of Michigan State University and the Detroit College of Law. “It is taking away somebody’s power. Denying equality and equity to certain groups—I will always fight against that.”

Canton Township Clerk Michael A. Siegrist oversees an election for 75,000 registered voters. Since first being elected in 2016, he has worked relentlessly to address a host of voting issues, from long lines on Election Day and outdated electronic poll books to technological issues with tabulators and polling locations with accessibility issues. Working with Michigan Voices, America Votes, and other coalition groups on election protection, Siegrist helped ACLU staff understand voting procedures and best practices at the local level. (In the 2020 election, Siegrist also worked with the ACLU as an observer and challenger for absentee ballot counting amid a cacophony

of anti-tabulation protest.) Moving into the next two election cycles, he is using microtargeted data from geographic information system firms to do a redistricting proposal that could help expand voting by mail and streamline the administration of polling precincts by being precise about staffing and other needs at each polling location.

A big believer in public institutions and the democratization of knowledge, Siegrist has served on the Canton Public Library Board and his school district’s board of education. He’d planned to join the family accounting business until he chaired the absentee voting counting board in 2010. He got so hooked that he admits he now gets teased for being as optimistically civic-minded as *Parks and Recreation*’s Leslie Knope (who navigated local politics next door in fictional Pawnee, Indiana).

“Being an election administrator at a time when it feels like our democracy is in such peril from both outside and internal factors is really challenging,” says Siegrist, who’s always lived in the Canton area and describes himself as “the most Midwestern person you’ve ever seen.” He says: “There’s something unique going on here that is very dangerous, and

“We have a much better democracy when more people participate.”



it takes away some of the fun, civic part of the job. But it also gives the job more gravity and importance. Who is in these roles really does matter, and it matters how seriously they take their oath. To me, it’s almost spiritual; it’s about being a part of something much bigger than myself.”

It’s a sentiment shared by Ayoub, who was born and raised in the Detroit suburb of Canton, and worked in community engagement for AmeriCorps before earning a master’s in social work at the University of Michigan-Ann Arbor. “It seems like all roads were pointing here in my advocacy journey,” she says. “I was always looking for something that would have a tangible impact on expanding and protecting justice, and voting rights is one of those fundamental things that needs to be protected. The clerk engagement campaign is critically important to ensuring that voters have as many accessible options as possible and that we have elected officials who represent the democracy that voters want to live in.”

ENGAGING RURAL COMMUNITIES IN OHIO

In early 2020, the ACLU of Ohio began a series of meet-the-community events in smaller cities and towns where social justice organizations didn’t have much presence. The surprising turnout made it clear that more intentional rural organizing could tap into a previously unheard but eager swath of ACLU-aligned voters. A subsequent statewide organizing effort driven by four new full-time field organizers resulted in 15 issue-driven action teams led by 2,000 volunteers, mostly around the urban hubs of Cleveland, Cincinnati, and Columbus.



The city of Pontiac has extended evening and weekend voting hours and will purchase drop boxes for each of the community’s seven voting districts.



Canton Township Clerk Michael A. Siegrist works with local organizations to address voting issues, including outdated technology, and expand voting by mail.

The results were so promising that it led to an innovative new strategy that would target 23 previously overlooked counties in the Appalachian region of southeast Ohio.

Since the summer, a new full-time organizer native to the region has been recruiting local volunteers and supporters in southeast Ohio to engage with their communities about the issues of concern to them in the lead-up to the 2022 and 2024 elections. “We know that trust takes time and we are new to the region, so the first phase is deep listening,” says ACLU of Ohio Policy Director Jocelyn Rosnick, who is shepherding the pilot program. “We’re trying to bridge the statehouse-to-neighborhood divide through engaging people in our priority issues—obviously election work and voting are huge for us.”

While the affiliate has driven hyperlocal efforts related to voting rights before, this new program signals a shift toward engaging communities that may historically have been dis-

engaged from the ACLU’s issues. The goal is to bring people together in a deeper understanding of the voting rights landscape and to find overlapping values that can coalesce in policy changes. The program includes a public education campaign about how votes are counted and certified to build trust in the process in the face of disinformation, as well as how racial injustice impacts the voting system. Rosnick sees great potential because Ohioans in the region have shown that they are committed more to consistent values than political parties.

“These are folks who have seen the economy tank, the steel mill shut down, the automakers leave, that have been hit hard by the opioid epidemic, and they have moved the voting blocs accordingly,” she says. “Where we are in 2022 is a far cry from where we were in 2004 or 2008. So there is a lot of opportunity. Everyone potentially can be an ACLU ally.”

Rosnick, who is celebrating a decade with the ACLU of Ohio this year, planted her activist roots early. Born in Steubenville on the eastern edge of the state in Jefferson County, she famously testified at a city council meeting in neighboring Weirton, West Virginia, at age 9 to protest its proposed earlier Halloween hours (while in costume, naturally). And as a teenager during the 2004 election, she worked as a volunteer driving people to the polls. “It just got me really excited about elections and voting rights, and taking any chance I have to help,” says Rosnick, who eventually moved back to Cleveland to get her law degree at Case Western Reserve University School of Law.

While the heart of the affiliate’s organizing work will remain focused on the most populous counties of Cincinnati, Cleveland, and Columbus, investment in the southeast may provide breakthroughs that could be replicated not just in other rural areas of the state but also in demographically similar states such as Kentucky, West Virginia, and Pennsylvania. At the same time, as relationships are strengthened, these new supporters become more likely to get involved with other civil liberties issues and the ACLU’s work around the state. “We’re trying to build a movement in the region,” says Rosnick. “There is hope when people from different backgrounds and different places come together. We’ve seen it before, we can do it again. All hope is not lost in the world of democracy and voting rights.”

PROTECTING THE COUNT IN GEORGIA

In the 2020 presidential election, Georgia’s 16 electoral votes were decided by fewer than 12,000 votes, underscoring just how much every pro-voting effort matters. Among the most novel and effective election protection efforts in the state has been the ACLU of Georgia’s campaign to recruit and train a new generation of poll workers.

The program was piloted during the June 2020 primary election when the perfect storm of COVID-19, the widespread rollout of new voting machines, and a record number of in-person voting requests from absentee ballot voters left the election infrastructure gutted and overtaxed. With partners such as Power the Polls, the ACLU of Georgia actively recruited younger people less at risk of complications from the virus, tech-savvy people with professional IT experience, and people who are exacting with procedure, and provided them with community support and supplemental training.

“When you work as a poll worker, it takes a lot of stamina,” says ACLU of Georgia Senior Policy Counsel and Deputy Political Director Vasu Abhiraman, who has been a poll worker himself at least eight times in recent years. “Folks who are committed to ensuring that every eligible voter who shows up can cast a ballot that gets counted, who follow the right procedures, those are the most valuable in the system.”

“We’re trying to bridge the statehouse-to-neighborhood divide through engaging people in our priority issues.”





Jessica Ayoub of the ACLU of Michigan leads a statewide campaign to educate clerks about their power to protect the vote.

After the primary, Abhiraman and his colleagues expanded the program into the 2020 general election and Senate run-offs, placing 1,000 poll workers in high-need areas in the major counties around Atlanta, where more than a third of the state's population lives. The result was that approximately 16 percent of Georgia voters in those cycles had an ACLU-trained poll worker or deputy registrar at their location. The affiliate has ambitious plans to double or triple that during the 2022 and 2024 cycles as they expand into 80-plus counties with the help of dozens of partners.

In concert with the secretary of state's office, the ACLU of Georgia has worked to alert county election administrators about its roster of highly trained poll workers,

THE SOUTHERN VOTING PROJECT

In the run-up to the 2020 election, the ACLU's Southern Collective—a collaborative network of a dozen ACLU affiliates in the South—launched the Southern Voting Project to confront the region's unique legacy of voter suppression and intimidation. With racial justice at its core, the Southern Voting Project mobilized around expanding absentee ballot access, building a more robust voter-contact infrastructure, strengthening election protection, and running electoral boot camps to train volunteers.

These investments in activating historically disenfranchised voters resulted in record-breaking turnout. As the next election cycles loom, the Southern Collective is ramping up its resources to advance these voting rights efforts and push Southern states closer to a truly equal system in which every eligible voter has easy, safe, and secure access to the ballot.

"We have long understood that systems do not create change," says JaTaune Bosby, the ACLU of Alabama's executive director. "But our desire for liberation, equity, and equality ignites it."

Visit aclu.org/action to learn more about election protection.

"Folks who are committed to ensuring that every eligible voter can cast a ballot that gets counted...those are the most valuable in the system."

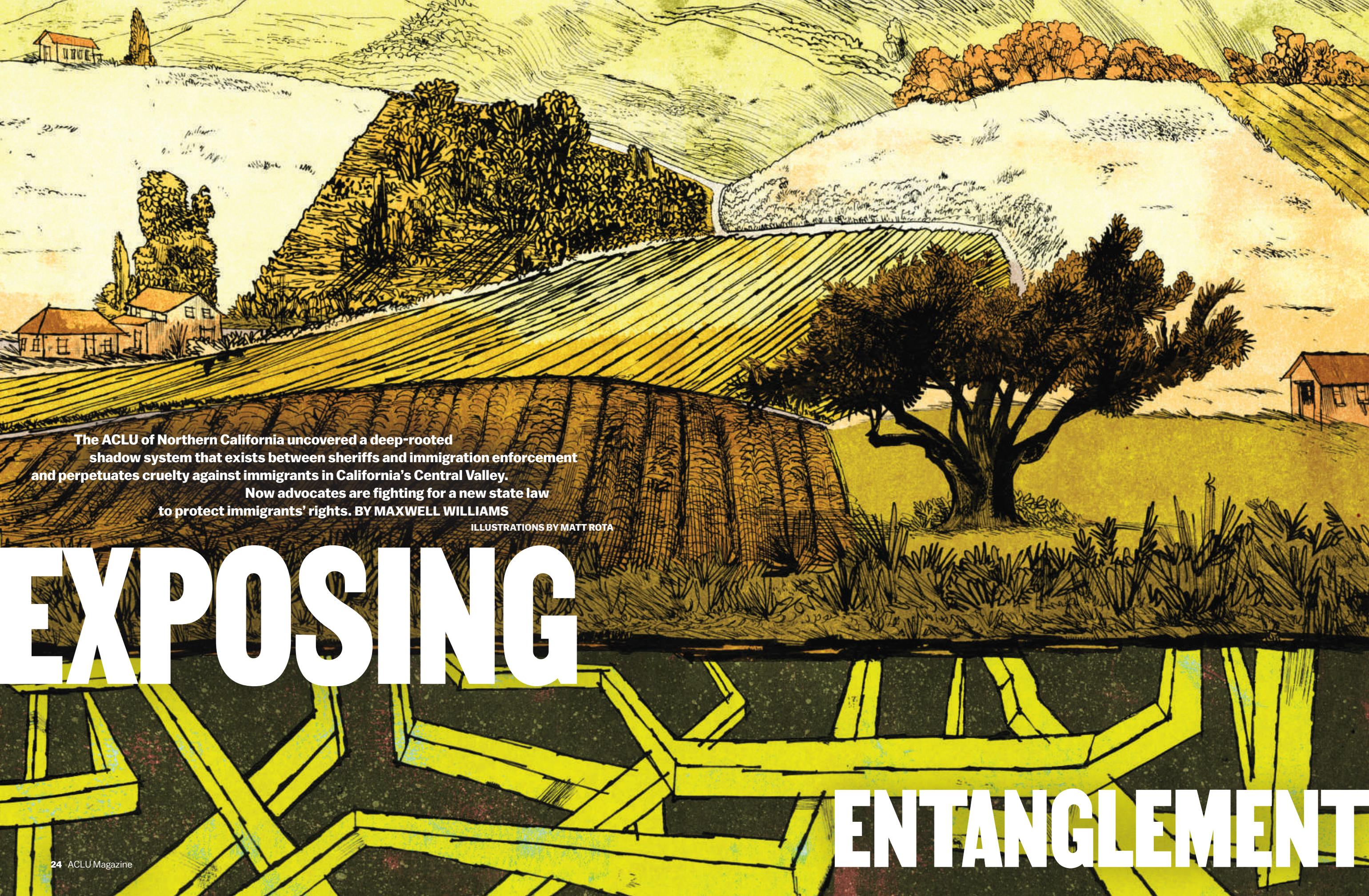


whom they can reliably staff at their precincts to minimize delays and mistakes. ACLU of Georgia Policy and Advocacy Director Christopher E. Bruce persuaded the state to establish a continuing legal education credit for lawyers who work at polling locations as deputy registrars. Once trained in that role, they have the authority to cancel absentee ballots from voters who show up at the polls to vote, a process that clogged the system during the primary. As a result, the hour-long waits in Fulton County became five-minute waits during the November 2020 election. Bruce plans to expand that program to outlying metro Atlanta counties to complement the growing community of ACLU-trained poll workers on the front lines protecting democracy.

"If you want to perform your civic duty, I can't think of any better way to do it than being a part of the levers of our democracy that make our sacred right to vote manifest," says Abhiraman. "Election misinformation is at an all-time high. If you want to be a force in your community for breaking that down, there's no better way than to learn the process inside and out. Then, when any misinformation comes up, you can be a resource for the truth."

Poll workers trained in the program are now joining local boards of elections, where their hands-on expertise helps them combat misinformation and maintain best practices about how elections are run in their jurisdictions. The ACLU of Georgia has recruited supporters to join its new Local Election Advocates and Defenders (LEAD) pilot program, through which volunteers monitor board of elections meetings and flag issues, such as plans to curtail early voting options or shut down polling places in majority-minority precincts.

"We have more of a spotlight on what it takes to maintain a democracy than ever before," says Abhiraman, a second-generation immigrant who has long seen voting as a force for inclusion. "We have an opportunity to get more and more people involved who can be authoritative voices on elections. It'll take time, but if we do this right, we'll be able to fully debunk misinformation, end threats to our democracy, and build something better, with people who really care about civic engagement in the front lines of our system." ■



The ACLU of Northern California uncovered a deep-rooted shadow system that exists between sheriffs and immigration enforcement and perpetuates cruelty against immigrants in California's Central Valley.

Now advocates are fighting for a new state law to protect immigrants' rights. BY MAXWELL WILLIAMS

ILLUSTRATIONS BY MATT ROTA

EXPOSING

ENTANGLEMENT

For years California has been on the leading edge of enacting policies to protect immigrant communities from overzealous enforcement by Immigration and Customs Enforcement (ICE). But a clerical error led to an investigation by the ACLU of Northern California that brought to light a far-reaching shadow system designed to thwart those policies in the state's Central Valley.

Nestor, a Kern County, California, resident of over 15 years and father of three daughters, had been complying with the terms of his probation, after being convicted of burglary, and had not missed a single meeting with his probation officer. A mistake by the Kern County Sheriff's Office—they thought he'd missed an appointment—led to his arrest. He was left in jail for two months before county probation officials figured out their error and dismissed the charge.

Instead of immediately releasing Nestor, however, the sheriff's office asked him to wait inside a processing area for two hours. Finally, they let him go, but within minutes, ICE agents surrounded

Nestor and detained him in a parking lot. Nestor spent the next two years in the Mesa Verde Detention Facility, during which time he contracted COVID-19 along with 14 other men in his dorm. During this separation from his family, two of his daughters were placed in foster care. Now, Nestor is tasked with putting his life back together.

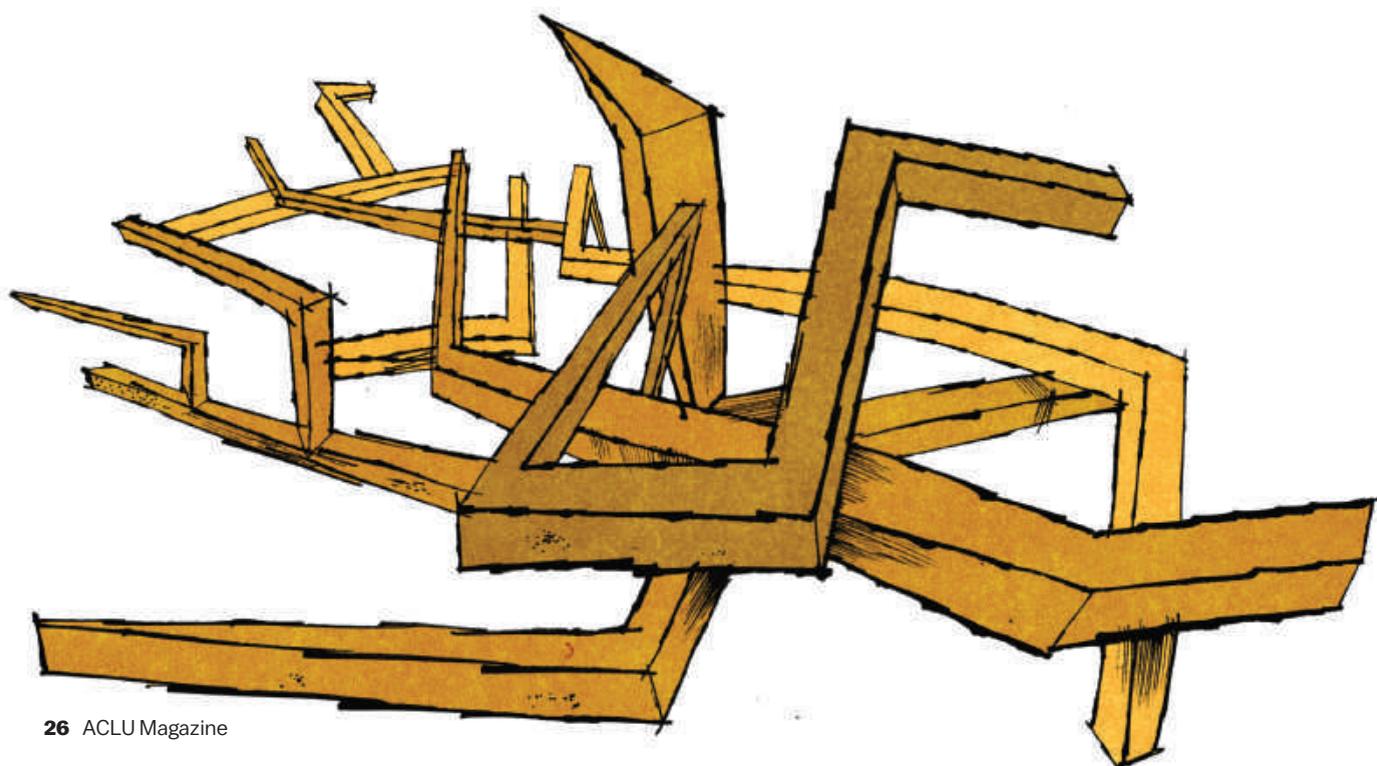
"My youngest daughter had a tough time; she thought I abandoned them," Nestor recounted to the ACLU of Northern California in their report, *Collusion in California's Central Valley: The Case for Ending Sheriff Entanglement with ICE*, published in February. "She thought I left them, but I had to explain what happened, and now she understands the reason." Nestor is one of many residents of California's Central Valley who has been affected by a shadow system that exists between anti-immigrant sheriffs and ICE, sidestepping Senate Bill 54, also known as



California's "sanctuary state law" or the Values Act. Passed in 2017, S.B. 54 limits cooperation between local police and sheriffs and federal immigration enforcement.

When Maria Romani, staff attorney at the ACLU of Northern California and author of the report, first arrived at the ACLU, she was given the responsibility of ensuring implementation of S.B. 54. "A lot of the opponents of the sanctuary law were from jurisdictions that were more conservative," says Romani, who grew up in the Central Valley. "The kinds of things they were saying were very anti-immigrant. It was during the height of Trump, so they could get away with it. They were going out of their way to show their allegiance to Trump, spewing anti-immigrant hate, and many of the region's sheriffs were on board."

The ACLU report exposes the different tactics used by Central Valley sheriffs to flout S.B. 54 and divert their resources to immigration enforcement. Among its key findings are that sheriffs hold people in jail for extra time to allow ICE to detain them—a practice that is illegal under S.B. 54. The sheriffs have also created shadow transfer systems to avoid public scrutiny and reporting, in which they release people into non-public areas of jails where ICE agents come to arrest



them. With the report and subsequent advocacy efforts, the ACLU, along with local advocates, educators, and organizers, is educating Central Valley residents about how the criminalization of immigrants affects their neighbors, how racial inequalities exist when law enforcement oversteps their bounds, and how law enforcement's breaking of current laws creates an unsafe environment for everyone in the community.

During the Trump administration's expansion of immigrant enforcement, sheriffs in the Central Valley and across the country felt empowered to take the law into their own hands, sometimes with the implicit complicity of the federal government. Such is the case for 287(g), a section of the U.S. Immigration and Nationality Act that has authorized the Department of Homeland Security (DHS) to form alliances with certain state and local law enforcement agencies since 1996. The program, which doesn't apply to California due to S.B. 54, shrank under the Obama administration to 34 partners but ballooned in size under Trump to encompass 142 state and local law enforcement agencies that collude with ICE as part of an incentivized federal program. The incentives aren't necessarily monetary—though sometimes sheriffs benefit financially from detention contracts—but sher-

iffs receive anti-immigration political clout for their involvement in carrying out ICE's deportation agenda.

The ACLU identified 54 local law enforcement agencies engaged in 287(g) whose records indicated a pattern of abuse and xenophobic or racist rhetoric. Abuses range from racial profiling to justify traffic stops to physical and psychological abuse in detention facilities. In Tarrant County, Texas, 21 people died in custody in 2020 alone. At least 17 sheriffs with 287(g) agreements were tied to the Federation for American Immigration Reform (FAIR), an organization described by the Southern Poverty Law Center as being connected to white supremacists. And in Galveston County, Texas, the sheriff's office has begun arresting immigrants for "trespassing" in the state as part of Gov. Greg Abbott's xenophobic and unlawful "Operation Lone Star."

These agencies' practices conflict with the Biden administration's official stance on immigration, and the ACLU recommends the federal government at minimum cut ties with these problematic law enforcement agencies immediately. "The program has always [been] a vehicle for racism in the country," says Naureen Shah, senior legislative counsel and adviser at the ACLU's National Political Advocacy Department.

Already, the ACLU's work in advocating for the end of 287(g) has produced

"PEOPLE END UP GETTING PUNISHED MULTIPLE TIMES FOR AN OFFENSE THAT IF THEY HAD BEEN BORN HERE WOULD JUST BE PUNISHED ONCE."

ENDING TITLE 42

During the pandemic, the U.S. government has used Title 42, a brutal policy first initiated under the Trump administration, to expel nearly 2 million asylum seekers in the name of public health. Title 42 allows border agents to send asylum seekers back to Mexico or their home countries without any legal process. The policy violates long-standing immigration statutes requiring a full and fair proceeding to determine asylum seekers' right to protection in the United States.

The ACLU and immigrants' rights groups first sued the Trump administration over Title 42 in 2020. After hitting an impasse with the Biden administration about the policy, the ACLU returned to court last year. The Centers for Disease Control and Prevention recently determined that Title 42 isn't necessary to protect public health and issued an order to end the policy this spring. But on May 20, a federal judge blocked the Biden administration from lifting Title 42. The Department of Justice is appealing the ruling. Meanwhile, anti-immigrant lawmakers are considering legislation to keep the policy intact.

Contact your legislators to oppose any interference with the CDC's efforts to end Title 42. Visit aclu.org/title42 to take action.

results: Over the past three years, five counties in three states (Georgia, South Carolina, and North Carolina) have seen sheriff's candidates run on the promise of ending 287(g) agreements in their departments—and won. The ACLU joined a broad coalition of organizations to educate voters about the civil rights violations and family devastation caused by the collusion between local sheriffs and immigration authorities.

“Sheriffs appear to be taking the law into their own hands,” says Shah. “From their perspective, they are enforcing a higher law. It’s frightening to think about that in the immigrant rights context. People see a Brown or Black person walking down the street, they need to question [them] and try to get them out of the country, even when our federal government, under the Biden administration, would strongly oppose that kind of racial profiling.”

The Central Valley is a large area of land in the middle of California, encompassing 19 counties that account for about 8 percent of the U.S.’s total agricultural output. It’s a massively important stretch of land not just to California but to the United States as a whole.

The seemingly quiet farmland region is home to a large immigrant population. It’s estimated that a quarter of the 6.5 million people in the area are immigrants, with some 300,000 residents undocumented. Sometimes they are drawn to work in agriculture, sometimes they are simply longtime members of the community, and sometimes they are both, as is the case with Nestor. The Central Valley is home to large populations of Hmong refugees who escaped war and turmoil in Laos in the aftermath of the Vietnam War, as well as Latinx people who migrated north to find a better life in America.

But more than anything, the Central Valley is a place where a lot of work-



ing people live, in rural areas as well as cities like Fresno, Bakersfield, and Modesto. The median household earnings vary throughout the region but are, for the most part, substantially less than the median household incomes for the whole state, according to the recent U.S. Census.

That level of poverty makes the region particularly vulnerable to the effects of racism and rights violations, says Romani, with those caught up in these shadow transfers overwhelmingly people of color. Many are people who were



falsely accused of a crime, had already completed their sentences, like Nestor, or paid their bail, or were on probation or granted release by a judge and were expecting to return home.

“It’s such a vast area. Folks are modestly educated here, and there aren’t a lot of immigration attorneys,” Romani says. “And when you have law enforcement on top of that not wanting to implement [S.B. 54] or trying to find loopholes, then you are left with a region where people’s rights are violated left and right. That’s why the ACLU of Northern California has prioritized the Central Valley and increased our staff and resources devoted to this region.”

Romani says that once community members are in ICE custody, the lack of attorneys in the Central Valley is linked to a greater likelihood of deportation than in cities like San Francisco or Los Angeles. Individuals may not be aware of their full rights and may not have the means to hire an immigration attorney who can navigate the ins and outs of what are sometimes very complex cases.

“Plus, we have more detention facilities here, which just makes it easier [for ICE] to take people,” she says. “And then if they get deported, there’s *that* level of punishment—to be banished, away from your family. There are different ways in which people end up getting punished multiple times for an offense

KNOW YOUR SHERIFF

Sheriffs make decisions every day that impact the health and safety of our communities. And we the people have the power to decide at the ballot box which sheriffs represent us to create a more just criminal legal system.

Earlier this year, the ACLU of Massachusetts launched a public education campaign to build voter awareness around sheriffs’ influence.

In Massachusetts, only 17 percent of voters can correctly name their local sheriff, and 41 percent of voters do not know that sheriffs are elected officials at all. Sheriffs in Massachusetts serve six-year terms, the longest term of any Massachusetts elected official. They are responsible for more than half of the state’s incarcerated population

and can provide educational and vocational programs to help people re-enter their communities in a positive way.

The more people know about the power of sheriffs, the more likely they are to cast a ballot in a sheriff’s election. Learn more about how to spread the word about the role sheriffs play in your community. Visit peoplepower.org to get involved.

that if they had been born here would just be punished once.”

In emails obtained by Romani and her colleagues using California Public Records Act requests, Fresno County Sheriff Margaret Mims, who has long upheld policies and practices allowing law enforcement to work closely with ICE, was documented condoning ICE entering the county courthouse, where they followed a man out of his proceeding and detained him. Under S.B. 54, courthouses are considered safe spaces.

Sheriff Mims has been involved in other circumventions, including colluding with ICE officials to set up transfers of individuals into the jail’s vestibule—a non-public, secure area—sidestepping an S.B. 54 rule that prohibits sheriffs from transferring people from their custody to ICE, unless certain exceptions are met. Since the vestibule or sally port is technically not a detention area, these incidents often go unreported, violating S.B. 54, which requires documentation of any custody transfer to ICE. From 2018 to 2020, records show there were more than 1,000 people released to ICE by local Central Valley law enforcement. However, sheriffs reported only 357 transfers to the California Attorney General in that same time period.

“The attorney general’s office stopped being as involved in the implementation



of the law,” says Romani. “And because of that, law enforcement feels like they can get away with not reporting accurate numbers or not reporting any numbers at all.”

The ACLU has now turned its efforts to passing A.B. 937, a state assembly bill proposed by Assembly Member Wendy Carrillo, also known as the VISION Act (the Voiding Inequality and Seeking Inclusion for Our Immigrant Neighbors Act). The VISION Act, in its current state, tightens the screws on any ambiguous language in the sanctuary state law.

“There are no criminal carve-outs in the VISION Act,” says Romani. “Law enforcement is completely prohibited from working with ICE, notifying ICE, and from transferring people to ICE. There are no exceptions. It’s very clear-cut.

There’s no room for interpretation, and law enforcement has to follow it.”

Key to the ACLU’s advocacy is to point out that even though ICE deportations have slowed during the pandemic, ICE and the drive to expel immigrants haven’t changed. The VISION Act provides a clear runway for immigrants in the Central Valley and across the state to challenge any efforts by local law enforcement or ICE to violate their rights. “Because it’s so black and white, it would be very clear to law enforcement, to impacted folks, and to attorneys,” adds Romani. “Right now, the implementation of S.B. 54 is unequal. In regions like the Central Valley, we’re one of the few organizations keeping tabs on what’s happening. One thing is clear: People don’t like when law enforcement violates the law.” ■

“LAW ENFORCEMENT FEELS LIKE THEY CAN GET AWAY WITH NOT REPORTING ACCURATE NUMBERS OR NOT REPORTING ANY NUMBERS AT ALL.”

VOICES

Artworks by Edgar-Arturo Camacho (left) and Ana Teresa Fernández (below) were displayed in Sacramento.

CREATIVE JUSTICE

Art in Action

Two artists are activating communities with the ACLU of Northern California.

Over the past year, the ACLU of Northern California held its first-ever artist-in-residence program, partnering with two local artists—Ana Teresa Fernández and Edgar-Arturo Camacho—to create pieces that can be used in ongoing advocacy and movement-building campaigns. Fernández launched #TechOnOurTerms, a collection of animal masks with “no signal” color bars as a facade. “[It’s] a creative movement to interfere with surveillance,” Fernández says, “giving the public-goer an option to hide their identity as they move through the streets.” Camacho painted portraits of ACLU partners and community leaders fighting for everything from transgender sex workers’ rights to Indigenous justice. “I [am] inspired by the power of people standing up against systems of oppression,” Camacho says. “Their stories can inspire others to take action.” —TOM VELLNER



United with Pregnant Workers

In partnership with the ACLU, major companies are endorsing the Pregnant Workers Fairness Act.

Despite the fact that Congress outlawed pregnancy discrimination in 1978, many employers still force pregnant workers off the job by denying them temporary job modifications—such as more frequent breaks, schedule changes, and reassignment of hazardous tasks—they need to continue working and stay healthy. Sometimes, they are simply fired on the spot.

That’s why the ACLU, the National Partnership for Women & Families (NPWF), and 45 top companies have joined forces to support the Pregnant Workers Fairness Act (PWFA). The PWFA would require employers to grant pregnant workers the same kinds of modifications that are routinely granted to other workers who need them, and now only needs passage in the Senate.

Alongside the ACLU and NPWF, dozens of Fortune 500 companies, including Microsoft, Patagonia, and Salesforce, are advocating for the PWFA with an open letter to Congress.

“The private sector and our nation’s elected leaders must work together,” the open letter reads, “to ensure that working women and families have the protections and opportunities they need to participate fully and equally in the workplace.” —CHARLEY LOCKE

WIN MCNAMEE/GETTY IMAGES

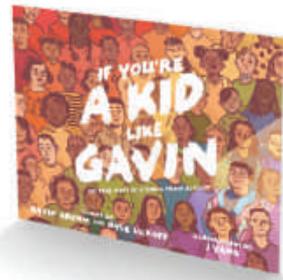


Protesters gathered outside the U.S. Supreme Court during arguments in a pregnancy discrimination case in 2014.

Protect Pregnant Workers' Rights

We must defend the health and economic security of pregnant workers and help create a more equitable workplace.

Send a message to your senators urging them to pass the Pregnant Workers Fairness Act at aclu.org/pwfa.



Trans Power

If You're a Kid Like Gavin tells the true story of transgender activist and ACLU client Gavin Grimm, whose refusal to accept his high school's unconstitutional prohibition on using the boys' restroom led him all the way to a momentous win for trans equality at the Supreme Court. With award-winning co-writer Kyle Lukoff, Grimm has transformed his personal and legal journey into a 40-page children's book beautifully illustrated by J Yang. By fighting discrimination and insisting that his peers, his community, and his country see him for who he truly is, Grimm courageously shows how a young person can have a historic impact. His story is a testament to faith in oneself and a celebration of the power of standing up for what's right.

—JAY A. FERNANDEZ

The internet has become the ultimate assembly hall, a bridge for people from different countries and cultures to discuss ideas. We are navigating a digital landscape, where around every corner are new tools to communicate and organize—but with them come constant surveillance and opportunities for data leakage that have opened the door to civil liberties violations. —ILLUSTRATION AND TEXT BY ARTIST ARIEL DAVIS



From High School Activist to Full-Time Advocate

Henry Seaton is empowering trans people across Tennessee.

NAME: Henry Seaton
LOCATION: Nashville, TN
FOCUS: Transgender Justice
ACTIVIST: Since 2016

Henry Seaton didn't set out to become an activist. In 2016, as a high school senior in a Nashville suburb, he just wanted to use bathrooms that corresponded with his gender identity. After school administrators restricted him to using the often locked bathroom in the nurse's office, Seaton got involved in efforts to

protect trans students, including testifying before a Tennessee state legislative committee and starting a petition against bathroom bills that garnered 67,000 signatures.

"The traumas of my life were about to become law and dictate the traumas for thousands of children," he says. "I had never thought about getting involved before, but I'm glad I did."

After graduating from high school, Seaton spent a year working as an LGBTQ organizer at the ACLU of Tennessee,

primarily fighting anti-trans bathroom bills and acting as a voice for trans youth. Now, with a degree from the University of Denver, he has come back to the Tennessee affiliate to serve as their first-ever trans justice advocate.

Since starting the role in January, he has focused on lobbying legislators about urgent trans issues, including access to school sports and gender-affirming health care. He's also focused on grassroots efforts, empowering trans communities across the state and educating rotary clubs and children's organizations. "I'm trying to change the narrative of transness in Tennessee from a negative one to a positive one," he says.

As the fight for trans justice has shifted from bathroom bills to health care bans, Seaton has seen his own role shift too. At 24, he's now working to help young people share their own perspectives.

"I see my role now as empowering voices for the future, rather than always being that voice myself," he says. "The ladder that I climbed to testify is the ladder that I'm trying to build for other young people."

—CHARLEY LOCKE

Henry Seaton joins the ACLU of Tennessee as their first-ever trans justice advocate.

Support Trans Youth

Join the ACLU's pledge in support of trans youth to let them know they are loved and have people on their side speaking out against cruel anti-trans attacks nationwide.

Take the pledge now at aclu.org/SupportTransYouth.



PHOTOGRAPH BY HOUSTON COFIELD



Cazembe Murphy Jackson shares his abortion story to ensure more trans voices are included in the reproductive justice movement.

Abortion Is Essential

By Cazembe Murphy Jackson

Transphobia was not a term I had even heard back in 2001 when I got my abortion. I hadn't come out as trans yet, but I was masculine-presenting, and that was enough to make people giggle and whisper behind my back when I told them that I was pregnant.

As a Black trans man, my abortion experience was not easy, but it saved my life. I was raped during my junior year of college in Huntsville, Texas, and fell into a deep depression that only got worse when I found out I was pregnant. I knew I needed an abortion, but I couldn't afford it. Finally, I got a payday loan and went to the abortion clinic around the corner from my house.

In Texas, you have to wait a day or two, which is supposed to make you think twice about what you're about to do, as if you haven't been thinking about it nonstop. So, I waited and then went back. Both times, there were protesters outside shouting and carrying horrible signs of babies in bellies.

Abortion comes with a lot of stigma in general. For trans men, it comes with the added stigma of

your gender identity. And then there's the difficulty of speaking publicly about your abortion. Some people will say, "If you want people to respect you as a man, don't go around telling the whole world you were pregnant."

Growing up, I never saw my identity represented anywhere. I didn't fit in with the boys or the girls. I didn't know any other Black trans men, much less other Black trans men who had an abortion. If I had heard any other Black trans voices when I got an abortion, it would have been a lot easier. I would have been prepared for the protesters and the giggling and whispering. It would have validated my experience.

It wasn't until I started telling my abortion story publicly that I found out that a lot of women in my family had abortions too. Since coming into my own trans identity, I've realized that the more I share my story, the more voices like mine I find.

The conversation about reproductive justice must include trans people because we are a part of this movement. Trans people build families and have abortions too. We have our own stories, and the more our voices are heard, the more we can help others going through the same things.

Cazembe Murphy Jackson is a storyteller with We Testify, an organization dedicated to the leadership and representation of people who have abortions.

Learn more at wetestify.org.

TJ JONES

Department of Commerce v. New York June 27, 2019

In a landmark Supreme Court case argued by Dale Ho, director of the ACLU's Voting Rights Project (pictured), the ACLU blocked the Trump administration from including a citizenship question on the 2020 census—an attempt to discriminate against immigrants for political gain, as the results determine how many congressional seats are awarded to each state and how congressional districts are drawn within those states. With population counts secured, the ACLU is now fighting to ensure district maps are drawn fairly, essential to protecting voter representation ahead of the midterms. “Instead of drawing fair maps, bad actors slice and dice our communities so politicians can pick and choose who they represent,” says Sophia Lin Lakin, deputy director of the ACLU's Voting Rights Project. “But voters should be choosing their politicians—not the other way around.” —TOM VELLNER



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